



# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 900-959..... \$1.50  
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Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Parts 210-399, Revised (\$4.00); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 18 (\$0.55); Title 19 (\$1.00); Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23 (\$0.45); Title 24 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (§§ 1.01-1.499) (\$1.75); Parts 1 (§ 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 1-399 (\$2.00); Parts 400-699 (\$2.00); Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 33 (\$1.75); Title 35, Revised (\$3.50); Title 36, Revised (\$3.00); Title 37, Revised (\$3.50); Title 38 (\$1.00); Title 39 (\$1.50); 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 71-90 (\$1.00); Parts 91-164 (\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).

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# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 10877

#### CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BE- TWEEN THE PENNSYLVANIA RAIL- ROAD COMPANY AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Pennsylvania Railroad Company, a carrier, and certain of its employees represented by the Transport Workers' Union of America, Railroad Division, AFL-CIO, and System Federation No. 152, Railway Employees' Department, AFL-CIO, labor organizations; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Pennsylvania Railroad Company, or by its employees, in the conditions out of which the dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,  
May 20, 1960.

[F.R. Doc. 60-4719; Filed, May 23, 1960;  
9:38 a.m.]

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

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

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

#### PART 421—GRAINS AND RELATED COMMODITIES

##### Subpart—1960-Crop Rice Loan and Purchase Agreement Program

A price support program has been announced for the 1960 crop of rough rice (hereinafter referred to as rice). The 1960 C.C.C. Grain Price Support Bulletin 1 issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960, is supplemented as follows:

Sec.

421.5336	Purpose.
421.5337	Availability of price support.
421.5338	Cooperative marketing associations.
421.5339	Eligible rice.
421.5340	Bagged and bulk rice.
421.5341	Warehouse receipts.
421.5342	Determination of quantity.
421.5343	Determination of quality.
421.5344	Maturity of loans.
421.5345	Support rates.
421.5346	Warehouse charges.
421.5347	Settlement.

**AUTHORITY:** §§ 421.5336 to 421.5347 issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 302, 72 Stat. 988; 73 Stat. 178; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

#### § 421.5336 Purpose.

Sections 421.5336 to 421.5347 state additional specific requirements which, together with the general requirements contained in 1960 C.C.C. Grain Price Support Bulletin 1 (§§ 421.5001 to 421.5022) comprise the regulations governing loans and purchase agreements under the 1960-Crop Rice Price Support Program.

#### § 421.5337 Availability of price support.

(a) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to eligible producers on eligible rice produced in the States of Arizona, Arkansas, California, Florida, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, except that farm-storage loans will not be available in areas of States where the State committee determines the rice cannot be safely stored on the farm.

(b) *Where to apply.* Application for rice price support must be made at the office of the county committee which keeps the farm program records for the farm. In the case of eligible cooperative marketing associations of producers, application for price support shall be made in the county where the main office of the cooperative marketing association of producers is located or in such other county as the State committee determines the application can be more expeditiously handled.

(c) *When to apply.* Loans and purchase agreements will be available from time of harvest through January 31, 1961, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents referred to herein include the producer's note and loan agreement for warehouse-storage loans, the producer's note and supplemental loan agreement and the commodity chattel mortgage for farm-storage loans and purchase agreement for purchase agreements.

#### § 421.5338 Cooperative marketing associations.

(a) *Limitation on nonrecourse price support—Public Law 86-80.* (1) The \$50,000 limitation on nonrecourse price support is not applicable to price support extended to a cooperative marketing association which qualifies as an eligible producer in accordance with paragraph (b) of this section (hereinafter referred to as "association"). The limitation is, however, applicable to the amount of nonrecourse price support obtained by eligible producers through an association and otherwise. Where the association is in doubt as to whether a producer-member of the association is in fact an eligible producer in accordance with § 421.5004 and whether he is to be treated as a separate "person" for the purpose of the \$50,000 limitation, the association shall request the ASC State Office for a determination as to whether the producer-member is an eligible producer and is to be treated as a separate "person".

(2) The quantity of rice for which the association receives nonrecourse price support shall not include a quantity of rice delivered to the association by any producer-member which would cause the amount of nonrecourse rice price support received by such producer-member through the association and otherwise, to exceed \$50,000 unless such producer-member has qualified for exemption from such limitation pursuant to §§ 477.101 to 477.114 of this chapter.

(3) The association shall require each of its producer-members delivering rice eligible for price support under § 421.5339 to the association, to execute Form CCC-115 giving information as required thereon regarding his interest in rice produced in 1960 and rice price support

obtained or applied for by him other than through the association on such rice. The Forms CCC-115 must be executed by producer-members not later than five days before the date on which the association applies for nonrecourse price support or January 20, 1961, whichever is earlier. Nothing contained in this subparagraph (3) shall relieve the association of its obligations under subparagraph (4) of this paragraph (a) in the event the association obtains for any producer-member any amount of nonrecourse rice price support which, together with the amount of nonrecourse rice price support extended to such producer-member on or before the date the producer-member filed Form CCC-115, exceeds \$50,000.

(4) If the association obtains for a producer-member, who has not qualified for exemption from the limitation on nonrecourse price support, an amount of nonrecourse price support which, together with the amount of nonrecourse price support extended to such producer-member on or before the date he executed Form CCC-115, exceeds \$50,000, the association shall be liable to CCC for the amount in excess of \$50,000 and settlement therefor shall be effected by CCC as is provided in § 421.5019 in the case of a producer to whom the \$50,000 limitation is applicable.

(5) An association may obtain recourse rice price support loans on eligible rice delivered to the association by eligible producer-members whose rice, or a quantity of eligible rice representing such rice, is included in the recourse loan collateral, only after such producer-members have been extended the full amount of \$50,000 under nonrecourse rice loans through the association and otherwise.

(6) The association may make advance partial repayment of a recourse loan; however, no portion of the recourse loan collateral will be released to the association prior to full repayment of the recourse loan, including interest and charges.

(7) The term "producer-member" as used in this paragraph (a) shall be deemed to include any producer-member of an association to which, as an eligible producer pursuant to paragraph (b) of this section, price support is extended, as well as to any producer-member of a cooperative marketing association which is a member association of the association to which price support is extended, as provided in subparagraph (11) of paragraph (b) of this section.

(8) Within 90 days following completion of deliveries of nonrecourse loan rice and purchase agreement rice by an association, such association shall forward to the ASC State Office a report, certified as being true and correct, showing rice price support obtained by the association for each of its producer-

members. The report shall be by producer-member and shall list for each producer-member the dollar value of his share of (i) nonrecourse loans obtained or of deliveries made under such loans, whichever is higher, (ii) purchase agreement deliveries made, and (iii) recourse loans made.

(b) *Eligibility requirements.* (1) A cooperative marketing association which satisfies the requirements of this paragraph (b) shall be deemed an eligible producer and shall be eligible for rice price support through warehouse-storage loans and purchase agreements on eligible rice as defined in § 421.5339: *Provided*, That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own rice only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

(2) The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members.

(3) All eligible rice delivered to the association by producer-members must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer-members who delivered such eligible rice.

(4) The major part of the rice marketed by the association must be eligible rice produced by members who are eligible producers.

(5) The association must have authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(6) The association must maintain a record by varieties, grades and milling yields of the quantities of rice eligible under § 421.5339 for price support, acquired by or delivered to the association from each source, and such record must show the disposition of the rice. Similar records must be maintained separately for rice not eligible for price support under § 421.5339. The association must keep in inventory at all times a quantity of rice of the varieties, average grades and milling yields equal to its outstanding warehouse receipts. Rice stored modified commingled or identity preserved must be stored separately by lot and so kept in storage so long as receipts for such rice are outstanding.

(7) Before the association applies for rice price support or December 1, 1960, whichever is earlier, the association must set aside in physically segregated storage separate from all other rice a quantity of each variety of rice of the 1960 crop equivalent in quantity and quality to the eligible rice of the 1960 crop which was delivered by eligible producer-members and which remains undisposed of in its inventory at the time of such segregation. Eligible rice which is received by the association on or after the date of such segregation shall also be set aside in physically segregated storage and may be included with quantities of eligible rice.

(8) Nonrecourse price support may be obtained by the association only on the quantity of the eligible rice, segregated in accordance with subparagraph (7) of

this paragraph, that would not cause any of the producer-members who share in price support obtained by the association to be extended an amount of nonrecourse price support which, together with the amount of nonrecourse price support extended to the producer as of the date he executed CCC Form-115, would exceed \$50,000. Recourse loans may be obtained by the association only on the quantity of eligible rice, segregated in accordance with subparagraph (7) of this paragraph, for which nonrecourse price support may not be extended. Price support shall not be obtained by the association on any quantity of rice delivered by a producer-member who has not executed Form CCC-115 as required in paragraph (a) (3) of this section.

(9) Proceeds from the disposition of all rice eligible for price support, other than rice covered by a recourse loan, disposed of by marketing or by delivery to CCC under nonrecourse loan or purchase agreement or both, shall be distributed by the association to only the eligible producer-members who delivered such eligible rice to the association and only on a basis which results in the proceeds being distributed proportionally to such producer-members according to the quantity and quality of such eligible rice delivered by each eligible producer-member. Recourse loan proceeds of eligible rice covered by a recourse loan shall be distributed by the association only to the eligible producer-members who delivered such rice to the association and only on the basis which results in the proceeds of such loan being distributed proportionally to such producer-members according to the quantity and quality of such rice delivered by each eligible producer-member. The provisions contained in this subparagraph shall not be construed to prohibit the association from establishing separate pools and distributing the proceeds proportionally to the producer-members whose rice is included in each pool.

(10) Rice held by the association must be made available for inspection by CCC at all reasonable times so long as the association has rice under price support and the books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1966.

(11) Notwithstanding the requirements of subparagraph (2) of this paragraph (b) that the association shall consist of producers, a cooperative marketing association, which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support if its member associations meet the requirements for price support under this paragraph, except that the requirement in subparagraph (5) of this paragraph shall be deemed to be satisfied if such member associations have the right to deliver rice of their producer-members to the association applying for price support and to authorize such association to sell the rice and to obtain a loan on the security of the rice and to give a lien thereon. The association applying for price support shall (1) in its charter,

by-laws, marketing contracts or by other legal means require that its member associations meet such requirements for price support, (ii) certify to CCC that its member associations are in fact eligible for price support under such requirements, and (iii) except for the requirement that it consist of producers, otherwise qualify for price support under this paragraph.

(12) Determinations with respect to the eligibility of cooperative marketing associations of producers pursuant to this section for either warehouse-storage loans or purchase agreements, or both, shall be made by the Executive Vice President, CCC.

#### § 421.5339 Eligible rice.

Rice to be eligible for price support must meet the following requirements:

(a) The rice must have been produced in 1960 by an eligible producer on a farm on which the rice acreage allotment was not exceeded.

(b) (1) The beneficial interest in the rice must be in the eligible producer tendering the rice for loan or for purchase under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested.

(2) In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the eligible producer members who delivered the rice to the association or to member associations meeting the requirements of § 421.5338(b) (11) and must have always been in them or in them and former producers whom they succeeded before the rice was harvested. Rice acquired by a cooperative marketing association shall not be eligible for price support if the producer members who delivered the rice to the association or to a member association do not retain the right to share proportionately in the proceeds from the marketing of the rice as provided in § 421.5338(b) (9). Rice acquired by the association other than from producer members and other than from member associations is not eligible for price support.

(3) Any producer or association in doubt as to whether the requirements of this paragraph have been fulfilled should make available to the county committee prior to filing an application, all pertinent information which will permit a determination to be made by CCC.

(4) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rice was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The rice must be of one of the classes within the Official Standards of the United States for Rough Rice other than "mixed rough rice."

(d) The rice, at the time it is placed under loan or purchased under purchase agreement, must (1) grade U.S. No. 5 or better (rice of special grades shall not be eligible rice); (2) contain not more than 14 percent moisture; and (3) must not contain mercurial compounds or other substances poisonous to man or animals.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the ASC State committee.

#### § 421.5340 Bagged and bulk rice.

Rice may be either in bags or in bulk when a loan is obtained or when rice is purchased under a purchase agreement.

(a) *Farm storage.* (1) Loans on farm-stored rice will be made on a bagged or bulk basis in accordance with the manner in which the rice is stored.

(2) Settlement with respect to farm-stored rice acquired by CCC in bulk under loan or purchase agreement shall be on the basis of the net weight of the bulk rice acquired by CCC.

(3) Settlement with respect to farm-stored rice acquired by CCC in bags under loan or purchase agreement shall be on the basis of the combined weight of the rice and bags acquired by CCC, and title to the bags shall pass with the rice. CCC shall not otherwise pay any amounts representing the value of the bags.

(b) *Approved warehouse storage.* (1) In the case of rice in approved warehouse storage, loans shall be made and rice under purchase agreement shall be acquired on a bagged or bulk basis in accordance with the manner in which the rice is to be loaded out by the warehouseman as indicated on the warehouse receipt. Therefore, if a loan is made on the basis of loading out the rice in bags, the rice must be in bags at the time of load out by the warehouseman and, if a loan is made on the basis of loading out the rice in bulk, the rice must be in bulk at the time of load out by the warehouseman.

(2) Settlement with respect to rice in approved warehouse storage acquired by CCC under loans or purchase agreements, which the warehouseman is required to load out in bulk shall be on the basis of the net weight of bulk rice acquired by CCC under loan or purchase agreements.

(3) Settlement with respect to rice in approved warehouse storage, acquired by CCC under loans or purchase agreements, which the warehouseman is required to load out in bags shall be on the basis of the combined weight of the rice and bags, and title to the bags shall pass with the rice, except that, if the rice is not in bags at the time of acquisition by CCC title to the bags shall pass to CCC at the time of load out. CCC shall not otherwise pay any amounts representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

#### § 421.5341 Warehouse receipts.

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in any holder, and must be issued by an approved warehouse as defined in § 421.5007(b)(1). The receipts must be negotiable, must cover eligible rice actually in store in the warehouse and must clearly indicate whether the rice is stored in bulk or in bags (sacks), and whether the rice is to be delivered in bulk or in bags (sacks). Under the uniform rice storage agreement, the warehouseman guarantees the quantity and quality of the rice unless the warehouse receipts or accompanying supplemental certificates state that the rice is stored "identity preserved" or "modified commingled." In the case of rice stored identity preserved the warehouseman is not a guarantor but is required to load out the identical rice for which the warehouse receipt was issued. In the case of rice stored modified commingled, the warehouseman guarantees quantity but not quality and the rice is stored in one lot, the identity of which the warehouseman is required to maintain. The warehouse receipts or accompanying supplemental certificates representing rice stored modified commingled shall contain the following statement:

Modified commingled means the storage or handling of rice in bulk or in bags by commingling in one lot rice of a single class and of a similar grade and quality, in such manner that rice actually deposited in that lot prior to a sample being drawn for quality determination, and no other, may be delivered to the holder of each warehouse receipt issued with respect to such rice.

(b) If the receipt is issued for rice of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law.

(c) In order to be acceptable as security for a warehouse-storage loan, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured to the extent required by CCC Form 26, "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse and undamaged. Insurance on commingled and modified-commingled rice must be obtained by the warehouseman. Insurance on identity-preserved rice must be obtained by either the producer or the warehouseman. If the insurance on identity-preserved rice is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for

rice represented by warehouse receipts to be purchased under the purchase agreement program. In the event of any loss or damage to the warehouse-stored recourse loan collateral, the producer shall remain personally liable to CCC for the amount, if any, by which such recourse loan, including charges and interest exceeds the amount of any insurance proceeds paid to CCC.

(d) A supplemental certificate will be required to be executed in duplicate when all of the following information is not contained in the warehouse receipt or inspection certificate: Variety, grade, grade factors, milling yield, moisture, gross and net weight, method of storage, manner in which the rice will be delivered (bulk or bagged), and manner by which the rice was received. When required, the supplemental certificate (completed for all items) shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified-commingled rice and by the producer for identity-preserved rice.

(e) When the warehouse receipt represents identity-preserved rice, the producer's responsibility will be the same as stated in § 421.5016 for farm-stored rice. The producer's responsibility for modified-commingled rice shall be the same as stated in § 421.5016 for farm-stored rice except that he shall not be responsible for the quantity.

(f) A separate warehouse receipt must be submitted for each class or variety, grade, and milling yield of rice. Also, pursuant to § 421.5008(f), separate warehouse receipts are required for nonrecourse warehouse-storage rice loans and for recourse warehouse-storage rice loans.

(g) Warehouse receipts covering rice which is in approved warehouse storage on or before the applicable maturity date for nonrecourse loans and which is to be placed under nonrecourse loan or acquired by CCC under purchase agreement must carry an endorsement by the warehouseman in substantially the following form:

Warehouse charges through (insert the applicable maturity date for nonrecourse loans for the State where stored), including, but not limited to, receiving and loading out charges accrued or to accrue, and all other charges incident to the acquisition of the rice by CCC, on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags (sacks), the warehouseman agrees that any and all right, title, and interest which he has in such bags (sacks) shall pass with the rice when such rice is acquired under the price support program or shall pass at the time the rice is loaded out, if the rice is not in bags at the time of acquisition by CCC.

(h) Warehouse receipts covering rice which is in approved warehouse storage and which is to be placed under recourse loan must carry an endorsement in substantially the following form:

Warehouse charges through January 31, 1962, including receiving and loading out charges, storage charges, turning, fumiga-

tion, insurance and all other charges accrued or to accrue on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from any holder of the warehouse receipt.

(i) The warehouse receipt shall not contain any statement indicating that the quantity is subject to a shrinkage factor.

**§ 421.5342 Determination of quantity.**

(a) Loans and purchase agreements shall be made on the basis of rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded except that in the case of loans made on the basis of commingled warehouse receipts the exact weight shown on the warehouse receipt shall be used. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan shall be determined on the basis of weight. Determination of the quantity of rice delivered under a farm-storage loan, or for making settlement on an identity-preserved warehouse-storage loan or under a purchase agreement shall be on the basis of weight.

(b) In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used. When necessary to convert bagged rice to a bulk basis or bulk rice to a bagged basis, an adjustment of 0.6 pound for 100 pounds of gross weight shall be made as allowance for the weight of the bag.

(c) When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of 36 pounds:

For rice testing:	Percent
45 pounds or over.....	100
44 pounds or over, but less than 45 pounds.....	98
43 pounds or over, but less than 44 pounds.....	96
42 pounds or over, but less than 43 pounds.....	93
41 pounds or over, but less than 42 pounds.....	91
40 pounds or over, but less than 41 pounds.....	89

The percentages shall be proportionately lower for rice testing below 40 pounds.

(d) In the case of commingled rice, nonrecourse loans will be made and, subject to the provisions of § 421.5019, settlement with the producer will be made on 100 percent of the quantity of the rice determined in accordance with this section, based on the quantity shown on the warehouse receipt or the supplemental certificate. In all other cases, nonrecourse loans will be made on 95 percent of the quantity of rice determined in accordance with this section and, subject to the provisions of § 421.5019, the determination of quantity for settlement purposes will be made on the basis of the actual quantity acquired by CCC, except that in the case of rice stored modified commingled, the determination of quantity for settlement purposes will be made on the basis of 100 percent of the quantity shown on the

warehouse receipt or the supplemental certificate.

(e) In the case of rice under purchase agreement, the producer shall, at the time he notifies the county committee of his intention to sell rice to CCC specify the quantity of each class or variety of rice included in the total quantity to be sold.

(f) The determination of the quantity of rice to be covered by a recourse loan shall be made in accordance with the requirements of this section for nonrecourse loans. Settlement of recourse loans shall be made as provided in § 421.5019.

**§ 421.5343 Determination of quality.**

(a) The class, grade, grade factors, milling yield and all quality factors for price support purposes shall be determined in accordance with the methods set forth in the Official United States Standards for Rough Rice.

(b) (1) For nonrecourse price support, nonrecourse loans, in the case of commingled rice, will be made and, subject to the provisions of § 421.5019, settlement with the producer either on nonrecourse loans or purchase agreements, will be on the basis of the quality shown on the warehouse receipt or supplemental certificate. In all other cases, nonrecourse loans will be made on the basis of quality shown on the official (Federal or Federal-State) sample inspection certificate, based on a representative sample drawn by the county committee for each lot of rice at the time application is made for the nonrecourse loan and, subject to the provisions of § 421.5019, settlement with the producer, both with respect to nonrecourse loans and purchase agreements, will be on the basis of quality determined by a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date for nonrecourse loans and submitted by the producer in accordance with the settlement provisions of this bulletin. Sample inspection fees incurred by the county committee in connection with the making of nonrecourse loans will be for the account of CCC. Lot inspection fees incurred in connection with the acquisition of rice by CCC will be for the account of the producer.

(2) For recourse price support, the determination of the quality of rice to be covered by a recourse loan shall be made in accordance with the requirements of this section for nonrecourse loans. Settlement of recourse loans shall be made as provided in § 421.5019.

**§ 421.5344 Maturity of loans.**

Unless demand is made earlier, nonrecourse loans on rice will mature on April 15, 1961 and recourse loans on rice will mature on January 31, 1962.

**§ 421.5345 Support rates.**

Loans and purchases under purchase agreement will be made at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head

rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE<sup>1</sup>

Group	Rice class or variety	Head Rice	Broken Rice
I.....	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	-----	-----
II.....	Blue Bonnet, Njra, and Rexark.	-----	-----
III.....	Century Patna, Toro, Fortuna, R.N., and Edith.	-----	-----
IV.....	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Gulfroze, Magnolia, Zenith (including the varieties Gold Zenith and Golden Rose), Prelude, and Lady Wright.	-----	-----
V.....	Calrose, Lacrosse and Nato.	-----	-----
VI.....	Pearl, Early Prolific, Calady, and other varieties.	-----	-----

<sup>1</sup> The value factors will be published as an amendment to this section shortly after August 1, 1960.

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rice:

- Grade U.S. No. 1: Premium of 20 cents per 100 pounds.
- Grade U.S. No. 2: Premium of 10 cents per 100 pounds.
- Grade U.S. No. 3: Discount of 5 cents per 100 pounds.
- Grade U.S. No. 4: Discount of 20 cents per 100 pounds.
- Grade U.S. No. 5: Discount of 40 cents per 100 pounds.

(c) *Location differentials.* For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however,* That such location differentials shall not apply to rice produced in these areas if the rice is transported to a rice-producing area where no location differential is applicable and is there placed under loan or delivered to CCC under a purchase agreement:

Area	Discount per 100 pounds
State of Florida.....	\$0.96
States of South Carolina and North Carolina.....	0.92
Counties of Lafayette, Little River, and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana.....	0.42
Imperial County, California, and adjacent counties in Arizona and California.....	0.95
Counties of Holt, Lewis, Lincoln, Marion, Pike, and St. Charles in Missouri, and Adams in Illinois.....	0.57

### § 421.5346 Warehouse charges.

CCC will not assume any warehouse charges or make refund of any prepaid receiving and loading out charges on rice covered by a recourse warehouse-storage loan. Paragraphs (a), (b), (c), and (d) of this section are applicable only to nonrecourse loan and purchase agreement rice.

(a) CCC will refund to the producer an amount computed at the rate of 8 cents per hundred pounds as compensation for any receiving and loading out charges paid by the producer on rice stored in an approved warehouse on or before loan maturity date and acquired by CCC in such approved storage.

(b) CCC will assume receiving charges on (1) rice delivered under the price support program to an approved warehouse for the account of CCC in satisfaction of a farm-storage loan, and (2) rice delivered under the price support program after loan maturity date to an approved warehouse for the account of CCC pursuant to a purchase agreement and acquired by CCC.

(c) CCC will assume warehouse-storage charges accruing on and after the day following the loan maturity date on rice which is in approved warehouse storage on the maturity date for loans and acquired by CCC under a warehouse-storage loan or under a purchase agreement.

(d) CCC will assume warehouse-storage charges from and after the date of completion of deposit of the rice in the warehouse on (1) rice delivered under the price support program to an approved warehouse for the account of CCC in satisfaction of a farm-storage loan, and (2) rice delivered from other than approved warehouse storage under the price support program to an approved warehouse after loan maturity date for the account of CCC pursuant to a purchase agreement and acquired by CCC.

(e) Fees for inspection and weighing and any special charges assessed by the warehouseman shall be for the account of the producer.

### § 421.5347 Settlement.

#### (a) Nonrecourse farm-storage loans.

(1) In order that settlement of nonrecourse loans on farm-stored rice may be made, the producer shall, at his own expense at the time of delivery of the rice, furnish to the county committee official weight certificates, and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Subject to the provisions of § 421.5019, settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of delivery to CCC of the rice, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and, subject to the provisions of § 421.5019, settlement with the producer will be made at the applicable

support rate for the quantity and quality of rice shown on the commingled warehouse receipt.

(2) If the inspection certificate for the rice under farm-storage loan, or, where applicable, the commingled receipt for rice originally covered by a nonrecourse farm-storage loan, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificates, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipts, as determined by CCC: *Provided, however, That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: And provided further, That if upon delivery the rice contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the uses specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.*

(3) If rice, placed under nonrecourse farm-storage loan in an area where a location differential is in effect, is delivered to CCC by the producer in satisfaction of the loan in a rice producing area where no location differential is applicable, subject to the provisions of § 421.5019, settlement will be made on the basis of the applicable support rate for the area where the rice is delivered.

(b) *Nonrecourse identity-preserved warehouse-storage loans.* (1) In order that settlement of nonrecourse loans on identity-preserved warehouse stored rice not repaid by maturity may be made, the producer shall, at his own expense and within 10 days after maturity, furnish to the county committee official weight certificates and Federal or Federal-State lot inspection certificated dated not earlier than 30 days prior to the applicable maturity date, covering the rice. Subject to the provisions of § 421.5019, settlement on such loans will be made at the applicable support rate for the grade and quality of the quantity of rice as shown by such weight certificates and inspection certificates. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition by CCC of rice covered by a nonrecourse identity-preserved warehouse-storage loan, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the rice, inspection and weight certificates will not be required and, subject to the provisions of § 421.5019, settlement with the producer will be

made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. Notwithstanding the foregoing provisions of this subparagraph, if CCC determines that the warehouseman failed to maintain the identity of rice covered by an identity-preserved warehouse-storage loan, the producer will not be required to furnish lot inspection and weight certificates and, subject to the provisions of § 421.5019, settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents.

(2) If the inspection certificate for the rice under identity-preserved warehouse-storage loan, or, where applicable, the commingled receipt for rice originally stored identity-preserved, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection and weight certificate, or the commingled receipts, are delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled receipt, as determined by CCC: *Provided, however, That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: And provided further, That if upon delivery the rice contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.*

(c) *Nonrecourse modified-commingled warehouse-storage loans.* (1) For settlement on nonrecourse loans on modified-commingled warehouse-storage rice not repaid by maturity, the producer shall at his own expense and within 10 days after maturity furnish to the county committee a Federal or Federal-State lot inspection certificate dated not earlier than 30 days prior to the applicable maturity date, covering the lot of rice acquired by CCC which must have been taken from the modified-commingled lot against which the warehouse receipt representing the rice under loan was issued. Subject to the provisions of § 421.5019, settlement on such loans shall be made at the applicable support rate for the grade and quality of rice as shown on the inspection certificate and for the quantity shown on the warehouse receipt. However, notwithstanding the foregoing provisions of this subparagraph, if, at the time of acquisition of the rice by CCC, the warehouseman, with the agreement of the producer, issues a commingled warehouse receipt covering the

rice, inspection certificates will not be required and, subject to the provisions of § 421.5019, settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. Notwithstanding the foregoing provisions of this paragraph, if CCC determines that the warehouseman failed to maintain the identity of any lot of rice covered by a modified-commingled warehouse-storage loan, the producer will not be required to furnish lot inspection certificates and, subject to the provisions of § 421.5019, settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents.

(2) If the inspection certificate for the rice under modified-commingled warehouse storage loan, or, where applicable, the commingled warehouse receipt for rice originally stored modified commingled, shows that the rice is of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, on the date that the inspection certificate, or commingled receipt, is delivered to the county committee, between the market price for the grade and milling yield placed under loan and the market price of the rice described in the inspection certificate or commingled warehouse receipt, as determined by CCC: *Provided, however,* That if the rice is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided, further,* That if upon delivery the rice contains mercurial compounds or other substances poisonous to man or animals, such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value of such rice, as determined by CCC, as of the date of delivery.

(d) *Nonrecourse commingled warehouse-storage loans.* Subject to the provisions of § 421.5019, settlement will be made with the producer at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and accompanying documents.

(e) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the rice to CCC. However, subject to the provisions of § 421.5019, he may sell to CCC any quantity of eligible rice not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the rice to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the applicable loan maturity date specified in § 421.5344 or such earlier

date as may be prescribed by the Executive Vice President, CCC.

(2) In the case of eligible rice stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of rice he elects to sell to CCC. In the case of eligible rice stored in other than approved warehouse storage, or stored identity-preserved or modified commingled in approved warehouse storage, the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain rice stored in other than approved warehouse storage for a period of 60 days after the applicable nonrecourse loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of rice covered by a purchase agreement, occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60-day period following the applicable nonrecourse loan maturity date, the producer may notify the county committee at any time after such 60-day period that the rice is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the rice is going out of condition or is in danger of going out of condition and that the rice cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. If such inspection shows the rice to be of an eligible grade, subject to the provisions of § 421.5019, settlement when delivery is completed shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(4) Eligible rice sold to CCC under a purchase agreement will be purchased at the applicable support rate for the grade and quality of the rice sold. CCC will accept modified commingled warehouse receipts under the purchase agreement program only when the entire quantity of rice in the modified commingled lot against which the warehouse receipt was issued, is delivered to CCC in a single unit. Otherwise, rice so stored must be removed from such storage and, if the producer desires to deliver warehouse receipts to CCC under the sale, new warehouse receipts representing the

lot to be sold must be obtained from an approved warehouse. Where the rice sold to CCC is represented by modified commingled warehouse receipts, the producers shall, at their expense, furnish to the county committee at the time of sale Federal or Federal-State lot inspection certificates covering the entire quantity of rice in the modified-commingled lot issued on a single date not earlier than 30 days prior to the applicable maturity date for nonrecourse loans and, subject to the provisions of § 421.5019, settlement with each producer will be made at the applicable support rate for the quality of rice shown on such inspection certificates and the quantity of rice shown on the warehouse receipt. Where the rice sold is represented by an identity-preserved warehouse receipt or is physically delivered to CCC, the producer shall, at his expense, furnish to the county committee at the time of sale official weight certificates and Federal or Federal-State lot inspection certificates dated not earlier than 30 days prior to the applicable nonrecourse maturity date for loans and, subject to the provisions of § 421.5019, settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on such weight and inspection certificates. Where the rice sold is represented by commingled warehouse receipts, inspection and weight certificates will not be required and, subject to the provisions of § 421.5019, settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the commingled warehouse receipt. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

(5) Where rice of an ineligible quality is inadvertently accepted by CCC, such rice shall be sold by CCC in order to determine its market price, and the settlement value shall not be less than such sales price. Where the rice contains mercurial compounds or other substances poisonous to man or animals and is inadvertently accepted by CCC such rice shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rice for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery. Nothing contained in this section shall be construed to waive or modify any right of CCC or of the United States arising out of the pledge for a loan or the sale under a purchase agreement of rice containing a mercurial compound or other substance poisonous to man or animals.

(f) *Storage payment where CCC is unable to take delivery of rice stored in other than an approved warehouse under nonrecourse loan or purchase agreement.*

The producer may be required to retain rice stored in other than an approved warehouse under nonrecourse loan or purchase agreement for a period of 60 days after the applicable nonrecourse maturity date without any cost to CCC: However, if CCC is unable to take delivery of such rice within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rice to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rice is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rice to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after maturity and extend through the final date of delivery, or the final day for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate for identity-preserved warehouse stored rice as shown in the schedule of rates for the Uniform Rice Storage Agreement.

(g) *Weight or inspection certificates.* In any instance where the producer fails to furnish to CCC weight or inspection certificates required for settlement on nonrecourse loans, CCC may obtain such certificates. The cost incurred by CCC in obtaining such certificates and any other fees or expenses incurred in connection with settlement on nonrecourse loans shall be for the account of the producer.

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

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

[F.R. Doc. 60-4658; Filed, May 23, 1960;  
8:49 a.m.]

## Title 7—AGRICULTURE

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

[Amdt. 1]

#### PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

##### Marketing Quotas, 1960-61 Marketing Year

The amendment set forth herein is based on marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311-1315), and is made for the purpose of amending § 723.1147 of the Cigar-Binder (Types 51 and 52) Tobacco

and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco Marketing Quota Regulations, 1960-61 Marketing Year (25 F.R. 3927), to include the average market price and the rate of penalty per pound upon marketings of excess tobacco subject to marketing quotas. The average price for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1959-60 marketing year has recently been determined. The Act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for the immediately preceding marketing year.

Since farmers are now engaged in 1960 tobacco farming operations, it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the rate of penalty may be made known to such tobacco producers and to buyers who are responsible for the payment of the penalty on marketings of excess tobacco. Accordingly, and since the amendment with respect to the rate of penalty is the result of a mathematical calculation provided by the Act, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 723.1147 of the Cigar-Binder and Cigar-Filler and Binder Tobacco Marketing Quota Regulations, 1960-61 Marketing Year (25 F.R. 3927) is hereby amended by changing paragraphs (a) and (b) to read:

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1959-60 marketing year was 32.1 cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, and 42.8 cents per pound for cigar-binder (types 51 and 52) tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1960-61 marketing year shall be twenty-four (24) cents per pound for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco and thirty-two (32) cents per pound for cigar-binder (types 51 and 52) tobacco.

(Secs. 314, 375, 52 Stat. 48, 66, as amended; 7 U.S.C. 1314, 1375)

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

CLARENCE D. PALMBY,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 60-4660; Filed, May 23, 1960;  
8:50 a.m.]

[Amdt. 1]

#### PART 725 — BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

##### Marketing Quotas, 1960-61 Marketing Year

The amendment set forth herein is based on marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311-1315), and is made for the purpose of amending § 725.1147 of the Burley, Flue-Cured, Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1960-61 Marketing Year (25 F.R. 3935) to include the average market price and the rate of penalty per pound upon marketings of excess tobacco subject to marketing quotas. The average price for burley, flue-cured, fire-cured, dark air-cured and for Virginia sun-cured tobacco for the 1959-60 marketing year has recently been determined. The Act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for the immediately preceding marketing year.

Since farmers are now engaged in 1960 tobacco farming operations, it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the rate of penalty may be made known to such tobacco producers and to buyers who are responsible for the payment of the penalty on marketings of excess tobacco. Accordingly, and since the amendment with respect to the rate of penalty is the result of a mathematical calculation provided by the Act, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 725.1147 of the Burley, Flue-Cured, Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1960-61 Marketing Year (25 F.R. 3935) is hereby amended by changing paragraphs (a) and (b) to read:

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1959-60 marketing year was 60.4 cents per pound for burley tobacco, 58.3 cents per pound for flue-cured tobacco, 37.6 cents per pound for fire-cured (type 21) tobacco, 38.3 cents per pound for fire-cured (types 22, 23 and 24) tobacco, 34.5 cents per pound for dark air-cured tobacco, and

34.4 cents per pound for Virginia sun-cured tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1960-61 marketing year shall be forty-five, (45) cents per pound for burley tobacco, forty-four (44) cents per pound for flue-cured tobacco, twenty-eight (28) cents per pound for fire-cured (type 21) tobacco, twenty-nine (29) cents per pound for fire-cured (types 22, 23 and 24) tobacco, twenty-six (26) cents per pound for dark air-cured tobacco, and twenty-six (26) cents per pound for Virginia sun-cured tobacco.

(Secs. 314, 375, 52 Stat. 48, 66, as amended; 7 U.S.C. 1314, 1375)

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

CLARENCE D. PALMBY,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 60-4659; Filed, May 23, 1960;  
8:49 a.m.]

**PART 728—WHEAT**

[Amdt. 19]

**Subpart—Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years**

**RATE OF PENALTY**

*Basis and purpose.* The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1960 wheat marketing quota program at 45 percent of the May 1, 1960, parity price of wheat as required by Public Law 117, 83d Congress.

Since the only purpose of this amendment is to announce the penalty in dollars and cents calculated in accordance with a mathematical formula prescribed by statute, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.872 of the wheat marketing quota regulations for 1958 and subsequent crop years is hereby amended by adding at the end thereof the following: "The rate of penalty applicable to 1960 crop wheat shall be \$1.08 per bushel, which is 45 per centum of the parity price per bushel of wheat as of May 1, 1960, which is determined to be \$2.39."

(Sec. 375, 52 Stat. 66, as amended; sec. 1, 55 Stat. 203, as amended by 67 Stat. 151; 7 U.S.C. 1375, 1340)

Issued at Washington, D.C., this 19th day of May 1960.

CLARENCE D. PALMBY,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 60-4661; Filed, May 23, 1960;  
8:50 a.m.]

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

[Plum Order 1]

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

**Regulation by Grades**

**§ 936.636 Plum Order 1.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated

among handlers of such plums; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m. P.s.t., May 24, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of any variety of plums other than Tragedy unless such plums grade at least U.S. No. 1.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) When used in this section, "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Plums and Prunes (§§ 51.1520 to 51.1537 of this title), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: May 20, 1960.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 60-4698; Filed, May 23, 1960;  
9:27 a.m.]

[Plum Order 2]

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

**Regulation by Sizes**

**§ 936.637 Plum Order 2.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-

making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m. P.s.t., May 24, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship from any shipping point during any day any package or container of Beauty plums, except to the extent otherwise permitted under this paragraph, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of twenty-four (24) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth ( $\frac{1}{4}$ ) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this

paragraph if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph: *Provided*, That, the individual packages or containers of such smaller plums in each lot of such plums handled shall not exceed two-thirds ( $\frac{2}{3}$ ) of the total packages or containers of plums in such lot; *And provided further*, That, all such smaller plums meet the following requirements:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack and will have a net weight of twenty-three (23) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth ( $\frac{1}{4}$ ) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such under-shipment may be shipped by such shipper only from such shipping point.

(4) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 to the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: May 20, 1960.

R. S. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 60-4697; Filed, May 23, 1960;  
9:27 a.m.]

[Plum Order 3]

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

**Regulation by Sizes**

**§ 936.638 Plum Order 3.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation there-

for which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1960.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 24, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no shipper shall ship any package or container of Burmose plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-six (26) pounds: *Provided*, That, not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: May 20, 1960.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F.R. Doc. 60-4698; Filed, May 23, 1960;  
9:27 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

#### PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

##### Appraisal of Animals

Pursuant to the provisions of section 3 of the Act of May 29, 1884, 23 Stat. 32, as amended, section 11 of the Act of May 29, 1884, 58 Stat. 734, as amended, and section 2 of the Act of February 2, 1903, 32 Stat. 792, as amended (21 U.S.C. 114, 114a, 111), paragraph (a) of § 54.3 of the regulations pertaining to payment of indemnities for animals destroyed because of scrapie, a contagious and infectious animal disease (9 CFR Part 54), is hereby amended to read:

##### § 54.3 Appraisal of animals.

(a) Affected and exposed animals shall be appraised at their actual value at the place and time of appraisal by a representative of the Division and a representative of the State jointly, except that, if the owner and State authorities approve, such animals may be appraised by a representative of the Division alone. Animals may be appraised in groups providing they are the same species and type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound.

(Sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 114a)

*Effective date.* The foregoing amendment shall become effective upon issuance.

The purpose of this amendment is to clarify the language in § 54.3 by granting specific authority to appraise animals in groups when considered necessary by the appropriate officials.

It is believed the amendment will facilitate the appraisal of animals destroyed under the provisions of this part and will therefore be of benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

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

M. R. CLARKSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 60-4656; Filed, May 23, 1960;  
8:49 a.m.]

#### SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

#### PART 180—DESIGNATION OF METHODS

##### Goats; Stunning With Electrical Current

Pursuant to the authority conferred by the Humane Slaughter Act of 1958 (7 U.S.C. 1901 et seq.), the introductory paragraph of § 180.30 of the regulations relating to humane slaughter of livestock (9 CFR 180.30; 24 F.R. 1549) is hereby amended to read as follows:

##### § 180.30 Electrical; stunning with electric current.

The slaughtering of swine, sheep, calves, cattle and goats with the use of electric current and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the act.

This amendment designates as a humane method of slaughtering and handling goats under the Humane Slaughter Act, the method of slaughtering with use of electric current and handling previously designated under the act as humane with respect to swine, sheep, calves and cattle. This designation shall become effective for purposes of section 3 of the act on June 30, 1960, with respect to United States Government contracts for procurement of livestock products under the act, but prior to said date the designation is advisory and the method designated may be adopted by the livestock slaughtering industry on a voluntary basis.

The Advisory Committee established under the act has endorsed as a humane method of slaughter and handling the principle of slaughter by electric stunning and handling in connection therewith in accordance with the provisions of § 180.30, for swine, sheep, calves, and cattle. The present designation merely applies this principle to another class of animals.

The Department has given the matter careful consideration and it does not appear that new information would be made available to the Department by public rule-making procedure. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are unnecessary.

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

M. R. CLARKSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 60-4657; Filed, May 23, 1960;  
8:49 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 400; Amdt. 158]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Boeing 707-200 and -300 Series Aircraft

Failure of the engine nose dome attachment has resulted in ingestion of the dome and/or attaching bolt into the engine producing engine failure. Since safety is affected by this type of failure, it is necessary to require inspection and modification to the nose dome attaching means.

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:

**BOEING.** Applies to the following 707-200 and -300 Series airplanes and all spare quick change engine build-up units which may be available. Serial Numbers 17592 through 17606, 17613 through 17618, 17623 through 17626, 17673 through 17684, and 17692 through 17695. Boeing will incorporate the modification required by this airworthiness directive on all production airplanes other than those listed above.

Compliance required by July 1, 1960.

As a result of several failures which have occurred to the engine nose dome installation of the Boeing 707-300 Series airplanes resulting in major engine failures, inspections and modifications to the nose dome attaching means is required. To preclude further difficulty the following shall be accomplished as indicated:

(a) Inspect and rework each engine nose dome and attachment in accordance with the information included in Boeing Service Bulletin No. 799 dated January 28, 1960.

(b) Rework the nose dome stud and bolt, Boeing Part Numbers 66-2079 or 66-2078 and 66-2075 in accordance with the instructions contained in Boeing Service Bulletin No. 790 dated January 27, 1960.

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 18, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-4649; Filed, May 23, 1960; 8:49 a.m.]

[Reg. Docket No. 327; Amdt. 157]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### De Havilland Heron 114 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to

include an airworthiness directive requiring inspection for cracks in the wing root joint fitting of De Havilland Heron Model 114 aircraft, and replacement of defective parts to preclude occurrence of an unsafe condition in service was published in 25 F.R. 2804.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

**DE HAVILLAND.** Applies to Heron Model 114 aircraft Serial Numbers 14001 through 14136.

Compliance required as indicated.

During fatigue tests, cracks caused by corrosion and fretting occurred in the wing main lower root joint fitting at an equivalent time in service of 13,000 hours. To preclude the failure of this fitting in service compliance with De Havilland Technical News Sheet CT (114) No. W9 is required by July 15, 1960, for aircraft which have exceeded 12,000 hours time in service. For all other aircraft, compliance required before exceeding 12,000 hours time in service but not later than: December 31, 1960, for Serial Numbers 14001 to 14091 inclusive; December 31, 1961, for Serial Numbers 14092 to 14136 inclusive.

Magnetic particle and dye penetrant methods of inspection may be used in lieu of the crack testing methods called for in De Havilland Technical News Sheet CT (114) No. W9. Other jointing, antifretting and anticorrosive, and sealing compounds, if shown to be equivalent to the commercially designated compounds in De Havilland Technical News Sheet CT (114) No. W9 may be used.

For aircraft incorporating modifications 520 and/or 918 since date of manufacture, compliance time in service begins at the date these modifications were accomplished.

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 18, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-4650; Filed, May 23, 1960; 8:49 a.m.]

[Reg. Docket No. 371; Amdt. 159]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Lockheed 188 Series Aircraft

As a result of investigation of recent failures of Lockheed 188 Series aircraft cowl longerons, it was determined that cracks in the affected areas can lead to failure of the longerons, resulting in reduced nacelle stiffness affecting safety of the aircraft.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly an air-

worthiness directive was adopted on April 29, 1960, and made effective immediately as to all known operators of Lockheed 188 Series aircraft by individual telegrams dated April 29, 1960. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507) and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

**LOCKHEED.** Applies to all 188 Series aircraft. Compliance required as indicated.

Due to loose attachments and cracked quick engine change upper cowl panel longerons the following inspections are required.

Prior to dispatch from a terminal where inspection facilities are available, unless already accomplished within the last 300 hours' time in service, and thereafter at every 300 hours' time in service, inspect the top cowl panel upper longerons and the attachments at the rear fittings for cracks or loose attachments. Loose huck bolts in the longeron fittings must be replaced by 1/4-inch oversize Hlioks (P/N HL 56-6 pin and HL 85-6 collar). Do not substitute bolts or screws. Cracked longerons must be replaced or repaired before next flight.

(Lockheed Alert Service Bulletin No. 467 covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated April 29, 1960.

(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 18, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-4651; Filed, May 23, 1960; 8:49 a.m.]

[Reg. Docket No. 401; Amdt. 160]

#### PART 507—AIRWORTHINESS DIRECTIVES

##### Piper PA-23 Aircraft

As a result of a production change incorporated in Piper PA-23 aircraft Serial Numbers 23-1392 and up, eliminating the service difficulty described in airworthiness directive 57-10-2 (22 F.R. 6050), the directive is being amended to show applicability to Serial Numbers 23-1 to 23-1391, inclusive, and to add Service Bulletin No. 152A covering the production change, to the final statement.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507) is amended as follows:

57-10-2 Piper PA-23 aircraft as it appeared in 22 F.R. 6050 is amended:

1. By changing the applicability statement to read "Applies to Model PA-23 aircraft Serial Numbers 23-1 to 23-1391, inclusive."

2. By changing the final parenthetical statement to read "(Piper Immediate Action Service Bulletin No. 152 and Piper Service Bulletin No. 152A cover this subject.)"

This amendment shall become effective upon the 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 18, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-4652; Filed, May 23, 1960; 8:49 a.m.]

[Reg. Docket No. 399; Amdt. 156]

**PART 507—AIRWORTHINESS DIRECTIVES**

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

Four cases of fatigue cracking of the main landing gear retraction jack fork ends on Vickers Viscount 745D and 810 Series aircraft necessitate inspection of the fork ends to preclude further failures.

Since safety is affected by this type of failure, 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:

Vickers. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required prior to August 1, 1960, or upon accumulating 3,000 flights. (It will be necessary for operators to maintain a record of flights in order to ascertain compliance with this AD. If past records are unavailable, the number of flights prior to this AD may be estimated.)

Due to failures of the main landing gear retraction jack fork ends, the following must be accomplished on fork ends, P/N 74450-95 and 74450-411.

(a) Conduct a magnetic particle inspection or equivalent for cracks in the fork ends, P/N's 74450-95 and 74450-411. If no cracks are found, the parts may be retained in service without further special inspection.

(b) If cracks are found the fork ends must be replaced or reworked in accordance with Vickers-Armstrongs PTL No. 171, Issue 4 (for 745D) or PTL 31, Issue 4 (for 810) prior to further flight. Parts reworked and returned to service are not subject to further special inspection.

(Vickers-Armstrongs PTL No. 171, Issue 4 (for 745D) and PTL No. 31, Issue 4 (for 810) cover this 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 18, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-4624; Filed, May 23, 1960; 8:45 a.m.]

**SUBCHAPTER E—AIR NAVIGATION REGULATIONS**

[Airspace Docket No. 59-NY-25]

**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**

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

On December 23, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10462) stating that the Federal Aviation Agency was proposing to amend Parts 600 and 601 of the regulations of the Administrator by designating the United States portion of a VOR Federal airway No. 488, and its associated control areas, between Sherbrooke, Quebec, Canada, and Millinocket, Maine.

As stated in the notice, the Federal Aviation Agency proposed to designate the United States portion of Victor 488 from the Sherbrooke VOR to the Millinocket VOR. The designation of this airway will establish a VOR route between Montreal, Canada, and Millinocket via Sherbrooke, to serve VOR equipped aircraft operating between these terminals. The Department of Transport of the Canadian Government has agreed to the designation of this VOR airway and will designate the portion which lies within Canadian territory. Subsequent to publication of the notice, the Canadian DOT requested that this airway be designated as an extension of VOR Federal airway No. 300 instead of being designated as a new airway with the assigned number Victor 488. As an extension to Victor 300, it will embrace the same airspace described in the notice and will provide continuity in airway numbering and more efficient flight planning. Therefore, the action taken herein will result in the United States portion of Victor 300, and its associated control areas, being extended from the United States-Canadian Border to the Millinocket VOR via a direct radial from the Sherbrooke VOR to the Millinocket VOR. Additionally, the caption of Victor 300 has been amended to more accurately describe the portions of this airway which overlie United States territory.

The notice stated that the Sherbrooke VOR would be installed approximately March 15, 1960. However, subsequent to the publication of the Notice, information was received from DOT, Canada, that the commissioning date of this facility has been rescheduled to approximately August 1, 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.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), §§ 600.6300 (24 F.R. 10526) and 601.6300 (24 F.R. 10605) are amended to read:

§ 600.6300 VOR Federal airway No. 300 (Sault Ste. Marie, Mich., to Wiarton, Ont., and Sherbrooke, Que., to Millinocket, Maine).

From the Sault Ste. Marie, Mich., VOR to the Wiarton, Ont., VOR, including a north alternate. From the Sherbrooke, Que., VOR to the Millinocket, Maine, VOR.

§ 601.6300 VOR Federal airway No. 300 control areas (Sault Ste. Marie, Mich., to Wiarton, Ont., and Sherbrooke, Que., to Millinocket, Maine).

All of VOR Federal airway No. 300, including a north alternate.

These amendments shall become effective 0001 e.s.t. August 25, 1960.

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

Issued in Washington, D.C., on May 17, 1960.

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

[F.R. Doc. 60-4625; Filed, May 23, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-44]

**PART 608—RESTRICTED AREAS**

**Designation of Restricted Area/Military Climb Corridor**

On October 10, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8271) stating that the Federal Aviation Agency proposed to designate a Restricted Area/Military Climb Corridor at Richards-Gebaur AFB, Grandview, Mo.

As stated in the notice, the military climb corridor, designated as a restricted area, will confine the high-speed, high rate-of-climb Century series air defense aircraft, departing from the AFB on active air defense missions, within a relatively small area. The restricted area will provide protection for high speed air defense aircraft and other users of the airspace during the climb phase of the air defense aircraft mission. This action will result in a Restricted Area/Military Climb Corridor being designated at Richards-Gebaur AFB, extending along the Richards-Gebaur AFB ILS localizer south course from a point 5 statute miles south of the airbase to a point 32 statute miles south of the airbase, 2 statute miles wide at the beginning and 4.6 statute miles wide at the outer extremity. The lower limits in graduated steps will extend from 3,100 feet MSL to 20,100 feet MSL. The upper limits will extend from 16,100 feet MSL to 27,000 feet MSL. Time of use will be

continuous. The controlling agency will be the Federal Aviation Agency radar facility, Naval Air Station, Olathe, Kansas. The controlling agency will authorize aircraft to operate within the climb corridor when not in use by active air defense aircraft.

The Air Transport Association objected to the proposed designation of the Restricted Area/Military Climb Corridor as the climb corridor will conflict with a portion of VOR Federal airways No. 13 and 71 between Kansas City, Mo., and Butler, Mo. The ATA suggested that the climb corridor be established west of Richards-Gebaur AFB extending over the Olathe Naval Air Station LFR.

The Federal Aviation Agency recognizes that the alignment of the climb corridor as proposed in the Notice will be restrictive to traffic on Victor airways 13 and 71 between Kansas City and Butler, as pointed out by the ATA. However, these airways are being retained as presently designated and will be available for use when the climb corridor is not restricted for military operations. When this climb corridor is in use, airway traffic will be rerouted via V-13E which will entail an increase of 3 miles distance-wise between these two points.

The decision to establish the Restricted Area/Military Climb Corridor to the south was made after careful consideration of the many factors involved. This determination was based on the requirement to direct the scrambles away from the Kansas City terminal traffic, and the heavy concentration of traffic overflying the Kansas City terminal area. This determination was also based on the noise and safety factor in avoiding the heavily populated area generally north of the Richards-Gebaur AFB; the need to avoid the adjacent civil airports located southwest, through west, to the northwest of the air base, and the desire to minimize the possibility of conflict with the heavy concentration of air traffic operating to and from Olathe Naval Air Station. Also, a climb corridor east or southeast would cause a conflict with VOR Federal airways No. 13 E, 161, 205 W and 205; VOR/VORTAC jet routes No. 33 and 41; L/MF jet routes No. 33 and 41; and the terminal operations at Whiteman Air Force Base. The suggestion to establish the climb corridor to the west which would conflict with the heavy concentration of air traffic operating to and from Olathe Naval Air Station was previously mentioned. If the climb corridor was located to the west of Richards-Gebaur AFB, as suggested, the aircraft would be climbing into the "cone of confusion" approaching the radar antenna located at Olathe NAS. This would prevent the Olathe RAPCON from continuously monitoring the aircraft in the climb corridor. Also, this situation would be extremely hazardous considering the heavy concentration of high performance aircraft operating in the Olathe NAS terminal area.

In addition, the ATA requested a public hearing in order to express and elaborate its views if the Administrator decided to establish the Restricted Area/Military Climb Corridor as pro-

posed. It is the policy of the Federal Aviation Agency to grant a hearing when oral presentation is necessary to explain or illustrate views in such detail that written presentation is impractical or insufficient; when new evidence or new arguments have come to light which were previously unavailable and it is more expeditious to consider them orally; or when any other reasonable showing is made. The Federal Aviation Agency does not consider that a public hearing in this case will be of assistance in providing it with additional information as the ATA has already attended four public meetings on this subject and has been given ample opportunity to submit its comments and suggestions.

No other 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.

In consideration of the foregoing, the following action is taken:

In § 608.33 *Missouri* (23 F.R. 8583) add the following:

GRANDVIEW, MO., (RICHARDS-GEBAUR AFB)  
RESTRICTED AREA/MILITARY CLIMB CORRIDOR  
(R-549) (KANSAS CITY CHART)

*Description.* That area centered on the Richards-Gebaur AFB ILS localizer south course, with a width of 2 statute miles beginning at a point 5 statute miles south of the airbase and extending to a width of 4.6 statute miles at 32 statute miles south of the airbase.

*Designated altitudes.* That area described above shall include the airspace between the following altitudes only:

3,100 feet MSL to 16,100 feet MSL from a point 5 statute miles south of the airbase to a point 6 statute miles south of the airbase.

3,100 feet MSL to 25,100 feet MSL from a point 6 statute miles south of the airbase to a point 7 statute miles south of the airbase.

3,100 feet MSL to 27,000 feet MSL from a point 7 statute miles south of the airbase to a point 10 statute miles south of the airbase.

7,100 feet MSL to 27,000 feet MSL from a point 10 statute miles south of the airbase to a point 15 statute miles south of the airbase.

11,100 feet MSL to 27,000 feet MSL from a point 15 statute miles south of the airbase to a point 20 statute miles south of the airbase.

16,100 feet MSL to 27,000 feet MSL from a point 20 statute miles south of the airbase to a point 25 statute miles south of the airbase.

20,100 feet MSL to 27,000 feet MSL from a point 25 statute miles south of the airbase to a point 32 statute miles south of the airbase.

*Time of designation.* Continuous.

*Controlling agency.* FAA Radar Facility—Olathe Naval Air Station, Olathe, Kans.

This amendment 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 18, 1960.

JAMES T. PYLE,  
Acting Administrator.

[F.R. Doc. 60-4626; Filed, May 23, 1960; 8:46 a.m.]

## Title 21—FOOD AND DRUGS

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

#### PART 121—FOOD ADDITIVES

#### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

##### POLYPROPYLENE

In § 121.2501 *Polypropylene* paragraph (c) (2) is amended by changing paragraph 1d under B. Total solids determination—*Apparatus* to read as follows:

d. Hotplate, electric—For the heating surface, use an 8¼-inch circle of ⅜-inch aluminum plate. Back with a 6 x 7 inch piece of ⅜-inch aluminum plate space by about 1-inch strips of ⅜-inch aluminum at each end. Round off any extending corners to the same diameter as the top plate.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: May 16, 1960.

[SEAL]

JOHN L. HARVEY,  
Deputy Commissioner  
of Food and Drugs.

[F.R. Doc. 60-4640; Filed, May 23, 1960; 8:48 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### SUBCHAPTER E—ORGANIZED RESERVES

#### PART 561—ARMY RESERVE

##### Periods of Enlistment

Paragraph (d) of § 561.30 is amended to read as follows:

§ 561.30 Periods of enlistment.

(d) *Eight-year period under 262, AFRA, as added by RFA.* (1) Until 1 August 1963, male applicants under the age of 18 years and 6 months may be enlisted for 8-year periods.

(i) Enlistments of high school students more than one year prior to expected date of graduation are not authorized.

(ii) Periods of delay prior to entering on initial ACDUTRA are prescribed in AR 140-220 (Administrative regulations pertaining to active duty training).

(iii) In addition to six months ACDUTRA, Ready Reserve participation as shown in acknowledgment of understanding of service requirements required.

(2) Until August 1, 1963, male applicants between the ages of 18½ and 26 may be enlisted for 8 years when they meet requirements in this subparagraph. Prior to signing the oath of enlistment the individual must understand that he will be required to perform a 3-month period of active duty for training within 120 days.

(i) Engaged in civilian occupations in critical defense supporting industry or

in a research activity affecting national defense.

- (ii) Classified I-A by Selective Service.
- (iii) Selected as eligible for enlistment as critically skilled personnel by Selective Service authorities.

[C 4, AR 140-111, Apr. 26, 1960] (Sec. 280, 70A Stat. 15; 10 U.S.C. 280)

BRUCE EASLEY,  
Major General, U.S. Army,  
Acting The Adjutant General.

[F.R. Doc. 60-4620; Filed, May 23, 1960; 8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### SUBCHAPTER T—SALE, LEASE OR USE AND ACQUISITIONS

[Circular 2043]

#### PART 259—DISPOSAL OF TIMBER AND MINERAL RESOURCES

On pages 9393-9399 of the FEDERAL REGISTER of November 21, 1959, there was published a notice and text of proposed amendments of § 259.1 to 259.27 Part 259 of Title 43, Code of Federal Regulations. The purpose of the proposed regulations is to provide for the sale and free use of timber and mineral materials from public lands in accordance with the authority specified in the amendments to the Act of July 31, 1947 (61 Stat. 681), as amended by the Act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601, et seq.).

As a result of the comments received within the 30-day period, which were carefully considered, the proposed regulations are hereby adopted with the following changes set forth below:

1. The following language is added at the end of the sentence in § 259.2(d) to provide for the sale of manzanita, mesquite, cactus and other non-forest vegetative material—"or any other vegetative material".

2. In § 259.5(a) line 5, the word "county" is substituted for the word "area" to conform more closely with the wording in the Act.

3. In § 259.5(a) line 6, the word "timber" is substituted for the word "material" to conform to vegetative disposals under Subpart A.

4. Section 259.8(a) is revised to read: "When it is determined by the authorized officer to be in the public interest, he may sell, without advertising or calling for bids, timber not exceeding \$1,000 in appraised value: *Provided*, That not more than 100 M board feet, or if the timber is not measured in board feet a quantity not exceeding \$1,000 in appraised value, may be sold to or for the benefit of any one person, partnership, association, or corporation in any period of twelve consecutive months. This change revises the present limitation of two sales in a year to permit a number of small sales, for the benefit of purchasers of small volumes of timber. It is preferable to

state the limitation on negotiated sales in any one year, when possible, in terms of board feet volume rather than in monetary terms in view of changing prices of timber. When timber is not measured in terms of board foot volumes, it is preferable to limit non-competitive sales of such timber to any person in one year to \$1,000.

5. Section 259.15(b) (1) is revised to read as follows: "Installment payments shall be determined by the authorized officer. For sales up to \$100,000 installment payments shall be not less than 10 percent. For sales over \$100,000 installment payments shall be not less than \$10,000. For cruise sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of cutting operations; *Provided, however*, That prior to paying the second installment the authorized officer may permit the purchaser to cut and remove timber on the location over which a road must be constructed under this contract, if the purchaser pays for such timber in advance. Each subsequent installment shall be due and payable without notice when the value of the timber cut, equals the sum of all the payments minus the first installment. The total amount of the purchase price must be paid prior to 60 days before the expiration date of the contract. The purchaser shall not be entitled to a refund on a cruise sale even though the amount of timber cut, removed or designated for cutting may be less than the estimated total volume shown in the contract." This change is made to provide relief to a timber sale purchaser paying for timber in installments when a road is required to be built through timber sold under the contract. The provisions that installment payments for sales over \$100,000 shall be not less than \$10,000 is made to permit the authorized officer in an appropriate case to reduce the size of installment payments in large sales below the requirement in other sales that payments be not less than 10 percent of the contract price.

This amendment will become effective as set forth below at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

ELMER F. BENNETT,  
Acting Secretary of the Interior.

MAY 19, 1960.

Sec.	
259.1	Statutory authority.
259.2	Definitions.
	<b>Subpart A—Disposal of Timber</b>
	<b>SALES</b>
259.3	Timber sales which must be made under other statutes; rights under other statutes.
259.4	Statement of timber disposal policy.
259.5	Advertising.
259.6	Sales, appraisal, and measurement.
259.7	Competitive sales.
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259.9	Qualification of bidders and purchasers.
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259.11	Conduct of sales.
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259.13	Contract forms.

Sec.	
259.14	Performance bonds.
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259.16	Time for cutting.
259.17	Extension of time.
259.18	Reappraisals.
259.19	Assignments.

#### FREE USE

259.20	Free use of timber under other statutes.
259.21	Application for permit.
259.22	Issuance and cancellation of free-use permits; bond.
259.23	Conservation practices.
259.24	Duration, extension, and termination of permit.
259.25	Removal by agent.
259.26	Removal of improvements.
259.27	Permits to governmental units.
259.28	Permits to non-profit organizations.
259.29	Permits to mining claimants.

#### Subpart B—Disposal of Mineral Materials

##### SALES

259.41	Mineral materials disposal policy; limitations.
259.42	Advertising.
259.43	Sales, appraisals, and measurement.
359.44	Competitive sales.
259.45	Negotiated sales.
259.46	Qualification of bidders and purchasers.
259.47	Deposits with bids.
259.48	Conduct of sales.
259.49	Award of contract.
259.50	Contract forms.
259.51	Performance bonds.
259.52	Payments.
259.53	Time for removal.
259.54	Extension of time.
259.55	Reappraisals.
259.56	Assignments.

#### FREE USE

259.57	Application for permit.
259.58	Issuance and cancellation of free-use permit; removal of materials; bond.
259.59	Conservation practices.
259.60	Duration, extension, and termination of permit.
259.61	Removal by agent.
259.62	Removal of improvements.
259.63	Permits to Government units.
259.64	Permits to non-profit organizations.

#### Subpart C—General

259.71	Trespass; penalty for unauthorized removal of materials.
259.72	Appeals.

#### § 259.1 Statutory authority.

(a) The act of July 31, 1947 (61 Stat. 681), as amended by the act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601 et seq.) authorizes the disposal of timber on public lands of the United States, if the disposal of such timber (1) is not otherwise expressly authorized by law including, but not limited to, the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315), as amended, and the United States mining laws, (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. The act authorizes the United States, its permittees, and licensees to use so much of the surface of any unpatented mining claim located under the mining laws of the United States after July 23, 1955 as may be necessary for access to adjacent land for the purposes of such permittee or licensee. Such use of the surface shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto.

(b) The act of July 23, 1955, supra, authorizes the disposal of mineral materials, including, but not limited to, the common varieties of sand, stone, gravel, pumice, pumicite, cinders, and clay on public lands of the United States, including, for the purpose of this act, land described in the acts of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a), and June 24, 1954 (68 Stat. 270); if the disposal of such materials (1) is not otherwise expressly authorized by law, including, but not limited to, the act of June 28, 1934, supra, as amended, and the United States mining laws, and (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. The act of April 15, 1954 (68 Stat. 53) provides that for the purpose of aiding in the development of building materials essential to the growth of Alaska, the Secretary of the Interior is authorized, in his discretion, for a period of fifteen years from the date of approval of that act and pursuant to the provision of the act of July 31, 1947, supra, to permit the removal of deposits of siliceous volcanic ash, commonly known as pumicite, from such area as he may designate along the shores of Shelikof Strait in Katmai National Monument, Alaska.<sup>1</sup>

(c) Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, County, municipality, water district or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under the regulations in this part only with the consent of such other Federal department or agency or of such State, or local governmental unit. The act of July 23, 1955, supra, provides, however, that the Secretary of Agriculture shall dispose of materials under the act of July 31, 1947, as amended, supra, if such materials are on lands administered by the Secretary of Agriculture for national forest purposes or for purposes of title III of the Bankhead-Jones Farm Tenant Act or where withdrawn for the purpose of any other function of the Department of Agriculture.

(d) The provisions of the act of July 23, 1955, supra, in disposal of vegetative or mineral materials do not apply to lands in any national park, or national monument or to any Indian lands or lands set aside or held for the use or benefit of Indians including lands over which jurisdiction has been transferred to the Department of the Interior by Executive Order for the use of Indians.

(e) The act of July 23, 1955, supra, authorizes the Secretary of the Interior in his discretion to permit free use of timber or mineral materials by any Fed-

eral or State governmental agency, unit or subdivision, including municipalities, or any association or corporation not organized for profit for use other than for commercial or industrial purposes or resale.

(f) The act of July 23, 1955, supra, also provides in part, under certain circumstances, for a mining claimant to obtain free-use of timber from other Bureau administered land in lieu of timber disposed of by the Bureau from lands covered by his mining locations. See § 259.29.

#### § 259.2 Definitions.

Except as the context may otherwise indicate, as the terms are used herein and in contracts hereunder:

(a) "Bureau" means Bureau of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Authorized Officer" means the Government official who has been duly authorized to sign a contract for the sale of forest products and mineral materials from public lands or to supervise operations and take action under such contract.

(d) "Timber" means standing trees, downed trees, logs or forest products of any type or any other vegetative material.

(e) "Mineral Materials", as defined in section 1 of the act of July 23, 1955, include, but are not limited to "common varieties" of sand, stone, gravel, pumice, pumicite, cinders, clay and other similar materials.

(f) The word "act" when used in this part refers to the act of July 31, 1947, as amended by the act of July 23, 1955 (69 Stat. 367; 30 U.S.C., sec. 601, et seq.).

(g) "Set-aside" means a designation of timber for a sale which is limited to bidding by small business concerns as defined by the Small Business Administration in its regulations (13 CFR Part 121) under authority of section 15 of the Small Business Act of July 18, 1958 (72 Stat. 384).

### Subpart A—Disposal of Timber

#### SALES

#### § 259.3 Timber sales which must be made under other statutes; rights under other statutes.

(a) The sale of timber will be made under other acts where there is any such statutory authority.

(1) Dead or down timber, or timber which has been seriously or permanently damaged by forest fires, shall not be sold under the act but rather under the act of March 4, 1913 (37 Stat. 1015; 16 U.S.C. 614, 615), as amended, and the regulations thereunder (Part 284 of this chapter). However, where such dead, down, or damaged timber is intermingled with timber which is live, standing, and of merchantable size and character, and it is not feasible to sell the two classes of timber separately, consideration will be given to the sale of both classes in a single transaction under the act and the regulations in this part.

(2) The sale of timber in Alaska where statutory authority under other acts ex-

ists, will be made under such statutes and the applicable regulations (Part 79 of this chapter); however, sales of more than a two-year supply of timber for domestic use in Alaska may be authorized under the act.

(3) Timber on the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands will be sold under the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a) (see Part 115 of this chapter).

(4) The limitations on free-use timber privileges under the act are set out in §§ 259.20, 259.27, 259.28, and 259.29.

(b) (1) Timber sales may not be made under the act from public lands on which there are valid, existing claims to the land, by reason of settlement, entry, or similar rights obtained under the public land laws, except as provided under subparagraph (2) of this paragraph; (2) timber sales may be made on unpatented mining claims which were located after July 23, 1955, or if the Government's right to manage the surface resources under the act has been established pursuant to Part 185 of this chapter or the claim has been declared invalid under the proceedings set forth in Part 221 of this chapter or other proceedings; (3) if the sale of timber is consistent with such interest in the land, as in the case of lawful grazing or mining use, the timber may be sold under the act under such conditions as the authorized officer, in his discretion, may specify.

#### § 259.4 Statement of timber disposal policy.

(a) In the sale of timber it shall be the policy of the Department to (1) dispose of timber in such a manner and in conformance with sound timber management principles as to obtain maximum permanent benefits and in addition, dispose of forest products under the principles of sustained-yield management; (2) provide in contracts and permits for all necessary and reasonable protection, restoration, and rehabilitation of the surface resources, including but not limited to such actions as revegetation, reforestation, erosion control during and after operations, protection from fire, insect, disease, wind and other injury.

(b) No timber sale shall be made under this part where the authorized officer determines that the aggregate damages to public lands and resources will exceed the benefits derived from such sale.

(c) Timber may be sold upon the request of any interested party or upon the authorized officer's own initiative.

#### § 259.5 Advertising.

(a) Advertisements of timber appraised at more than \$1,000 shall be published on the same day weekly for four consecutive weeks in a newspaper of general circulation within the county in which the timber is located, and a notice of the sale shall be posted in a conspicuous place in the office where bids are to be submitted.

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which the timber is being offered, the species, estimated

<sup>1</sup>Pursuant to the act of April 15, 1954, supra, and for a period of 15 years from the date thereof, unless sooner revoked, the following described area is designated for the removal of deposits named in the act:

Those lands within ¼ mile of mean high tide in Geographic Harbor at latitude 58°08' N., longitude 154°36' W., the harbor lying within Amalik Bay on Shelikof Strait, Katmai National Monument, Alaska.

Appropriate conditions for the protection of the monument will be included in the contracts.

quantities, the unit of measurement, appraised prices, time and place for receiving and opening of bids, minimum deposit required, the access situation, the method of bidding, which tracts of timber, if any, have been designated as set-asides, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

(c) Advertisement of timber appraised at \$1,000 or less may be published or posted at the discretion of the authorized officer.

#### § 259.6 Sales, appraisal, and measurements.

(a) No timber, other than that designated in the contract, shall be severed or extracted unless it has been marked or otherwise designated in advance and written permission given by the authorized officer and payment made therefor; however, where necessary to protect life or property, the authorized officer may grant oral authority to cut danger trees. He may permit removal of such danger trees after payment is received therefor.

(b) All timber to be sold shall be appraised and in no case shall be sold at less than the appraised value.

(c) Timber to be sold shall be measured by tree cruise, log scale, weight, or such other form of measurement as the authorized officer determines to be in the public interest.

#### § 259.7 Competitive sales.

All sales, other than those specified in § 259.8 shall be made only after inviting competitive bids through publication and posting. Sales shall not be held sooner than 1 week after the last advertisement. No competitive sales shall be offered by the authorized officer unless there is access to the sale area to anyone who is qualified to bid.

#### § 259.8 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, timber not exceeding an estimated volume of 100 M board feet or, if the timber is not measured in board feet, a quantity not exceeding \$1,000 in appraised value, to or for the benefit of any one person, partnership, association or corporation in any period of twelve consecutive months.

(b) When it is determined by the authorized officer to be in the public interest or to be necessary for the normal conduct of logging, he may sell additional timber within or near the contract area to the holder of a timber sale contract, during the term thereof, without advertising or calling for bids, providing the appraised value of the additional timber does not exceed \$1,000. Such sale for additional timber shall be made at not less than the appraised price at the time of the additional sale.

#### § 259.9 Qualifications of bidders and purchasers.

A bidder or purchaser for the sale of timber must be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens,

(c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the States in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 259.10. To qualify for bidding to purchase set-aside timber, the bidder must accompany his deposit with a self-certification statement that he is qualified as a small-business concern as defined by the Small Business Administration (13 CFR Part 121).

#### § 259.10 Deposits with bids.

Sealed bids must be accompanied by a deposit of not less than 10 percent of the appraised value of the timber. For timber offered at oral auction, bidders must make a deposit of not less than 10 percent of the appraised value prior to the opening of the bidding. The authorized officer, may, in his discretion, require larger deposits. Deposits may be in the form of cash, money orders, bank drafts, cashier's or certified checks made payable to the Bureau of Land Management, or bid bonds of a corporate surety shown on the approved list of the United States Treasury Department. Upon conclusion of the bidding the bid deposits of all bidders, except the high bidder, shall be returned. Except for corporate surety bid bonds, the deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer.

#### § 259.11 Conduct of sales.

(a) Bidding at competitive sales shall be conducted by the submission of written sealed bids, oral bids, or a combination of both as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bidder shall be determined by oral auction among the high bidders. If no oral bid is made which is higher than the sealed bids, the highest bidder shall then be determined by lot. Except for the first bid, no oral bid will be considered or recorded which is not higher than the highest preceding bid. In oral auction sales the high bidder must confirm his bid in writing immediately upon being declared the high bidder.

(b) At the request of the authorized officer, or the officer conducting the sale, bidders must furnish evidence of qualification in conformance with § 259.9 or if such evidence has already been furnished, make appropriate reference to the record containing it.

(c) Only bids of small business concerns which have filed a self certification statement as required by § 259.9, may be considered for timber sales subject to set-asides. When no such bids are received, the timber may be sold under paragraph (e) of this section in the same manner as timber not previously made subject to a set-aside. When timber subject to a set-aside is not sold for any other reason, the sale may be rescheduled for a set-aside.

(d) When it is in the interest of the Government to do so the authorized officer may reject any or all bids and may waive minor deficiencies in the bids or the timber sale advertisement.

(e) If no bid is received within the time specified in the advertisement of sale, and if the authorized officer determines that there has been no significant rise in the market value of the timber, he may in his discretion, keep the sale open for not to exceed 90 days by posting notice thereof in a conspicuous place in the office where bids are to be submitted. If during such period a written bid is submitted together with the required deposit, for not less than the advertised appraised value, a notice of such bid shall be posted immediately after receipt of the bid for seven successive days in the same office and in the same manner. If no other written bid is received during the seven day posting period, the sole bidder shall be deemed the high bidder. If, however, during such seven day posting period other written bids are received, an oral auction shall be conducted in the usual manner among those who have submitted written bids. The authorized officer shall notify those who have submitted written bids of the time and place of the oral auction. The high written bid shall be considered the initial bid in such oral auction. If there is a tie in the high written bids that are submitted during the seven day posting period and if no higher bid is offered during the oral auction, the party who first submitted the high bid shall be deemed the high bidder.

#### § 259.12 Award of contract.

(a) The authorized officer may require the high bidder to furnish such information as is necessary to determine the ability of the bidder to perform the obligations of the contract. The contract shall be awarded to the high bidder, unless he is not qualified or responsible or unless all bids are rejected. If the high bidder is not qualified or responsible or fails to sign and return the contract together with the required performance bond, the contract may be offered and awarded for the amount of the high bid to the highest of the bidders who is qualified, responsible, and willing to accept the contract.

(b) Within 30 days after receipt of the contract the successful bidder shall sign and return the contract, together with any required performance bond; *Provided*, That the authorized officer may, in his discretion, extend such period an additional 30 days if the extension is applied for in writing and granted in writing within the 30-day period. If the successful bidder fails to comply within the stipulated time, his bid deposit shall be forfeited as liquidated damages.

#### § 259.13 Contract forms.

All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as road construction, logging methods, silvicultural practices, reforestation, snag felling, slash disposal, fire prevention, fire control, and protection of improvements, watersheds and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

**§ 259.14 Performance bonds.**

(a) A performance bond of not less than 20 percent of the total contract price will be required for contracts of \$2,000 or more. When the total contract price is less than \$2,000, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

- (1) Bond of a corporate surety shown on the approved list issued by the United States Treasury Department and executed on an approved standard form; or
- (2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or
- (3) Cash bond; or
- (4) Negotiable securities of the United States.

(b) Where the timber sale contract has required a bond in connection with construction of a road, the authorized officer may, upon satisfactory completion of the road construction, reduce the amount of the total performance bond by the amount of all or a portion of the estimated road construction costs: *Provided, however,* That the total amount of the performance bond shall, in no event, be reduced below 20 percent of the total contract price.

**§ 259.15 Payments.**

(a) No part of any timber sold may be cut or removed unless advance payment has been made as provided in the contract.

(b) For sales under \$2,000 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of \$2,000 or more the authorized officer may allow payment by installments as provided below.

(1) Installment payments shall be determined by the authorized officer. For sales up to \$100,000 installment payments shall be not less than 10 percent. For sales over \$100,000 installment payments shall not be less than \$10,000. For cruise sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of cutting operations: *Provided, however,* That prior to paying the second installment the authorized officer may permit the purchaser to cut and remove timber on the location over which a road must be constructed under this contract, if the purchaser pays for such timber in advance. Each subsequent installment shall be due and payable without notice when the value of the timber cut, equals the sum of all the payments minus the first installment. The total amount of the purchase price must be paid prior to 60 days before the expiration date of the contract. The purchaser shall not be entitled to a refund on a cruise sale even though the amount of timber cut, removed or designated for cutting may be less than the estimated total volume shown in the contract.

(2) For scale sales installment payments shall be made in the same manner as in subparagraph (1) of this paragraph, except that if it is de-

termined after all designated timber has been cut that the total payments made under the contract exceed the total value of the timber measured, such excess shall be returned to the purchaser within 60 days after such determination is made.

**§ 259.16 Time for cutting.**

Time for cutting timber sold shall not exceed a period of two years except that such time for cutting may be extended as provided in § 259.17.

**§ 259.17 Extension of time.**

If the purchaser shows that his delay in cutting was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than 30 days prior to the expiration date of the time for cutting but not earlier than 90 days prior thereto. Additional extensions may be granted if the purchaser submits the same type of written request not later than 30 days prior to the expiration date of an extension but not earlier than 90 days prior thereto. No extension may be granted without reappraisal as provided in § 259.18.

**§ 259.18 Reappraisals.**

If an extension is granted as provided in § 259.17 each species of timber remaining on the contract area, title to which has not passed to the purchaser, shall be reappraised by the authorized officer. Such reappraised prices shall become the new unit prices for the purpose of computing the reappraised total purchase price except that the new unit prices shall not be less than the unit prices that were in effect during the original time for cutting or previous extension.

**§ 259.19 Assignments.**

(a) The purchaser may not assign the contract or any interest therein without the written approval of the authorized officer. An assignment shall contain all the terms and conditions agreed upon by the parties thereto.

(b) The authorized officer will not approve any proposed assignment involving contract performance unless the assignee (1) is authorized to transact business in the State in which the timber is located; (2) submits such information as is necessary to assure the authorized officer of his ability to fulfill the contract; and (3) furnishes a performance bond as required by § 259.14 or obtains a commitment from the previous surety to be bound by the assignment when approved. Upon approval of an assignment by the authorized officer, the assignee shall be entitled to all the rights and subject to all the obligations under the contract, and the assignor shall be released from any further liability under the contract.

**FREE USE****§ 259.20 Free use of timber under other statutes.**

Free use of timber will be allowed under the following circumstances:

(a) In certain States by settlers on public lands, citizens and bona fide resi-

dents of the State, and corporations doing business in the State (Part 284 of this chapter), and

(b) In Alaska by actual settlers, residents, individual miners, prospectors for minerals, churches, hospitals and charitable institutions (Part 79 of this chapter).

(c) Free-use of timber by Governmental units, nonprofit organizations, and certain mining claimants may be authorized under the act and these regulations only when such applicants cannot qualify under the provisions of Parts 284 and 79 of this chapter.

**§ 259.21 Application for permit.**

An application for permit in duplicate, must be made on a form approved by the Director and filed in any office or with any employee of the Bureau of Land Management authorized to issue a permit. A free-use permit may be applied for without formal application for the removal of not more than three Christmas trees upon oral or written request.

**§ 259.22 Issuance and cancellation of free-use permits; bond.**

(a) A free-use permit, on a form approved by the Director, shall incorporate the provisions, if any, governing the selection, removal, and use of timber. Free-use permits shall not be issued when the applicant owns or controls an adequate supply of the material to meet his needs. Timber applied for must be for the applicant's own use and may not be bartered or sold. No timber may be cut or removed until the permit is issued.

(b) The authorized officer may cancel a permit if the permittee fails to observe its terms and conditions or the regulations, or if the permit has been issued erroneously.

(c) A bond satisfactory to the authorized officer may be required as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

(d) A free-use permit issued under this part may not be assigned.

**§ 259.23 Conservation practices.**

All free-use timber disposed of under the act shall be severed, or removed in accordance with sound forestry and conservation practices so as to preserve to the maximum extent feasible all scenic, recreational, watershed and other values of the land and resources. In the free-use disposal of timber, cutting and removal shall be accomplished in such a manner as to leave the stand in condition for continuous production.

**§ 259.24 Duration, extension, and termination of permit.**

(a) Permits shall be granted for periods not to exceed 6 months and shall terminate on the expiration dates shown therein unless extended by the authorized officer. An extension not to exceed 3 months may be granted by the authorized officer. The permittee must notify the officer-in-charge upon completion of removal.

(b) Permits issued for the benefit of a mining claimant under authority of the act shall terminate upon transfer of the

ownership of the claim by any means. Reapplication must be made by the new claimants.

#### § 259.25 Removal by agent.

A free-use permittee may procure the timber by agent. Such agent shall not, however, be paid more than fair compensation for the time, labor and money expended in procuring timber and processing it, and no charge shall be made by such agent for the timber itself. No part of the timber may be used in payment for services in obtaining it or processing it.

#### § 259.26 Removal of improvements.

Upon expiration of the permit period the permittee will be given 90 days to remove equipment, personal property and any improvements he has placed on the land, except roads, culverts and bridges are to be left in place, in good condition and will become the property of the United States upon expiration of the 90-day removal period.

#### § 259.27 Permits to governmental units.

A free-use permit may be issued to a Federal or State agency, unit, or subdivision, including a municipality, only if the applicant makes a satisfactory showing to the authorized officer that such timber will be used for a public project. The right to remove timber under the permit is not revoked or terminated by (a) any subsequent claim or entry of the lands, (b) by any mining claim located prior to the issuance of the permit if such location was subsequent to July 23, 1955, nor (c) by any other mining claim as to which the Government's right to manage the surface resources has been established in accordance with Part 185 of this chapter, or other proceedings.

#### § 259.28 Permits to non-profit organizations.

A free-use permit issued to a non-profit association or corporation may not provide for the disposition of more than \$100 worth of timber to the permittee during any one calendar year. Such permittee is granted a right to remove timber as against a subsequent applicant who may wish to obtain the same timber by purchase. The timber may not be removed by the permittee after the land has been included in a valid claim by reason of settlement, entry, or similar rights obtained under the public land laws.

#### § 259.29 Permits to mining claimants.

(a) Free-use timber shall be granted under paragraph (f) of § 259.1 to the record owner of a valid mining claim if such claim was located subsequent to July 23, 1955, or if the Government's right to manage the surface resources has been established in accordance with Part 185 of this chapter, and he requires more timber than is available to him for prospecting, mining, or processing operations on his claim or claims after disposition of timber from his claim by the United States. The claimant shall be entitled to the free-use of timber for such requirements from the nearest timber administered by the Bureau which

is substantially equal in kind and quantity to the timber estimated by the authorized officer at the time of application to have been disposed of by the Bureau from the claim. Upon issuance of a patent to the mining claims, the free-use privilege will automatically terminate.

(b) The application required to be filed for free-use timber under this section must contain a statement that the timber applied for will be used for bona fide prospecting, mining, or prospecting operations on the claim or group of claims designated in the application. The applicant must also include a statement that he is the record owner of a valid mining claim or claims from which the timber was originally removed by the Government.<sup>1</sup>

### Subpart B—Disposal of Mineral Materials

#### SALES

#### § 259.41 Mineral materials disposal policy; limitations.

(a) Mineral material disposals may not be made under the act from public lands on which: (1) There are valid, existing claims to the land by reason of settlement, entry, or similar rights obtained under the public land laws; (2) there are any unpatented mining claims located either before or after July 23, 1955, which have not been cancelled by appropriate legal proceedings; (3) there are valid unpatented mining claims located on or after July 23, 1955, for valuable minerals that are not a "common variety", occurring in, or associated with "common variety" minerals.

(b) No sale of material shall be made under this part where the authorized officer determines that the aggregate damages to public lands and resources will exceed the benefits derived from such disposal. Sound conservation practices shall be exercised by all permittees or purchasers in the removal of materials under the provisions granted by this part.

(c) Mineral materials may be sold upon the request of any interested party or upon the authorized officer's own initiative.

#### § 259.42 Advertising.

(a) Advertisements of material appraised at more than \$1,000 shall be published on the same day weekly for four consecutive weeks in a newspaper of general circulation within the area in which the material is located, and a notice of the sale shall be posted in a conspicuous place in the office where bids are to be submitted.

(b) The advertisement of sale shall state the location by legal description of the tract or tracts on which the material is being offered, the kind of material, estimated quantities, the unit of measurement, appraised prices, time and place for receiving and opening of bids,

<sup>1</sup> 18 U.S.C. 1001 makes it a crime for any person, knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

minimum deposit required, the access situation, the method of bidding, the office where additional information may be obtained, and such additional information as the authorized officer may deem necessary.

(c) Advertisement of materials appraised at \$1,000 or less may be published or posted at the discretion of the authorized officer.

#### § 259.43 Sales, appraisals, and measurements.

(a) No materials, other than that designated in the contract or permit, shall be extracted unless designated in advance and written permission given by the authorized officer and payment made therefor.

(b) All materials to be sold shall be appraised and in no case shall it be sold at less than the appraised value.

(c) Such mineral material shall be measured by volume, weight, or truck tally, or combination of these methods, or such other form of measurement as the authorized officer determines to be in the public interest.

#### § 259.44 Competitive sales.

All sales, other than those specified in § 259.45 shall be made after inviting competitive bids through publication and posting in conformance with § 259.42. Sales shall not be held sooner than one week after the last advertisement. No competitive sales shall be offered by the authorized officer unless there is access to the sale area which is available to anyone who is qualified to bid.

#### § 259.45 Negotiated sales.

(a) When it is determined by the authorized officer to be in the public interest, he may sell at not less than the appraised value, without advertising or calling for bids, mineral materials not exceeding \$1,000 in appraised value; provided, that the total aggregate sales made to or for the benefit of any one person, partnership, association, or corporation in any period of twelve consecutive months may not exceed \$1,000.

(b) Non-exclusive disposals may be made under this paragraph from the same deposit within areas designated by the State Supervisor for this purpose. These pit sites are not to exceed 40 acres in size, except they may be enlarged as the initial 40-acre site is depleted. Such permits issued for sale or removal of material from established community pit sites will constitute a superior right to remove the material as against any subsequent claim or entry of the lands.

#### § 259.46 Qualification of bidders and purchasers.

A bidder or purchaser for the sale of mineral materials must be (a) an individual who is a citizen of the United States; (b) a partnership; (c) an unincorporated association composed wholly of such citizens; or (d) a corporation authorized to transact business in the States in which the mineral material is located. A bidder must also have submitted a deposit in advance of the sale as required by § 259.47.

**§ 259.47 Deposits with bids.**

Sealed bids must be accompanied by a deposit of not less than 10 percent of the appraised value of the mineral materials. For mineral materials offered at oral auction, bidders must make a deposit of not less than 10 percent of the appraised value prior to the opening of the bidding. The authorized officer may, in his discretion, require larger deposits. Deposits may be in the form of cash, money orders, bank drafts, cashier's or certified checks made payable to the Bureau of Land Management, or bid bonds of a corporate surety shown on the approved list of the United States Treasury Department. Upon conclusion of the bidding the bid deposits of all bidders, except the high bidder, shall be returned. Except for corporate surety bid bonds, the deposit of the successful bidder will be applied on the purchase price at the time the contract is signed by the authorized officer.

**§ 259.48 Conduct of sales.**

(a) Bidding at competitive sales shall be conducted by the submission of written sealed bids, oral bids, or a combination of both as directed by the authorized officer. In the event of a tie in high sealed bids, the highest bidder shall be determined by oral auction among the high bidders. If no oral bid is made which is higher than the sealed bids, the highest bidder shall then be determined by lot. Except for the first bid, no oral bid will be considered or recorded which is not higher than the highest preceding bid. In oral auction sales the high bidder must confirm his bid in writing immediately upon being declared the high bidder.

(b) At the request of the authorized officer, or the officer conducting the sale, bidders must furnish evidence of qualification in conformance with § 259.46 or if such evidence has already been furnished, make appropriate reference to the record containing it.

(c) When it is in the interest of the Government to do so the authorized officer may reject any or all bids and may waive minor deficiencies in the bids or the mineral material sale advertisement.

**§ 259.49 Award of contract.**

(a) The authorized officer may require the high bidder to furnish such information as is necessary to determine the ability of the bidder to perform the obligations of the contract. The contract shall be awarded to the high bidder, unless he is not qualified or responsible or unless all bids are rejected. If the high bidder is not qualified or responsible or fails to sign and return the contract together with the required performance bond, the contract may be offered and awarded for the amount of the high bid to the highest of the bidders who is qualified, responsible, and willing to accept the contract.

(b) Within 30 days after receipt of the contract the successful bidder shall sign and return the contract, together with any required performance bond: *Provided*, That the authorized officer may, in his discretion, extend such period an additional 30 days if the extension is

applied for in writing and granted in writing within the first 30-day period. If the successful bidder fails to comply within the stipulated time, his bid deposit shall be forfeited as liquidated damages.

**§ 259.50 Contract forms.**

All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as road construction, protection of improvements, and watersheds and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

**§ 259.51 Performance bonds.**

(a) A performance bond of not less than 20 percent of the total contract price will be required for contracts of \$2,000 or more. When the total contract price is less than \$2,000, bond requirements, if any, will be in the discretion of the authorized officer. The performance bond may be:

(1) Bond of a corporate surety shown on the approved list issued by the U.S. Treasury Department and executed on an approved standard form; or

(2) Personal surety bond, executed on an approved standard form if the authorized officer determines the principals and bondsmen are capable of carrying out the terms of the contract; or

(3) Cash bond; or

(4) Negotiable securities of the United States.

(b) Where the materials sale contract has required a bond in connection with construction of a road, the authorized officer may, upon satisfactory completion of the road construction, reduce the amount of the performance bond by the amount of all or a portion of the estimated road construction costs: *Provided, however*, That the total amount of the performance bond shall, in no event, be reduced below 20 percent of the total contract price.

**§ 259.52 Payments.**

(a) No part of any mineral materials sold may be removed unless advance payment has been made as provided in the contract.

(b) For sales under \$2,000 the full amount shall be paid prior to or at the time the authorized officer signs the contract. For sales of \$2,000 or more the authorized officer may allow payment by installments as provided below:

(1) Installment payments shall be determined by the authorized officer but in no case shall be less than 10 percent of the total purchase price. For fixed unit sales the first installment shall be paid prior to or at the time the authorized officer signs the contract. The second installment shall be paid prior to the commencement of removal operations. Remaining installments shall be due and payable without notice whenever the value of the material removed shall equal the sum of the second and subsequent installments paid by the purchaser. The total amount of the purchase price must be paid prior to 60 days before the expiration date of the con-

tract. The purchaser shall not be entitled to a refund on a fixed unit sale even though the amount of material removed or designated for removal may be less than the estimated total volume shown in the contract.

(2) For sales of all the material within a specified area, or sales for duration of production, installment payments shall be made in the same manner as in subparagraph (1) of this paragraph, except that if it is determined after all designated material has been removed that the total payments made under the contract exceed the total value of the material measured, such excess shall be returned to the purchaser within 60 days after such determination is made.

**§ 259.53 Time for removal.**

Time for removing materials sold, except that sold under a duration of production contract, shall not exceed a period of two years except that such time for removal may be extended as provided in § 259.54.

**§ 259.54 Extension of time.**

If the purchaser shows that his delay in removal was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Such written request must be received not later than 30 days prior to the expiration date of the time for removal but not earlier than 90 days prior thereto. Additional extensions may be granted if the purchaser submits the same type of written request not later than 30 days prior to the expiration date of an extension but not earlier than 90 days prior thereto. No extension may be granted without reappraisal as provided in § 259.55.

**§ 259.55 Reappraisals.**

If an extension is granted as provided in § 259.54, mineral materials remaining on the contract area, title to which has not passed to the purchaser, shall be reappraised by the authorized officer. Such reappraised prices shall become the new unit prices for the purpose of computing the reappraised total purchase price except that the new unit prices shall not be less than the unit prices that were in effect during the original time for removal or previous extension.

**§ 259.56 Assignments.**

(a) The purchaser may not assign the contract or any interest therein without the written approval of the authorized officer. An assignment shall contain all the terms and conditions agreed upon by the parties thereto.

(b) The authorized officer will not approve any proposed assignment involving contract performance unless the assignee (1) is authorized to transact business in the State in which the mineral material is located; (2) submits such information as is necessary to assure the authorized officer of his ability to fulfill the contract; and (3) furnishes a performance bond as required by § 259.51 or obtains a commitment from the previous surety to be bound by the assignment when approved. Upon approval of an

assignment by the authorized officer, the assignee shall be entitled to all the rights and subject to all the obligations under the contract, and the assignor shall be released from any further liability under the contract.

#### FREE USE

##### § 259.57 Application for permit.

An application for permit, in duplicate, must be made on Bureau approved forms and filed in any office or with any employee of the Bureau of Land Management authorized to issue a permit.

##### § 259.58 Issuance and cancellation of free-use permit; removal of materials; bond.

(a) A free-use permit, on a form approved by the Director, shall incorporate the provisions, if any, governing the selection, removal, and use of the mineral materials. Free-use permits shall not be issued where the applicant owns or controls an adequate supply of the mineral materials to meet his needs. The material applied for must be for the applicant's own use and may not be bartered or sold. No mineral materials shall be removed until the permit is issued.

(b) The authorized officer may cancel a permit if the permittee fails to observe its terms and conditions, or if the permit has been issued erroneously.

(c) A bond satisfactory to the authorized officer may be required as a guarantee of faithful performance of the provisions of the permit and applicable regulations.

(d) A free-use permit issued under this part may not be assigned.

##### § 259.59 Conservation practices.

All mineral materials disposed of under free-use shall be extracted or removed in accordance with approved conservation practices so as to preserve to the maximum extent feasible all scenic, recreational, watershed, and other values of the land and resources.

##### § 259.60 Duration, extension, and termination of permit.

Permits shall be granted for periods not to exceed one year and shall terminate on the expiration dates shown therein unless extended by the authorized officer, such extension not to exceed one year. However, the authorized officer may grant permits to any Federal, State, or Territorial agency, unit, or subdivision, including municipalities, for such periods as he may deem appropriate, not to exceed 10 years. The permittee must notify the officer in charge upon completion of removal.

##### § 259.61 Removal by agent.

A free-use permittee may procure the mineral materials by agent. Such agent shall not, however, be paid more than fair compensation for the time, labor, and money expended in procuring the material and processing it, and, no charge shall be made for the material itself. No part of the material may be

used in payment for services in obtaining or processing it.

##### § 259.62 Removal of improvements.

Upon expiration of the permit period the permittee will be given 90 days to remove equipment, personal property and any improvements he has placed on the land, except roads, culverts and bridges are to be left in place, in good condition and will become the property of the United States upon expiration of the 90-day removal period.

##### § 259.63 Permits to governmental units.

A free-use permit may be issued to any Federal or State agency, unit, or subdivision, including municipalities, without limitation as to the number of permits or as to the value of the mineral materials to be extracted or removed, provided that the applicant makes a satisfactory showing to the authorized officer that such materials will be used for a public project. Such permits will constitute a superior right to remove the materials and will continue in full force and effect, in accordance with its terms and provisions, as against any subsequent claim to or entry of the lands.

##### § 259.64 Permits to non-profit organizations.

A free-use permit issued to a non-profit association or corporation may not provide for the disposition of mineral materials having an in-place value in excess of \$100 during any one calendar year. Such permittee is granted a right to remove materials while the permit remains in force and, in accordance with the provisions of the permit, as against a subsequent applicant who may wish to obtain the same mineral material by purchase. However, the mineral materials may not be removed by the permittee after the land has been included in a valid claim by reason of settlement, entry, mining location or similar rights obtained under the public land laws.

#### Subpart C—General

##### § 259.71 Trespass; penalty for unauthorized removal of materials.

The extraction or removal of timber or mineral materials from public lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department is an act of trespass. Trespassers will be liable in damages to the United States, and will be subject to prosecution for such unlawful acts.

##### § 259.72 Appeals.

A party aggrieved by any official action regarding his application, contract, or permit, may appeal from the decision of any subordinate official to the Director of the Bureau of Land Management, and from the Director's decision to the Secretary of the Interior pursuant to the rules of practice (Part 221 of this chapter).

[F.R. Doc. 60-4686; Filed, May 23, 1960; 8:51 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 13425; FCC 60-580]

#### PART 3—RADIO BROADCAST SERVICES

##### Table of Assignments; Television Broadcast Stations (Casper and Lander, Wyo.)

1. The Commission has under consideration its Notice of Proposed Rule Making, FCC 60-231 (RM-133), issued on March 11, 1960, and the petition for rule making filed on August 13, 1959 by Harriscope, Inc., Irving B. Harris, Donald P. Nathanson, and Benjamin Berger, a special partnership doing business as Rocky Mountain Tele Stations, licensee of television station KTWO-TV, Casper, Wyoming.

2. Petitioner proposed that § 3.606 be amended so as to shift Channel 6 from Casper to Lander, Wyoming and delete Channel 17 in that community. In its Notice of Proposed Rule Making, however, the Commission invited comments on a proposal which would not remove Channel 6 from Casper but would merely assign Channel 7 to Lander without any other changes in the Table of Assignments.

3. The time for filing comments in this proceeding expired April 18, 1960. No comments, either in support of or in opposition to the Commission's proposal were filed.

4. In support of its request petitioner had urged that Lander is presently without television service; that a VHF channel would provide a more efficient service due to the mountainous terrain around that community; that substantial area and population would thus be served; and that in the event the proposal was adopted it would file an application for a new television station in Lander. In view of the foregoing and the fact that Channel 7 may be assigned to Lander in full conformance with our rules and without depriving Casper, the second largest city in the State of Wyoming, of its second VHF channel, we are of the view that the assignment of Channel 7 to Lander would serve the public interest and should be adopted.

5. Authority for the action taken herein is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

6. Accordingly, the petition of Rocky Mountain Tele Stations is denied insofar as it requests the assignment of Channel 6 to Lander and: *It is ordered*, That effective June 30, 1960, the Table of Assignments, contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the community named is concerned, to read as follows:

City	Channel No.
Lander, Wyo.....	7, 17—

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: May 18, 1960.

Released: May 19, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

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

[F.R. Doc. 60-4665; Filed, May 23, 1960;  
8:50 a.m.]

[FCC 60-581]

### PART 3—RADIO BROADCAST SERVICES

#### Television Broadcast Stations; Type- Approved, Frequency, and Modulation Monitors; Extension of Time For Compliance

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of May 1960;

The Commission having under consideration the provisions of §§ 3.690(a) and 3.691(a) of its rules, which require that television broadcast stations have type-approved frequency and modulation monitors at the station whenever the transmitter is in operation;

It appearing, that the time specified for compliance with the requirements of §§ 3.690(a) and 3.691(a) was last extended to June 1, 1960 and

It further appearing, that since the requirement of §§ 3.690(a) and 3.691(a) have not, as yet, been placed in effect and in view of the possibility that these rules may be amended in the near future, the Commission deems it desirable to postpone the effective date of these sections of the rules for an additional period of six months; and

It further appearing, that the amendment herein ordered is procedural in nature and effects a relaxation of the rules; therefore, compliance with the requirements of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that authority for the amendments adopted herein is contained in sections 303(e), (f) and (r) and 4(i) of the Communications Act of 1934, as amended;

*It is ordered*, That, effective June 1, 1960, §§ 3.690(a) and 3.691(a) are amended by substituting the date "November 30, 1960", in the parenthetical sentence to each of these sections.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 19, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

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

[F.R. Doc. 60-4664; Filed, May 23, 1960;  
8:50 a.m.]

[Docket No. 13195; FCC 60-592]

### PART 10—PUBLIC SAFETY RADIO SERVICES

#### Station Identification Requirements Applicable to Certain Mobile Stations

1. On September 9, 1959, the Commission adopted a Notice of Proposed Rule Making (FCC 59-949) in the above-entitled matter which was released on September 11, 1959, and published in the FEDERAL REGISTER of September 16, 1959 (24 F.R. 7469). This Notice, which was engendered by a petition filed by the Indiana Chapter, Associated Police Communication Officers, Inc., proposed to amend Section 10.152 of the rules so as to permit certain public safety mobile units to identify their transmissions by means of unit identifiers in lieu of call signals. Interested parties were afforded ample opportunity to submit comments either in support of or in opposition to the rule amendments proposed. The time for filing comments has now expired.

2. In response to the Notice, comments were filed by the Associated Police Communication Officers, Inc.; the American Municipal Association; the City of Los Angeles, California; the City of San Diego, California; the City of Greensboro, North Carolina; Mr. Foster G. Strong, Radio Engineer, City of Long Beach, California; and jointly by the Illinois State Police and the Illinois Chapter of the Associated Police Communication Officers, Inc. The first three of the above organizations expressed unqualified support for the proposed rule changes. The comments filed by the City of San Diego did not oppose the proposal, but questioned whether the modified rule would, (a) permit the optional use of call signals for mobile station identification; and (b) continue the present provision whereby one unit of a mobile station may transmit the identification for its associated units at thirty minute intervals. The answer to both questions is in the affirmative and the conditions therefor are set forth in paragraphs (a) and (f) of the proposed rule.

3. The City of Greensboro, North Carolina, supports the proposal generally but questions the need for that part of paragraph (f) which requires mobile units to transmit an identification once each thirty minutes of the operating period, as a minimum. On this question, it should be noted that the rule presently in effect contains this requirement, and, hence, the proposed rule involves no change in this respect. It should be pointed out that this is not to be construed to mean that an operator, whose activities cause him to be away from the vehicle for periods greater than thirty minutes, would be required to return periodically to the car for the purpose of transmitting the identification. For the purpose of this rule, the phrase "once each thirty minutes of the operating period" relates to

the operating period of the mobile station and not to that of the vehicle. In view of this, it may be assumed that the criticism advanced by the City of Greensboro would disappear.

4. The comments of Mr. Forest G. Strong are in general accord with the proposal, but suggest that the identification by assigned call signal remain the primary method of mobile station identification. Mr. Strong further suggests that "the use of the physical names of these political subdivisions, if carelessly used under CONELRAD conditions [would] provide a more detrimental and exacting identification than [would such inadvertent] use of the assigned station call signs now prohibited under 10.166(e) (3) of the Conelrad regulations." In the opinion of the Commission this factor does not appear to present a serious obstacle, since information on regularly assigned call signals is readily available to the public. Hence, careless use of either method of identification during a CONELRAD radio alert would be likely to compromise radio security.

5. The State of Illinois groups direct their remarks only to paragraph (f) of the proposed § 10.152. They request that the amendment be modified to permit a mobile station to transmit the "identification at the beginning and/or end of each transmission or exchange of transmissions" rather than requiring identification at the end of such transmissions as is proposed. This question was given careful consideration in paragraph 8 of the Notice of Proposed Rule Making, inasmuch as it was one of the recommendations made by the petitioner. At that time it was concluded that optional identification at the beginning or at the end of transmissions would not provide adequately for the needs of ready identification of transmissions, both from the standpoint of ordinary monitoring activities and as an aid in resolving interference complaints. In view of these factors, the Commission is led to conclude that the public interest would not be served by relaxing the present requirement, that of identifying at the ends of transmissions. This, however, will not preclude identification at the beginning as well as at the end of transmissions, if the licensee so desires.

6. The Notice of Proposed Rule Making also invited comments as to whether the proposed less stringent procedures for mobile unit identification should be extended as well to base stations. Of the seven comments received, two opposed the use of means other than assigned call signals for base station identification. While the remaining five expressed no direct opinion on the question, the general substance of their comments would indicate support for the amendment as proposed. Consequently, no action is being taken herein to relax base station identification procedures.

7. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules

in the manner proposed. In addition, an editorial amendment of § 10.166(e) (3) is necessitated by the action taken herein, since it refers to present paragraph (b) of § 10.152. This paragraph has been redesignated as paragraph (c) by the amendment effectuated hereby to § 10.152.

8. Accordingly: *It is ordered*, Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 10 of the Commission's rules is amended, effective June 24, 1960, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 18, 1960.

Released: May 19, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

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

Part 10 is amended as follows:

1. Section 10.152 is amended to read as follows:

§ 10.152 Station identification.

(a) Except as provided in paragraph (b) of this section, the required identification for stations in these services shall be the assigned call signal.

(b) In lieu of meeting the requirements of paragraph (a) of this section, mobile units in the Police, Fire, Forestry-Conservation, Highway Maintenance, and Local Government Radio Services operating above 30 Mc may identify by means of an identifier other

than the assigned call signal: *Provided*, That such identifier contain, as a minimum, the name of the governmental subdivision under which the unit is licensed; that the identifier is not composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal; and provided further that the licensee notifies, in writing, the Engineer in Charge of the District in which the unit operates concerning the specific identifiers being used by the mobile units.

(c) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation: *Provided, however*, Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(d) Except as indicated in paragraphs (e), (f), and (g) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(e) A mobile station authorized to the licensee of the associated base station and which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

(f) Except as indicated in paragraph (e) of this section, a mobile station shall transmit an identification at the end of each transmission or exchange of trans-

missions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to transmit the identification at thirty-minute intervals, a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the identification. For the purpose of this paragraph the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a State where the district is administratively established for the service in which the radio system operates.

(g) A station which is transmitting for telemetering purposes or for the actuation of devices, or which is retransmitting by self-actuating means a radio signal received from another radio station or stations, will be considered for exemption from the requirements of paragraph (d) of this section in specific instances, upon request.

2. Section 10.166(e) (3) is amended to read as follows:

§ 10.166 CONELRAD rules for the Public Safety Radio Services.

\* \* \* \* \*

(e) \* \* \*

(3) No station identification shall be given either by announcement of FCC Assigned Call Signals or announcement of station location. If identification is necessary to carry on the service, special station or unit identifiers may be used in accordance with § 10.152(c).

[F.R. Doc. 60-4663; Filed, May 23, 1960; 8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

National Park Service

[ 36 CFR Part 7 ]

### YELLOWSTONE NATIONAL PARK

#### Special Regulations; Boats

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1958 ed., sec. 3); it is proposed to amend 36 CFR 7.13 as set forth below. The purpose of the amendments is to close Shoshone Lake, the Lewis River Channel and certain parts of Yellowstone Lake to machinery-propelled boats, and to prescribe accident reporting and other procedures regulating the operation of boats on the various waters in Yellowstone National Park, Wyoming.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, National Park Service, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER. In addition, and to further facilitate participation of the public in this rule making process, a representative of the Secretary of the Interior will conduct Public Hearings at 10:00 a.m., on August 23, 1960 in the Auditorium, Cody, Wyoming; on August 24, in the Lake Hotel, Yellowstone National Park; and on August 26 in the Civic Auditorium, Idaho Falls, Idaho. Interested persons are invited to be present and to submit, either verbally or in writing, any comments, or suggestions they may have in regard to the proposed amendments.

ROGER ERNST,

Assistant Secretary of the Interior.

MAY 18, 1960.

1. Paragraph (d) of § 7.13 is amended to read as follows:

(d) *Boats*—(1) *Permit*. A permit, issued by the Superintendent, is required for all boats operated upon the waters of the Park. This permit must be carried within the boat at all times when any person is aboard, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter. A violation of the regulations, or disregard of the conditions outlined, by the permittee or other persons using the boat, will constitute cause for the cancellation of the permit.

(2) *Commercial operation*. No privately-owned boat shall be used to carry passengers for hire or be used in any commercial operation unless the owner thereof shall be authorized to do so by

permit or contract issued by the Superintendent or other authorized officer.

(3) *Size and type limitation*. (i) The following water-borne craft are prohibited from being placed or operated upon the waters of the park:

(a) All privately-owned boats more than 32 feet in length, measured in a straight line through the middle of the boat from bow to stern.

(b) Sailboats of any type.

(c) Houseboats or any similar type watercraft.

(d) All watercraft propelled by airplane type propellers.

(4) *Removal of boats*. All privately owned boats, boat trailers, water-borne craft of any kind, buoys, mooring floats, and anchorage equipment will not be permitted in the Park prior to May 1 and must be removed by November 1.

(5) *Boat equipment and requirements*. All boats operated upon Park waters are subject to the following requirements:

(i) All boats operated from sunset to sunrise must display the following lights:

(a) *Class A (less than 16 feet in length)*. A clear white light showing all around the horizon and visible for one mile.

(b) *Class I (16 feet to less than 26 feet in length)*. Same light requirement as Class A boats.

(c) *Class II (26 feet to 32 feet in length)*. Individual running lights, red to port and green to starboard, visible for one mile. A bright white light aft showing all around the horizon and visible for two miles, also a bright white light forward showing from right ahead to two points abaft the beam on both sides and visible for two miles.

(ii) Boats shall carry an approved warning device as follows:

(a) *Class A boats*. No warning device required.

(b) *Class I boats*. A hand, mouth, or power operated whistle or horn, capable of producing a blast for at least two seconds duration and audible for a distance of at least one-half mile.

(c) *Class II boats*. Same requirement as Class I boats except the device shall be capable of producing a blast audible for a distance of at least one mile.

(iii) All boats shall carry an approved life preserver, ring buoy, or buoyant cushion in good and serviceable condition for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in emergency.

(iv) All boats having built-in or inboard motors shall carry approved fire extinguishers as follows:

(a) *Class A and Class I boats*. One hand operated and portable fire extinguisher. This may be a 1¼-gallon foam, 4-pound carbon-dioxide, one quart carbon-tetrachloride or a 4-pound dry chemical, or larger.

(b) *Class II boats*. One fixed carbon-dioxide system and two hand operated,

portable extinguishers of an approved type, such as 2½-gallon foam, 15-pound carbon-dioxide or 12-pound dry chemical.

(v) All boats powered with inboard motors which use gasoline as fuel are subject to the following conditions:

(a) Carburetors shall be fitted with an approved device which has demonstrated its ability to arrest backfire.

(b) In decked over boats, two or more ventilators are required, with cowls or equivalent capable of removing gases from bilges in engine and fuel tank compartments. Bilges must be kept free of oil, gasoline and grease.

(c) Drip pans are required on all up-draft carburetors. These pans are to be equipped with a fine mesh wire screen cover to prevent the overflow from catching fire.

(d) The fuel tank filler pipe must be outside the cabin and cockpit, and so constructed that spillage of gasoline will not flow into the bilge. A vent of not less than ⅜-inch diameter is required from the fuel tank to the outside of the hull and shall be independent of the filler pipe.

(vi) Galley and cabin stoves shall be of such type and installation as approved by the Underwriters Laboratories.

(a) Approved types of galley stoves are those which use coal, charcoal, wood, alcohol, fuel oil or kerosene as fuel. Stoves which use gasoline as fuel are prohibited.

(b) Where a galley or cabin stove is installed, it shall be firmly attached, insulated from the woodwork, and so located that it does not endanger flammable material.

(vii) General conditions.

(a) Fuel lines must be intact with no leaks and must have a shut-off valve installed near the fuel tank in a readily accessible location.

(b) Electrical wiring must be in good condition.

(c) All boats must carry a bailing bucket on board in addition to whatever bilge pumps or automatic bailing devices with which they may be equipped.

(d) All boats 26 feet or less in length shall be equipped with oars and oarlocks, or carry a sweep adequate to propel the boat in case of engine failure.

(6) *Special limits for small boats*. (i) The following water-borne craft are prohibited from being operated at a distance of more than one-quarter mile from the shore of any lake:

(a) All boats 16 feet or less in length measured in a straight line through the middle of the boat from bow to stern.

(b) Water-borne craft, such as, canoes, kayaks, and rafts regardless of length.

(7) *Rules of the road*. The following rules of the road shall be observed:

(i) No person shall operate water-borne craft of any type or description upon any body of water in a reckless or

negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use any water-borne craft.

(ii) In narrow channels, boats shall be operated to the right of the middle of the channel.

(iii) When approaching or passing other water craft, speed shall be reduced so that the wake does not endanger the other craft.

(iv) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(v) Right-of-way shall be given larger craft.

(8) *Registration of trip.* The operator of each boat leaving for an extended trip, including trips of overnight duration, shall register both upon departure and return at one of the following Ranger Stations: Lake Ranger Station, Fishing Bridge Ranger Station, West Thumb Ranger Station, South Entrance Station, Old Faithful Ranger Station, and East Entrance Station.

(9) *Sanitation.* No fish offal, bottles, cans, rubbish, or refuse shall be discarded from any boat or water-borne craft into Park waters, or from docks, or from the shores, or otherwise placed in the waters of the Park. Boats, not equipped with or utilizing sewage and waste treatment equipment (consisting of shredding, retention, and chlorination prior to discharge) are hereby prohibited from discharging head and or galley wastes within one-half mile of low water mark or any domestic water supply intake. All boats or other water-borne craft operating in Park waters shall have a receptacle aboard to contain rubbish and refuse which shall be emptied only into facilities provided at docks or other specified places.

(10) *Limitation of boat loads.* No boat or other water-borne craft shall be operated on any water of the Park with more than a safe capacity load of passengers or supplies. The following formula shall be used to determine the maximum safe load for boats and other water-borne craft: Maximum safe load (in pounds) =  $7\frac{1}{2} \times \text{length in feet measured through the middle of the boat} \times \text{width in feet amidship} \times \text{depth in feet amidship}$ .

(11) *Restricted landing areas.* Prior to July 1 of each year, the landing of any water-borne craft on the shore of Yellowstone Lake between Trail Creek and Beaverdam Creek is prohibited, except upon written permission of the Superintendent.

(12) *Restricted waters.* (i) All water-borne craft of every type or description are prohibited on the following lakes or lagoons:

- (a) Sylvan Lake.
- (b) Eleanor Lake.
- (c) Twin Lakes.
- (d) Beach Springs Lagoon.

(ii) All water-borne craft of every type or description are prohibited on all Park streams (as differentiated from lakes and lagoons), except as follows:

(a) Yellowstone River from the outlet of Yellowstone Lake to a point 300 yards below Fishing Bridge.

(b) On the channel between Lewis Lake and Shoshone Lake, which shall be open only to hand-propelled water craft.

(iii) Machinery-propelled water-borne craft of every type or description, including, but not limited to, boats, canoes and rafts are prohibited on all waters of the Park except Lewis Lake, the Yellowstone River from the outlet of Yellowstone Lake to a point 300 yards below Fishing Bridge, and those portions of Yellowstone Lake not restricted under subdivision (iv) of this subparagraph, which follows.

(iv) The operation of any machinery-propelled water-borne craft of every type or description, including but not limited to boats, canoes and rafts, is prohibited on the South East, South and Flat Mountain Arms of Yellowstone Lake, more particularly described as follows:

*South Arm:* South of a line beginning at a point marked by a monument located on the west shore of the South Arm and approximately one and one-quarter ( $1\frac{1}{4}$ ) miles southerly from Plover Point, said point being approximately  $44^{\circ}21'52.3''$  North Latitude and  $110^{\circ}21'05.6''$  West Longitude, then running approximately 8,720 feet due east to a point marked by a monument located on the east shore of the South Arm, said point being approximately  $44^{\circ}21'52.3''$  North Latitude and  $110^{\circ}19'05''$  West Longitude.

*South East Arm:* South of a line beginning at a point marked by a monument located on the north bank of the mouth of Alluvium Creek on the east shore of the South East Arm, said point being approximately  $44^{\circ}22'54.6''$  North Latitude and  $110^{\circ}14'25.8''$  West Longitude, then running due west approximately 9,480 feet to a point marked by a monument on the west shore of the South East Arm, said point being approximately  $44^{\circ}22'54.6''$  North Latitude and  $110^{\circ}16'38.4''$  West Longitude.

*Flat Mountain Arm:* West of a line beginning at a point marked by a monument located on the south shore of the Flat Mountain Arm and approximately 10,200 feet easterly from the South West tip of the said Arm, said point being approximately  $44^{\circ}22'13.2''$  North Latitude and  $110^{\circ}25'07.2''$  West Longitude, then running approximately 2,800 feet due north to a point marked by a monument located on the north shore of the Flat Mountain Arm, said point being approximately  $44^{\circ}22'70''$  North Latitude and  $110^{\circ}25'07.2''$  West Longitude.

(v) The disturbance in any manner or by any means of the birds inhabiting or nesting on either of the islands designated as "Molly Islands" in the South East Arm of Yellowstone Lake is prohibited; nor shall any boat, canoe, or any other water-borne craft approach the shoreline of said islands within one-quarter mile.

(vi) Water skiing, boat racing, towing of aircraft, water pageants, and spectacular or unsafe types of recreational use are prohibited on all park waters.

(vii) These restrictions shall not apply to craft operated for administrative purposes or in emergencies.

(13) *Accidents.* (i) In the case of collision, accident or other casualty involving any water-borne craft, it shall be the duty of the operator, if and so far as he can do so without serious danger to his own water-borne craft, or persons aboard, to render such assistance as may be practicable and necessary to other persons affected by the collision, accident, or casualty. He shall also give

his name, address, and identification of his water-borne craft to any person injured and to the owner of any property damaged.

(ii) A report of any collision or accident that results in property damage in excess of \$25.00 or injury or death to any person or persons must be made to the nearest ranger station within 24 hours.

[F.R. Doc. 60-4632; Filed, May 23, 1960; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 969]

### HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

#### Approval of Expenses and Fixing of Rate of Assessment for 1960-61 Fiscal Year

Consideration is being given to the following proposals submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 69 (7 CFR Part 969) regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed \$6,900 will be necessarily incurred by said committee during the fiscal year April 1, 1960, through March 31, 1961, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles avocados shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of three cents (\$0.03) per bushel, or equivalent quantity of avocados handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated: May 18, 1960.

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing  
Service.

[F.R. Doc. 60-4644; Filed, May 23, 1960; 8:49 a.m.]

## [ 7 CFR Part 998 ]

[Docket No. AO-259-A3]

**MILK IN CORPUS CHRISTI, TEXAS,  
MARKETING AREA****Notice of Recommended Decision and  
Opportunity To File Written Exceptions  
to Proposed Amendments  
to Tentative Marketing Agreement  
and Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Corpus Christi, Texas on February 18, 1960, pursuant to notice thereof which was issued on February 10, 1960 (25 F.R. 1344).

The material issues on the record of the hearing relate to:

1. The establishment of a separate class and pricing provision for milk used to produce Cheddar cheese;
2. Whether an emergency exists with respect to issue No. 1 which warrants the omission of a recommended decision of the Deputy Administrator, Agricultural Marketing Service, and the opportunity for filing exceptions thereto;
3. The revision of the location differentials applicable at Kingsville, and Falfurrias, Texas;
4. The elimination of the volume limitation that applies to route distribution of Class I milk by a producer-handler; and
5. The revision of the provision relating to marketing services.

An emergency decision on issues No. 1 and No. 2 was issued by the Assistant Secretary on March 22, 1960 (25 F.R. 2541) and an order amending the order on the matter was issued by him on March 28, 1960 (25 F.R. 2724).

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issues No. 1 and No. 2 were considered previously.

3. No consideration is being given to issue No. 3 inasmuch as no evidence was presented with respect to it.

4. The volume limitation that presently applies to route distribution of Class I milk in the marketing area by a producer-handler should be eliminated.

The present producer-handler definition includes any person who produces milk and operates an approved plant, but who receives no milk from other dairy farmers and disposes during the month of less than a daily average of 3,300 pounds of Class I milk on routes in the marketing area. If such a person distributes an average of 3,300 pounds or more per day, he becomes a fully regulated handler and becomes subject to the expense of administration of the order pursuant to § 998.85.

In a market such as Corpus Christi, which includes an individual-handler pooling provision, the only significance of the present limitation is whether the producer-handler has to pay the administrative assessment on the milk of his own production which he distributes. The few cents per hundredweight involved would be of little or no importance to the proper functioning of the order. No other Federal order, with an individual-handler type pool, contains such a limitation provision on a producer-handler.

It is concluded that the proposal should be adopted.

5. The present marketing services provision should be continued without modification.

The order now provides for marketing service deductions by handlers from payments to producers for their milk to provide market information and to check the accuracy of the testing and weighing of producers' milk. The money is paid to the market administrator for performing such services for producers who are not receiving such services from a qualified cooperative association. In the case of producers who are members of a cooperative association, qualified by the Secretary, which is performing such services for its member producers, deductions from the payments to be made to such producers as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, are paid to the cooperative association.

The proposal would broaden the provision relating to payments made to cooperative associations by their members (through deductions from handler payments for milk). It would do this by providing that producers not members of cooperative associations could enter into an agreement with a cooperative association for the performance of certain limited marketing services by the cooperative association and that payments to the cooperative for such services would be made through deductions from the handler payments to such producers.

The proponent has a substantial interest in both milk producing and distributing facilities. Although both facilities are largely owned by the same persons,

the ownership interests are not identical. The proponent said the purpose of the proposal was to enable him to avoid the payment of marketing service charges to the market administrator on the milk which is produced by the production facilities which he controls if he were able to negotiate an agreement with a cooperative association for the performance of such services at a lesser rate than that provided in the order. The cooperative association would assume no responsibility for marketing such milk. It would function merely as an agent to perform the technical service of testing the milk for butterfat content.

The producers' association offered no testimony on the matter. A handler testified in opposition to the proposal.

The marketing services provision in the Corpus Christi order is similar to that contained in most orders in force in the country. Producers under the present provision have the alternatives of receiving marketing services as members of a qualified cooperative association which is a marketing agency for their milk or as non-members. Such alternatives apparently have been adequate to accommodate producers with respect to providing marketing services in accordance with the Act.

Under the applicable statutory provisions, the rendition of marketing services and provision for mandatory deductions from payments to producers to defray the cost thereof, payable to the administrative agency, extend to all producers, except as to those for whom such services are being rendered by a cooperative marketing association meeting specified qualifications. It is clear that such association must be one which is actually engaged in the marketing of milk and that such services are those which are an adjunct to or are associated with the performance of that function. It would not include a service, although similar in nature, that may be rendered by some person, including a cooperative, who does not also have the authority, and who does not actually assume the responsibility of marketing such producers' milk. Thus the proposal, which would permit the rendition of services to the exclusion of the market administrator, independently of the exercise of marketing responsibility, is inconsistent with the policy of the Agricultural Marketing Agreement Act.

It is concluded that the proposal should be denied.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are

supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The following order amending the order regulating the handling of milk in the Corpus Christi, Texas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Amend § 998.15 to read as follows:  
**§ 998.15 Producer-handler.**

"Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from other dairy farmers.

Issued at Washington, D.C., this 19th day of May 1960.

ROY W. LENNARTSON,  
*Deputy Administrator.*

[F.R. Doc. 60-4647; Filed, May 23, 1960;  
 8:49 a.m.]

[ 7 CFR Part 1001 ]

**HANDLING OF LIMES GROWN IN FLORIDA**

**Approval of Expenses and Fixing of Rate of Assessment for 1960-61 Fiscal Year**

Consideration is being given to the following proposals by the Lime Administrative Committee established under the marketing agreement, as amended,

and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that reasonable expenses not to exceed \$6,900 will be necessarily incurred by said committee during the fiscal year April 1, 1960, through March 31, 1961, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles limes shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of four cents (\$0.04) per bushel, or equivalent quantity of limes so handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

Dated: May 18, 1960.

S. R. SMITH,  
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F.R. Doc. 60-4645; Filed, May 23, 1960;  
 8:49 a.m.]

[ 7 CFR Part 1021 ]

**TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS**

**Expenses and Rate of Assessment**

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 121. Said marketing order regulates the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31 as amended; 7 U.S.C. 601-674).

Consideration will be given to any data, views or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following

publication of this notice in the FEDERAL REGISTER.

**§ 1021.202 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to this part (Marketing Order No. 121) to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing order during the fiscal period ending February 28, 1961, will amount to \$20,000.00.

(b) The rate of assessment to be paid by each handler pursuant to this part shall be one cent (\$0.01) per 60-pound crate of tomatoes, or the equivalent quantity thereof in other containers handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in this part.

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

Dated: May 18, 1960.

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

[F.R. Doc. 60-4646; Filed, May 23, 1960;  
 8:49 a.m.]

**FEDERAL AVIATION AGENCY**

[ 14 CFR Part 507 ]

[Reg. Docket No. 396]

**AIRWORTHINESS DIRECTIVES**

**Douglas 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 to include a new airworthiness directive for Douglas DC-6, -6A, and -6B aircraft superseding AD 56-14-3, 21 F.R. 9544, as amended by 22 F.R. 2416, Amendment 1. Service experience has shown that spar cap cracks may occur at a lower number of hours than the 11,000 hours specified in the original directive, and that a service limitation must be placed on the temporary rework accomplished. Accordingly, the proposed directive reflects the changes.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 24, 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

## PROPOSED RULE MAKING

## [ 14 CFR Part 507 ]

[Reg. Docket No. 397]

## AIRWORTHINESS DIRECTIVES

## Lockheed Aircraft

not be given further distribution as a draft release.

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

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

**DOUGLAS.** Applies to all DC-6, DC-6A and DC-6B aircraft, up to Fuselage No. 725, Serial Number 45060, having total flight time in excess of 9,000 hours. Compliance required as indicated.

There have been numerous cases reported of spar cap cracking on DC-6 Series aircraft. Cracks are reported to have occurred in the upper and lower front and center spar caps in the area of wing station 60. In approximately ninety percent of the cases, the cracks occurred in the fore and aft tang of the upper front cap. The cracks usually originate at the spar cap tang attach hole and progress chordwise. In addition, recent service experience has shown that aircraft reworked per the temporary repair outlined in rework drawing 5611387 have a limited service life.

The following procedure must be followed:

(a) Unless already accomplished within the last 1,000 hours' time in service, inspection of the upper and lower front and center spar caps in the area of wing station 60 must be accomplished within the next 450 hours' time in service. Special attention should be given to the spar cap tangs between station 55 and 65.

(b) If no cracks are found, the affected area must be reinspected at intervals not to exceed 1,500 hours' time in service until permanent preventive rework is accomplished per manufacturer's recommendations.

(c) If cracks are found in the upper and lower front and center spar caps in the area of station 60, temporary repairs may be made per Douglas rework drawing 5611387, providing crack limitations contained in DC-6 Service Bulletin 678 have not been exceeded. Aircraft incorporating this rework must be reinspected at intervals not to exceed 750 hours' time in service. Furthermore, aircraft which have been repaired per the temporary rework (drawing No. 5611387) and have accumulated 3,200 hours' time in service since temporary rework was accomplished must be reworked per the permanent preventive rework recommended by the manufacturer, within the next 1,000 hours' time in service.

(d) After permanent repairs are accomplished in accordance with manufacturer's recommendations, subsequent inspections may then be made at normal inspection periods.

(Satisfactory permanent rework instructions are contained in Douglas Service Bulletin DC-6 No. 678 revised December 10, 1958, and Douglas Service Bulletin DC-6 No. 694, revised December 3, 1959. Douglas Alert Service Bulletin A-678 revised September 25, 1959, covers the inspections outlined above.)

This supersedes AD 56-14-3 (21 F.R. 9544 as amended by 22 F.R. 2416).

Issued in Washington, D.C., on May 17, 1960.

OSCAR BAKKE,  
Director,  
Bureau of Flight Standards.

[F.R. Doc. 60-4621; Filed, May 23, 1960; 8:45 a.m.]

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 to include an airworthiness directive requiring modification of the electrical system on Lockheed 188 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 24, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

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

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

**LOCKHEED.** Applies to all Lockheed Model 188 Series aircraft Serial Numbers 1002, 1004 through 1102, 1104 through 1126, 2001 through 2014.

Compliance required not later than December 1, 1960.

Insufficient resistance to flammability of components of the AC Bus Transfer and Distribution Box has resulted in a fire. Temperatures within the AC Bus Transfer and Distribution Box and within the main electrical service center higher than that for which some of the equipment in these locations is designed contributes to over-temperature of the equipment.

Accomplish those portions of Lockheed Electra Alert Service Bulletins 408 and 287, revision 1, summarized below or equivalent:

(a) Within the AC Transfer and Distribution Box, replace the black vinyl covered flexible bus assemblies, which interconnect the circuit breakers, with jumpers made of MIL-W-7139 wire.

(b) Replace, with MIL-W-7139 wire, all size 6, 8, 10 and 12 wires which route within and between sections of the AC Transfer and Distribution Box except power wires to propeller device power relay.

(c) Apply a fire retardant coating, Magna Coatings and Chemical Co. Laminar X-500, to the exposed and accessible portion of the inside and outside of the following impregnated fiberglass boxes: AC Bus Transfer and Distribution Box and its covers; forward load center bus box and cover; forward load center circuit breaker shrouds; flap asymmetry control panel cover; hydraulic pump shroud boxes.

(d) Replace, with moulded melamine terminal blocks, the stepped terminal block assemblies which serve as busses in the three upper compartments of the AC Bus Transfer and Distribution Box.

(e) Remove the short bus bars which serve as extensions for terminals T1 and T3 of relays No. 1 and No. 3.

(f) Replace the bus bar assemblies on terminals T2 of relays 1 and 3 with a type which does not have plastic in compression.

(g) Remove the short bus bars and terminal block assembly from terminals T1, T2 and T3 of relay No. 2.

(h) Modify the terminal block assembly between the external power feeders and relay No. 6 to remove plastic in compression.

(i) Within the AC Bus Transfer and Distribution Box, route the control wires for the generators separate from all power wires.

(j) Relocate the essential bus alternate feeder circuit breaker to a housing to be attached to the left side of the AC Bus Transfer and Distribution Box.

(k) Provide forced air cooling of the electrical load center by installing: two de-stratification fans; ducting from the fans to the AC Bus Transfer and Distribution Box; ducting and controller to regulate overboard dumping of heated air; ventilation holes in the AC Transfer and Distribution Box. Install a shield to cover hydraulic connectors between fuselage stations 540 and 549.5.

(The portions of Lockheed Electra Alert Service Bulletins 405 and 287, revision 1, not summarized above are also approved.)

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

OSCAR BAKKE,  
Director,  
Bureau of Flight Standards.

[F.R. Doc. 60-4622; Filed, May 23, 1960; 8:45 a.m.]

## [ 14 CFR Part 602 ]

[Airspace Docket No. 60-WA-126]

## CODED JET ROUTES

## Revocation of L/MF Jet Routes

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed airspace actions:

A. Revocation of the following L/MF Jet Routes in their entirety.

Jet Route 3-L from Oceanside, Calif., to Spokane, Wash.

Jet Route 4-L from Los Angeles, Calif., to Florence, S.C.

Jet Route 5-L from Los Angeles, Calif., to Seattle, Wash.

Jet Route 7-L from Oakland, Calif., to Red Bluff, Calif., and from Boise, Idaho, to Great Falls, Mont.

Jet Route 11-L from Phoenix, Ariz., to Prescott, Ariz.

Jet Route 13-L from El Paso, Tex., to Great Falls, Mont.

Jet Route 15-L from Wink, Tex., to Albuquerque, N. Mex., and from Salt Lake City, Utah, to Boise, Idaho.

Jet Route 16-L from Portland, Oreg., to Selfridge, Mich., and from Buffalo, N.Y., to Boston, Mass.

Jet Route 17-L from San Antonio, Tex., to Rapid City, S. Dak.

Jet Route 19-L from Garden City, Kans., to Omaha, Nebr.

Jet Route 24-L from Gila Bend, Ariz., to Garden City, Kans., and from Indianapolis, Ind., to Norfolk, Va.

Jet Route 25-L from San Antonio, Tex., to Tulsa, Okla.

Jet Route 28-L from Pueblo, Colo., to Wichita, Kans.

Jet Route 30-L from Sioux Falls, S. Dak., to Washington, D.C.

Jet Route 31-L from Amarillo, Tex., to Pueblo, Colo.

Jet Route 32-L from Elko, Nev., to Duluth, Minn.

Jet Route 33-L from Lake Charles, La., to Minneapolis, Minn.

Jet Route 36-L from Fargo, N. Dak., to Selfridge, Mich.

Jet Route 38-L from Phillipsburg, Pa., to New York, N.Y.

Jet Route 42-L from Dallas, Tex., to Norfolk, Va.

Jet Route 43-L from Key West, Fla., to Dayton, Ohio.

Jet Route 44-L from Las Vegas, Nev., to Prescott, Ariz.

Jet Route 46-L from Tampa, Fla., to West Palm Beach, Fla.

Jet Route 47-L from Charleston, S.C., to Dayton, Ohio.

Jet Route 49-L from Morgantown, W. Va., to Presque Isle, Maine.

Jet Route 51-L from Jacksonville, Fla., to Raleigh, N.C.

Jet Route 52-L from Birmingham, Ala., to Florence, S.C.

Jet Route 55-L from Key West, Fla., to Boston, Mass.

Jet Route 57-L from Greensboro, N.C., to Columbus, Ohio, and from Selfridge, Mich., to Sault Ste. Marie, Mich.

Jet Route 58-L from Sacramento, Calif., to Enterprise, Utah.

Jet Route 59-L from Phillipsburg, Pa., to Syracuse, N.Y.

Jet Route 61-L from Baltimore, Md., to Buffalo, N.Y.

Jet Route 63-L from New York, N.Y., to Syracuse, N.Y.

**B. Revocation of the following segments of L/MF Jet Routes:**

Jet Route 10-L from Phillipsburg, Pa., to New York, N.Y.

Jet Route 12-L from Pittsburgh, Pa., to Baltimore, Md.

Jet Route 20-L from Crestview, Fla., to Melbourne, Fla.

Jet Route 26-L from Kansas City, Mo., to Richmond, Va.

Jet Route 29-L from Dayton, Ohio, to Cleveland, Ohio, and from Buffalo, N.Y., to Presque Isle, Maine.

Jet Route 34-L from Dickinson, N. Dak., to Cleveland, Ohio.

Jet Route 37-L from New Orleans, La., to Biloxi, Miss., and from Albany, N.Y., to Burlington, Vt.

A review of peak-day airway traffic surveys conducted by the Federal Aviation Agency shows a continued decrease in the use of L/MF jet routes. It is also indicated that practically all aircraft which currently utilize the Jet route system are equipped to operate on VOR/VORTAC jet routes established under Subpart D of Part 602, with the exception of a limited number of aircraft operated by the Department of Defense. To permit this limited number of L/MF equipped jet aircraft to operate within the Continental Control Area pending their conversion to VOR/VORTAC, the Federal Aviation Agency proposes to re-

tain a limited number of L/MF jet routes, which would permit L/MF equipped aircraft access to any general area of the Continental United States. Coordination effected by the Federal Aviation Agency with the Army, Navy, Air Force, and civil operators has indicated no objection to the revocation of routes proposed herein. The revocation of the L/MF jet routes proposed herein would facilitate the air traffic management of high altitude jet air traffic through the elimination of duplicate jet route assignments.

In view of the above, it appears that the retention of these L/MF jet routes is unjustified and that the revocation thereof would be in the public interest.

If this action is taken, L/MF Jet Routes No. 3, 4, 5, 7, 11, 13, 15, 16, 17, 19, 24, 25, 28, 30, 31, 32, 33, 36, 38, 42, 43, 44, 46, 47, 49, 51, 52, 55, 57, 58, 59, 61, and 63 would be revoked in their entirety. The following L/MF Jet Route segments would be revoked: Jet Route 10-L from Phillipsburg, Pa., to New York, N.Y.; Jet Route 12-L from Pittsburgh, Pa., to Baltimore, Md.; Jet Route 20-L from Crestview, Fla., to Melbourne, Fla.; Jet Route 26-L from Kansas City, Mo., to Richmond, Va.; Jet Route 29-L from Dayton, Ohio, to Cleveland, Ohio, and from Buffalo, N.Y., to Presque Isle, Maine; Jet Route 34-L from Dickinson, N. Dak., to Cleveland, Ohio; and Jet Route 37-L from New Orleans, La., to Biloxi, Miss., and from Albany, N.Y., to Burlington, Vt.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within 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 Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

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

Issued in Washington, D.C., on May 17, 1960.

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

[F.R. Doc. 60-4623; Filed, May 23, 1960; 8:45 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 2 ]

[Docket No. 10988; FCC 60-587]

### RADIOPOSITIONING STATIONS

#### Use and Allocation of Certain Frequencies

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of May 1960;

The Commission having under consideration the above-captioned matter; and

It appearing that a notice of proposed rule making, FCC 54-431, was published in the FEDERAL REGISTER on April 7, 1954 (19 F.R. 1961) and a further notice of proposed rule making, FCC 58-222, was published in the FEDERAL REGISTER on March 19, 1958 (23 F.R. 1833) proposing to amend Part 2 of the Commission's rules to authorize radiopositioning stations, on a developmental basis, and on a secondary basis to the radionavigation service, in the bands 10-14 kc and 90-110 kc and requesting comments on radiopositioning requirements and frequency allocations; and

It further appearing that the period for filing comments has now expired; and

It further appearing that comments were filed by the Central Committee of the American Petroleum Institute, Offshore Raydist, Inc., Seismograph Service Corporation, Aeronautical Radio, Inc., Decca Navigator System, Inc., Federal Telecommunications Laboratories, and U.S. Department of Agriculture, Rural Electrification Administration.

These comments were considered, but action on the Docket was withheld pending consideration of the proposals for frequency allocations for radiopositioning submitted to the Administrative Radio Conference of the International Telecommunication Union at Geneva, 1959; and,

It further appearing that the proposed amendment of Part 2 of the Commission's rules is not consistent in all respects with the Table of Frequency Allocations adopted at Geneva, 1959; and

It further appearing that many of the comments filed in this docket are now several years old and may not be pertinent at this time, and that the subject of Docket No. 10988 will be dealt with in future rule-making proceedings designed to align the national Table of Frequency Allocations with that adopted at Geneva, 1959;

It is ordered, That the proposals contained in Notices of Proposed Rule Making in this docket are withdrawn and the proceedings in Docket No. 10988 are terminated herewith.

Released: May 19, 1960.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-4662; Filed, May 23, 1960; 8:50 a.m.]

## [ 47 CFR Part 8 ]

[Docket No. 13523; FCC 60-591]

**SHIP RADIO-TELEPHONE STATIONS****Operating Procedures and Station Records**

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

2. The National Party Boat Owners Alliance, Inc. (NPBOA) 129 Ocean Avenue, Bayshore, Long Island, New York, and Captain D. Stewart MacGregor, 47 Robbins Avenue, Babylon, New York, have filed petitions requesting certain changes in the Commission's rules pertaining to operating procedures of ship radio stations licensed in the 2-3 Mc band.

3. Among the current operating procedures set forth in the Commissions' Rules are the following: except in stated instances, the use of the international calling and distress frequency 2182 kc for initially calling and answering before communicating on intership working frequencies (§ 8.366(b)(2)); with certain exceptions, the maintenance of an efficient listening watch on 2182 kc during the hours of service for telephony of the station (§ 8.223(b)); and log entries of certain transmissions (§ 8.368). Although NPBOA states that the above rules were established under Public Law 985, 84th Congress, 2d Session, relating to "Radio Installations on Vessels Carrying Passengers For Hire", the rules for which NPBOA requests amendments do not implement this law as they were established prior to its adoption.

4. NPBOA requests that insofar as the above mentioned rules relate to ship stations on vessels of less than 100 gross tons and not engaged on international voyages they be amended in effect as follows:

(a) Amend § 8.366(b)(2) to limit the use of 2182 kc to distress, safety and urgent calls (i.e. not require calling and answering on 2182 kc before working on an intership frequency);

(b) Amend § 8.223(b) to permit the maintenance of a listening watch on an intership working frequency; and

(c) Amend § 8.368 to eliminate the requirement for making log entries of any calls except those relating to distress, safety or urgent messages, radio tests, or official government calls.

5. In support of the requested amendments NPBOA asserts that the calling procedures now required have not been effective in actual practice and, in fact, have created dangerous situations due to interference caused to distress communications by calls initiated on 2182 kc. Petitioner also states that the maintenance of a listening watch on intership working frequencies would afford greater safety protection since any vessel in need of assistance would have available three channels, 2182 kc, 2638 kc, and 2738 kc, upon which it could summon assistance. The structural and operational characteristics of the vessels represented by NPBOA, it is claimed, are such that maintenance of a radio log in the detail now required by the Rules is impractical.

6. Captain MacGregor requests es-

entially the same changes in the rules as does NPBOA but would not limit the application thereof to vessels of less than 100 gross tons, and, in addition, would reduce the time limitation imposed by § 8.366(f)(1) on the use of frequencies 2638 and 2738 kc from 5 to 3 minutes.

7. The Commission has considered the reasons advanced by the petitioners for changing the rules and is of the opinion that the rules should be amended to the extent indicated in this proposal.

8. In establishing a safety system for radiotelephone equipped ships the Commission, consistent with international agreements, specified 2182 kc as the distress and calling frequency. To fully implement the system, the Commission adopted §§ 8.223(b) and 8.366(b)(2) of the rules, the provisions of which are stated above. At the time these rules were adopted the Commission was of the opinion that the use of a common calling frequency was necessary to establish and maintain an integrated system which would provide maximum safety to radiotelephone equipped ships. In general, the Commission adheres to that opinion.

9. However, experience has indicated that some modifications of the established procedures may be desirable. Petitioners advocate that the use of 2182 kc be limited to distress, safety, and urgent calls. Such limitation would be inconsistent with international agreements, and therefore, undesirable. Conceivably a relaxation of the present rules to permit an expanded use of the intership working frequencies for initiating calls could reduce the congestion on 2182 kc which is alleged to exist because of the present calling requirement. To avoid futile calling, and the interference resulting therefrom, the use of working frequencies for calling contemplates the maintenance of a listening watch on those frequencies as well as on 2182 kc. The Commission believes that this procedure is acceptable and proposes to amend the rules accordingly.

10. The maintenance of an efficient listening watch on a common frequency by all radiotelephone equipped vessels is an inherent requirement of an integrated safety system and, therefore, the Commission believes that the present rules with respect to a listening watch on 2182 kc must remain in effect. While the safety needs of the particular vessels represented by NPBOA may be adequately served by the recommended change in listening watch requirements, the Commission is of the belief that the abandonment of a listening watch on 2182 kc would generally work to the detriment of the radiotelephone safety system. To delete the requirement for such a watch would, in effect, eliminate the common point of contact and thus leave no provision for assured intercommunication between all radiotelephone equipped vessels.

11. The Commission agrees substantially with NPBOA's recommendation with respect to log entries and proposes to amend § 8.368(a)(6) accordingly.

12. NPBOA further proposes that the Commission adopt a rule, similar to the "general prudential" rule included in the

United States Coast Guard Rules, which would permit the discontinuance of the mandatory listening watch on 2182 kc when, in the opinion of the master of the vessel, such action is required for the greater safety of his vessel and/or passengers. The "prudential rule" of the United States Coast Guard provides, in brief, that for the purpose of preventing a collision (that under extraordinary circumstances might result from adherence to the Rules of the Road) vessels may take any prudent action that is appropriate in view of such extraordinary circumstances, regardless of the Rules of the Road. A similar rule which would permit the discontinuance of the radio listening watch would detract from the safety of navigation which is enhanced by the strict observance of the radio watch provisions. Accordingly, this proposal is not included.

13. With respect to Captain MacGregor's request to limit transmission time on frequencies 2638 and 2738 kc to 3 minutes, it is believed that the applicable rule should be amended to reduce the time limit from 5 minutes to 3 minutes and to increase the interval from 5 minutes to 10 minutes before the channel is used again for communication between the same two stations. Experience gained from monitoring indicates that many conversations are prolonged unnecessarily; accordingly, it is reasonable to assume that routine communications between ships can be completed within 3 minutes. The proposed amendment deletes the qualification that the "time" and "interval" limits apply only in "regions of heavy radio traffic" since such a qualification leaves open to question whether or not the ship is in region of heavy radio traffic. Moreover, even though the vessel is not in such a region, the communications could be causing interference in other areas due to frequency propagation characteristics. The proposed amendment applies to all of the intership frequencies, i.e. 2003, 2638, 2738, and 2830 kc, and also contains a proviso that the "time" and "interval" limits shall not in any way limit communications concerning the safe navigation of a vessel. The "time limit" and "interval" proposal would also apply to communications between ships and limited coast stations using 2738 or 2830 kc.

14. The proposed amendments to the rules are set forth below and are issued pursuant to authority contained in section 303 (f), (g), (j), and (r) of the Communications Act of 1934, as amended.

15. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 27, 1960, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider

all such comments prior to taking final action in this matter.

16. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 18, 1960.

Released: May 19, 1960.

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

Part 8 is amended as follows:

1. In § 8.366, the caption of paragraph (b), and the texts of subparagraphs (b) (2) and (f) (1) are amended to read as follows:

**§ 8.366 General radiotelephone operating procedure.**

\* \* \* \* \*

(b) *Frequency for calling.* \* \* \*

(2) Except when other operating procedure is used to expedite safety communication, ship stations, before transmit-

ting on the intership frequencies 2638, 2738, or 2830 kc, shall first establish communication with other ship stations by call and reply on the frequency 2182 kc: *Provided*, That calls may be initiated on the intership working frequencies when it is known that the called vessel maintains a simultaneous listening watch on the working frequency and 2182 kc.

\* \* \* \* \*

(f) *Shared use of 2003, 2638, 2738, and 2830 kc.* (1) Any one exchange of communications between any two mobile stations on the radio-channel of which 2003, 2638, 2738 or 2830 kc is the authorized carrier frequency, or between a ship station and a limited coast station on the 2738 or 2830 kc channel, shall not exceed 3 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the 2003, 2638, 2738, or 2830 kc channel shall not be used again for communication between the same two stations until 10 minutes have elapsed: *Provided*, That this requirement shall in no way limit or delay the transmission of distress or

emergency communications or communications relating to the safe navigation of a vessel.

2. In § 8.368, paragraph (a) (6) is amended to read:

**§ 8.368 Station records.**

(a) \* \* \*

(6) The name or call sign of each station (except public coast stations in the United States) with which communication is exchanged, and the time of such communication, shall be entered when communicating with a foreign station and when the ship station is within the territorial waters of a foreign country (except in the Great Lakes area) or is at sea within less than 150 nautical miles of a foreign country. The entries shall be made by a licensed operator or by a member of the crew who is designated and authorized by the master to do so; the signature of the person(s) making the entries shall appear in the log and shall be properly related to each particular entry for this purpose.

[F.R. Doc. 60-4666; Filed, May 23, 1960; 8:50 a.m.]

# Notices

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 60-574]

### STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

MAY 19, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules, that on June 25, 1960, the standard broadcast applications listed in the Appendix below will be considered as ready and available for processing, and that pursuant to §§ 1.106(b) (1) and 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on June 24, 1960, or (b) if action is taken by the Commission on any listed application prior to June 25, 1960, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut-off" because it was timely filed for consideration with an application on a previous such list.

(1) Applications listed in the Appendix below and (2) any timely filed applications involving an engineering conflict therewith, must be amended by the close of business on June 24, 1960, to include the engineering showing required by the revision of Section V-A, FCC Form 301, adopted by the Commission on March 16, 1960, FCC 60-243; except that any such application, (1) and (2), on which a section 309(b) letter has been issued need not be amended to include the said showing. However, if the engineering in any such application is amended after issuance of a section 309 (b) letter, the said showing must be submitted with the amendment.

Adopted: May 18, 1960.

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

#### APPENDIX

*Applications from the top of the  
processing line*

- |          |   |          |   |  |   |
|----------|---|----------|---|--|---|
| BP-13123 | KGfJ, Los Angeles, Calif.<br>Ben S. McGlashan.<br>Has: 1230 kc, 250 w (100 w when KPPC operating), U.<br>Req: 1230 kc, 250 w, 1 kw-LS (100 w when KPPC operating), U. | BP-13135 | WFMD, Frederick, Md.<br>The Monocacy Broadcasting Co.<br>Has: 930 kc, 1 kw, DA-N, U.<br>Req: 930 kc, 1 kw, 5 kw-LS, DA-2, U.                  | BP-13217   | WBMK, West Point, Ga.<br>Radio Valley, Inc.<br>Has: 1310 kc, 1 kw, Day,<br>Req: 910 kc, 500 w, Day.   |
| BP-13126 | WtSA, Brattleboro, Vt.<br>Tri-State Area Broadcasting Corp.<br>Has: 1450 kc, 250 w, U.<br>Req: 1450 kc, 250 w, 1 kw-LS, U.  | BP-13145 | WEAW, Evanston, Ill.<br>North Shore Broadcasting Co., Inc.<br>Has: 1330 kc, 1 kw, DA, Day.<br>Req: 1330 kc, 5 kw, DA, Day.                    | BP-13218   | WPRS, Paris, Ill.<br>Paris Broadcasting Corp.<br>Has: 1440 kc, 500 w, Day.<br>Req: 1440 kc, 1 kw, Day.  |
| BP-13131 | NEW, Eastman, Ga.<br>Farnell O'Quinn.<br>Req: 1580 kc, 1 kw, Day.   | BP-13149 | WKUL, Cullman, Ala.<br>Cullman Broadcasting Co., Inc.<br>Has: 1340 kc, 250 w, U.<br>Req: 1340 kc, 250 w, 1 kw-LS, U.                          | BP-13220   | KKID, Pendleton, Oreg.<br>WSC Broadcasting Co. of Oregon, Inc.<br>Has: 1240 kc, 250 w, U.<br>Req: 1240 kc, 250 w, 1 kw-LS, U.   |
|          |   | BP-13156 | WAIM, Anderson, S.C.<br>Wilton E. Hall.<br>Has: 1230 kc, 250 w, U.<br>Req: 1230 kc, 50 kw, Day, 1 kw-LS, U.                                   | BP-13221   | NEW, Ypsilanti, Michigan<br>Ypsilanti-Ann Arbor Broadcasting Co.<br>Req: 1480 kc, 500 w, DA, Day.   |
|          |   | BP-13162 | NEW, Memphis, Tenn.<br>Phil-Day Broadcasting Co.<br>Req: 1550 kc, 60 kw, Day.   | BP-13222   | KPVA, Portland, Oreg.-Vancouver, Wash.<br>William B. and Cathryn C. Murphy.<br>Has: 1480 kc, 1 kw, Day (Camas, Wash.).<br>Req: 1480 kc, 1 kw, Day (Portland, Oreg.-Vancouver, Wash.). |
|          |   | BP-13163 | WGRY, Gary, Ind.<br>WGRY, Inc.<br>Has: 1370 kc, 500 w, Day.<br>Req: 1370 kc, 1 kw, Day.   | BP-13223   | NEW, Wharton, Tex.<br>V. M. Preston.<br>Req: 1500 kc, 500 w, DA-1, U.   |
|          |   | BP-13164 | KWNA Winnemucca, Nev.<br>Northwest Radio and TV Corp.<br>Has: 1400 kc, 250 w, S.H.<br>Req: 1400 kc, 250 w, 1 kw-LS, S.H.                      | BP-13225   | WCRL, Oneonta, Ala.<br>Blount County Broadcasting Service, Inc.<br>Has: 1570 kc, 250 w, Day.<br>Req: 1570 kc, 1 kw, Day.  |
|          |   | BP-13165 | KLLA, Leesville, La.<br>Leesville Broadcasting Co.<br>Has: 1570 kc, 250 w, Day.<br>Req: 1570 kc, 1 kw, Day.                                   | BP-13228   | NEW, Homer, Alaska.<br>Kenal Peninsula Radio Co., Inc.<br>Req: 1370 kc, 1 kw, U.  |
|          |   | BP-13166 | NEW, El Dorado Springs, Mo.<br>Paul Vaughn.<br>Req: 1580 kc, 250 w, Day.  | BP-13229   | WMTE, Manistee, Mich.<br>Manistee Radio Corp.<br>Has: 1340 kc, 250 w, U.<br>Req: 1340 kc, 250 w, 1 kw-LS, U.  |
|          |   | BP-13167 | WGRV, Greeneville, Tenn.<br>Radio Greeneville, Inc.<br>Has: 1340 kc, 250 w, U.<br>Req: 1340 kc, 250 w, 1 kw-LS, U.                            | BP-13230   | NEW, Tallahassee, Fla.<br>Southern Broadcasters.<br>Req: 1410 kc, 1 kw, Day.  |
|          |   | BP-13170 | WNEL, Caguas, P.R.<br>Inter-American Radio Corp.<br>Has: 1450 kc, 250 w, U.<br>Req: 1430 kc, 500 w, 1 kw-LS, U.                               | BP-13234   | WWCO, Waterbury, Conn.<br>WWCO, Inc.<br>Has: 1240 kc, 250 w, U.<br>Req: 1240 kc, 250 w, 1 kw-LS, U.   |
|          |   | BP-13196 | NEW, Idaho Falls, Idaho.<br>Western Radio Corp.<br>Req: 1400 kc, 250 w, U.  | <i>Applications on which 309(b) letters have<br/>been issued</i> |   |
|          |   | BP-13198 | WDXL, Lexington, Tenn.<br>Lexington Broadcasting Service, Inc.<br>Has: 1490 kc, 250 w, U.<br>Req: 1490 kc, 250 w, 1 kw-LS, U.                 | BP-13121   | WBAT, Marion, Ind.<br>Marion Radio Corp.<br>Has: 1400 kc, 250 w, U.<br>Req: 1400 kc, 250 w, 500 w-LS, U.  |
|          |   | BP-13204 | NEW, Albany, Ga.<br>Lynne-Yvette Broadcasting Co.<br>Req: 1250 kc, 1 kw, Day.   | BP-13124   | WILL, Willimantic, Conn.<br>Herbert C. Rice.<br>Has: 1400 kc, 250 w, U.<br>Req: 1400 kc, 250 w, 1 kw-LS, U.   |
|          |   | BP-13209 | NEW, Blythe, Calif.<br>Riverside Broadcasting Co.<br>Req: 1380 kc, 500 w, Day.  | BP-13125   | NEW, Windber, Pa.<br>Gosco Broadcasters.<br>Req: 1350 kc, 1 kw, Day.  |
|          |   | BP-13212 | WKKS, Vanceburg, Ky.<br>Karl Kegley.<br>Has: 1570 kc, 250 w, Day.<br>Req: 1570 kc, 1 kw, Day.   | BP-13129   | WICK, Scranton, Pa.<br>Scranton Radio Corp.<br>Has: 1400 kc, 250 w, U.<br>Req: 1400 kc, 250 w, 1 kw-LS, U.  |
|          |   | BP-13214 | NEW, Eugene, Oreg.<br>W. Gordon Allen.<br>Req: 1320 kc, 1 kw, Day.  | BP-13132   | WIDE, Biddeford, Maine.<br>Biddeford-Saco Broadcasting Corp.<br>Has: 1400 kc, 250 w, U.<br>Req: 1400 kc, 250 w, 1 kw-LS, U.   |
|          |   | BP-13215 | WKTY, LaCrosse, Wis.<br>Lee and Associates, Inc.<br>Has: 580 kc, 1 kw, 5 kw-LS, DA-2, U.<br>Req: Change nighttime directional antenna system. | BP-13133   | WCOH, Newnan, Ga.<br>Newnan Broadcasting Co.<br>Has: 1400 kc, 250 w, U.<br>Req: 1400 kc, 250 w, 1 kw-LS, U.   |
|          |   | BMP-8607 | WSNO, Barre, Vt.<br>WSNO.<br>Has CP: 1450 kc, 250 w, U.<br>Req MP: 1450 kc, 250 w, 1 kw-LS, U.  | BP-13146   | WRJN, Racine, Wis.<br>Racine Broadcasting Corp.<br>Has: 1400 kc, 250 w, U.<br>Req: 1400 kc, 250 w, 1 kw-LS, U.  |
|          |   | BP-13216 | WIBB, Macon, Ga.<br>The Peach State Broadcasting Co.<br>Has: 1280 kc, 1 kw, Day.<br>Req: 1280 kc, 5 kw, Day.                                  | BP-13157   | NEW, Zanesville, Ohio.<br>Muskingum Broadcasting Co.<br>Req: 940 kc, 1 kw, DA, Day.   |

- BP-13160 NEW, Quakertown, Pa.  
North Penn Broadcasting Co.  
Req: 1550 kc, 250 w, Day.
  - BP-13161 WCVS, Springfield, Ill.  
WPFA Radio, Inc.  
Has: 1450 kc, 250 w, U.  
Req: 1450 kc, 250 w, 1 kw-LS, U.
  - BP-13169 NEW, Festus, Mo.  
Donald M. Donze.  
Req: 1400 kc, 250 w, U.
  - BP-13171 KSIM, Sikeston, Mo.  
Sikeston Community Broadcast-  
ing Co., Inc.  
Has: 1400 kc, 250 w, U.  
Req: 1400 kc, 250 w, 1 kw-LS, U.
  - BP-13197 WPAM, Pottsville, Pa.  
Miners Broadcasting Service, Inc.  
Has: 1450 kc, 250 w, U.  
Req: 1450 kc, 250 w, 1 kw-LS, U.
  - BP-13208 NEW, Hartford-Beaver Dam, Ky.  
Hartford-Beaver Dam Broadcast-  
ing Co.  
Req: 1450 kc, 100 w, U.
  - BP-13211 KELD, El Dorado, Ark.  
Radio Enterprises, Inc.  
Has: 1400 kc, 250 w, U.  
Req: 1400 kc, 250 w, 1 kw-LS, U.
  - BP-13233 WFIW, Fairfield, Ill.  
Wayne County Broadcasting Co.  
Has: 1390 kc, 500 w, Day.  
Req: 1390 kc, 1 kw, Day.
- [F.R. Doc. 60-4667; Filed, May 23, 1960;  
8:51 a.m.]

[FCC 60-590]

**STATEMENT OF ORGANIZATION,  
DELEGATIONS OF AUTHORITY,  
AND OTHER INFORMATION**

At a session of the Federal Commu-  
nications Commission held at its offices  
in Washington, D.C., on the 18th day of  
May 1960;

The Commission having under consid-  
eration section 0.64 of its Statement of  
Organization with particular reference  
to the name and functions of the Law,  
Enforcement and Procedures Office in  
the Safety and Special Radio Services  
Bureau and such Bureau's forms and  
procedural program; and

It appearing that certain changes in  
said section 0.64 are necessary to reflect  
current internal functional organization  
within said Bureau; and

It further appearing that authority  
for this change is contained in sections  
4(i) and 5(b) of the Communications  
Act of 1934, as amended; and

It further appearing that the pro-  
visions of section 4 of the Administra-  
tive Procedure Act are inapplicable to  
this statement of internal organization;

It is ordered, That section 0.64 of the  
Commission's statement of organization  
is amended, effective May 27, 1960, to  
read as follows:

Sec. 0.64. *The Office of the Bureau  
Chief.* The Office of the Chief of the  
Bureau is composed of the immediate  
offices of the Chief and Assistant Chief  
of the Bureau, the Law and Enforce-  
ment Office, and the Office of the Ad-  
ministrative Assistant. The Law and  
Enforcement Office performs legal work  
affecting the Bureau as a whole, advises  
the Chiefs of the Divisions on legal mat-  
ters of unusual complexity, executes  
special assignments for the Chief of the  
Bureau in respect to matters of legal,  
policy or legislative character, and is  
responsible for planning and executing

the enforcement program of the Bureau.  
The Office of the Administrative Assis-  
tant is responsible for the administrative  
program, and the forms and procedural  
program of the Bureau.

Released: May 19, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

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

[F.R. Doc. 60-4668; Filed, May 23, 1960;  
8:51 a.m.]

[Docket Nos. 13509, 13510; FCC 60M-854]

**M-L RADIO, INC. (KMLW) AND  
TAFT BROADCASTING CO.**

**Notice of Prehearing Conference**

In re applications of M-L Radio, Inc.  
(KMLW), Marlin, Texas, Docket No.  
13509, File No. BP-12159; Paul E. Taft,  
d/b as Taft Broadcasting Company,  
Houston, Texas, Docket No. 13510, File  
No. BP-12868; for construction permits.

There will be a prehearing conference,  
under Rule 1.111, on Friday, June 3,  
1960, at 10 a.m., in the offices of the  
Commission, Washington, D.C.

Dated: May 18, 1960.

Released: May 18, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

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

[F.R. Doc. 60-4669; Filed, May 23, 1960;  
8:51 a.m.]

[Docket No. 13222 etc.; FCC 60M-855]

**MICHIGAN BROADCASTING CO.  
(WBCK) ET AL.**

**Order Continuing Hearing**

In re applications of Michigan Broad-  
casting Company (WBCK), Battle  
Creek, Michigan, Docket No. 13222, File  
No. BP-11439; F. E. Lackey, Pierce E.  
Lackey and William Ellis Wilson, d/b  
as Richmond, Broadcasting Company,  
Centerville, Indiana, Docket No. 13223,  
File No. BP-11625; Charles H. Chamber-  
lain, Urbana, Ohio, Docket No. 13224,  
File No. BP-11736; M. M. Lawrence and  
Ruel O. Thomas, d/b as Lake Cumber-  
land Broadcasting Company, James-  
town, Kentucky, Docket No. 13228, File  
No. BP-12213; Sam Kamin and James  
A. Howenstine, d/b as Citizens Broad-  
casting Company, Lima, Ohio, Docket  
No. 13230, File No. BP-12319; Virginia-  
Kentucky Broadcasting Company, In-  
corporated (WNRG), Grundy, Virginia,  
Docket No. 13231, File No. BP-12326;  
J. B. Crawley, R. L. Turner, W. B. Kelly  
and Dean Harden, d/b as Shelby Broad-  
casting Company, Shelbyville, Kentucky,  
Docket No. 13232, File No. BP-12352;  
W.L.K.Y., Inc., Lexington, Kentucky,  
Docket No. 13237, File No. BP-12498;  
Miami Valley Christian Broadcasting  
Association, Incorporated, Miamisburg,  
Ohio, Docket No. 13239, File No. BP-  
12640; Charles F. Trivette and Herman  
G. Dotson, d/b as Western Ohio Broad-  
casting Co., Delphos, Ohio, Docket No.  
13241, File No. BP-12779; Raymond I.

Kandel and Gus Zaharis, Zanesville,  
Ohio, Docket No. 13242, File No. BP-  
12812; Clarence C. Moore, tr/as, Fort  
Wayne Broadcasting Company, Fort  
Wayne, Indiana, et al., Docket No. 13249,  
File No. BP-13120; Docket Nos. 13225,  
13226, 13227, 13229, 13233, 13235, 13236,  
13240, 13243, 13245, 13246, 13247, 13248,  
13250, 13251; for construction permits.

The Hearing Examiner having under  
consideration a joint motion for con-  
tinuance filed on May 17, 1960, by Rich-  
mond Broadcasting Company, Docket  
13223, Charles H. Chamberlain, Docket  
13224, Lake Cumberland Broadcasting  
Company, Docket 13228, Citizens Broad-  
casting Company, Docket 13230, Vir-  
ginia-Kentucky Broadcasting Company,  
Incorporated (WNRG), Docket 13231,  
Shelby Broadcasting Company, Docket  
13232, W.L.K.Y., Inc. Docket 13237,  
Miami Valley Christian Broadcasting  
Association, Incorporated, Docket 13239,  
Western Ohio Broadcasting Company,  
Docket 13241, Raymond I. Kandel and  
Gus Zaharis, Docket 13242 and Fort  
Wayne Broadcasting Company, Docket  
13249, eleven of the applicants in the  
above-styled proceeding, requesting that  
the remaining phases of Steps 1 and 2  
of the hearing in the above-styled pro-  
ceeding, insofar as they relate to Group  
2 thereof and as set forth in the order  
of the Hearing Examiner released April  
18, 1960, be continued pending con-  
solidation of the application of Mus-  
kingum Broadcasting Company for 940 kc  
at Zanesville, Ohio (BP-13157) into this  
proceeding; and

It appearing that the Commission has  
formally held that the application of  
Muskingum Broadcasting Company is  
entitled to consolidation in this proceed-  
ing, but such application has not yet  
been so consolidated, although a 309(b)  
letter has been issued to it and the ap-  
plicant has responded thereto;<sup>1</sup> and

It further appearing that the Mus-  
kingum application involves objectionable  
interference with several other applica-  
tions in Group 2 and will require revi-  
sions in engineering exhibits; and

It further appearing that one of the  
applicants in Group 2 of this proceeding  
has petitioned to dismiss its application<sup>2</sup>  
and the remaining three applicants have  
authorized the movants to state their  
positions with respect to the subject  
motion, as follows:

(1) Continental Broadcasting Com-  
pany, applicant for Cincinnati, Ohio  
(Docket 13246), joins in the motion to  
the extent that it requests continuance  
of Step 2, and waives the four-day rule  
to the extent that the motion requests  
continuance of the remaining phases of  
Step 1.

(2) Michigan Broadcasting Company,  
applicant for increased power of Sta-  
tion WBCK, Battle Creek, Michigan  
(Docket 13222), waives the four-day  
rule with respect to the entire motion.

<sup>1</sup>The 309(b) letter covering the Mus-  
kingum application was issued on April 14,  
1960 and the applicant filed its response  
thereto on May 4, 1960; and it is reasonable  
to assume that a consolidation order may,  
therefore, be expected in the near future.

<sup>2</sup>Tri-Cities Radio Corporation, Bristol,  
Virginia (Docket No. 13240).

(3) Radio 940, applicant for South Haven, Michigan (Docket 13233), waives the four-day rule with respect to the entire motion.

It further appearing that the Broadcast Bureau has informally agreed to immediate consideration and grant of the motion; and

It further appearing that the requested continuance will conduce to a more efficient and expeditious proceeding and to a more orderly record upon which to base a decision and will also eliminate the waste of hearing time and attendance of witnesses which would result from holding a second hearing to consider the effect of Muskingum's consolidation upon evidence previously submitted and examined;

It further appearing that public interest requires an early consideration of this motion; and good cause has been shown for the grant of the requested relief;

*It is therefore ordered*, This 18th day of May 1960 that the joint motion be and the same is hereby granted and the remaining phases of Step 1 and Step 2 of the above-styled hearing, insofar as Group 2 is concerned, be and the same are hereby continued pending action by the Commission with respect to consolidation of the application of Muskingum Broadcasting Company for 940 kc at Zanesville, Ohio into this proceeding.

*It is further ordered*, That after the Muskingum application is consolidated into this proceeding, a further conference will be held to arrive at a new schedule of dates and for such other matters as may seem appropriate with respect to the Muskingum application; the time of such further conference to be fixed in a subsequent order.

Released: May 18, 1960.

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

[F.R. Doc. 60-4670; Filed, May 23, 1960;  
8:51 a.m.]

[Docket Nos. 13430-13432; FCC 60M-858]

### ROGUE VALLEY BROADCASTERS, INC. (KWIN) ET AL.

#### Order Continuing Hearing

In re applications of Rogue Valley Broadcasters, Inc. (KWIN), Ashland, Oregon, Docket No. 13430, File No. BP-11939; Medford Broadcasters, Inc. (KDOV), Medford, Oregon, Docket No. 13431, File No. BP-12683; R. W. Hansen (KCNO), Alturas, California, Docket No. 13432, File No. BP-13055; for construction permits.

The Hearing Examiner having under consideration a petition filed May 12, 1960, on behalf of Medford Broadcasters, Inc., requesting that the dates for certain procedural steps (see Hearing Examiner's Order, released April 28, 1960 (FCC 60M-743)) be extended as herein-after ordered; and

It appearing that counsel for all parties have consented to a grant of the aforesaid petition, that good cause for

a grant thereof has been shown and that such a grant will conduce to the orderly dispatch of the Commission's business;

*It is ordered*, This 18th day of May 1960, that the aforesaid petition is granted, and that the dates for certain procedural steps are extended as follows: (1) Exchange of preliminary drafts of the applicants' exhibits on engineering matters from May 31, 1960, to June 20, 1960; (2) Further prehearing conference from June 21, 1960, to July 12, 1960, commencing at 10:00 a.m.; and (3) Exchange of final drafts of the applicants' written, sworn exhibits, constituting their affirmative engineering cases, with copies to the Hearing Examiner, from July 12 to July 27, 1960;

*It is further ordered*, On the Examiner's own motion, that in view of the extensions hereinabove granted, the hearing presently scheduled to commence on July 27, 1960, is continued to a date to be determined at the further prehearing conference to be held on July 12, 1960, at which conference the date for notification of engineering witnesses desired for cross-examination, presently set for July 20, 1960, will be re-scheduled.

Released: May 19, 1960.

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

[F.R. Doc. 60-4671; Filed, May 23, 1960;  
8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-9510 etc.]

### CITIES SERVICE PRODUCTION CO. ET AL.

#### Order Permitting Withdrawal of Suspended Supplements, Severing Proceedings, and Terminating Proceedings

MAY 16, 1960.

Cities Service Production Company, Docket Nos. G-9510, G-11325, G-12780, G-13388, G-16487; Cities Service Oil Company, Docket Nos. G-13031, G-13376, G-13715, G-13777, G-16123, G-16360; Cities Service Oil Company (Operator), et al.; Docket Nos. G-12983, G-14723, G-14724, G-15210.

The above-consolidated proceedings (Docket Nos. G-9510, et al.) are presently in recess and are scheduled to be reconvened on order of the presiding examiner.

On July 8, 1957, Cities Service Oil Company (Operator), et al. (Cities Service) tendered for filing a proposed increase in rates from 9.5912 cents per Mcf to 11.03468 cents per Mcf for the sale of natural gas to El Paso Natural Gas Company (El Paso) from the Noelke Field and the Clara Couch Field, Crockett County, Texas. The filing was designated as Supplement Nos. 9 and 10 to Cities Service's FPC Gas Rate Schedule No. 51 and, by order issued July 31, 1957 in Docket No. G-12983, was suspended until January 8, 1958, and until such further time as it is made effective in the manner prescribed by the Natural

Gas Act. Pursuant to an appropriate motion filed by Cities Service and an order of the Commission issued February 7, 1958, the increased rate was made effective as of January 8, 1958, subject to refund.

On March 17, 1958, Cities Service tendered a proposed decrease in its FPC Gas Rate Schedule No. 51 reflecting a rate of 9.5912 cents per Mcf, which was designated as Supplement No. 12 to the aforesaid rate schedule and was tendered in substitution of the aforesaid Supplement Nos. 9 and 10. By order issued April 22, 1958 in Docket No. G-12983, the Commission ordered, inter alia, that the aforesaid Supplement No. 12 be accepted for filing; that the rates contained therein become effective as of January 8, 1958; and that the proceeding in Docket No. G-12983, insofar as Supplement No. 9 and the part of Supplement No. 10 pertaining to the Noelke Field, be terminated.

On July 22, 1957, Cities Service Oil Company (Cities Service) tendered for filing a proposed increase in rates from 10.0675 cents per Mcf to 11.5827 cents per Mcf for the sale of natural gas to El Paso from the Dollarhide Plant, Andrews County, Texas. The filing was designated as Supplement No. 5 to Cities Service's FPC Gas Rate Schedule No. 43 and, by order issued August 13, 1957 in Docket No. G-13031, was suspended until January 22, 1958, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Pursuant to an appropriate motion filed by Cities Service and an order of the Commission issued February 7, 1958, the increased rate was made effective as of January 22, 1958, subject to refund.

On March 10, 1960, Cities Service submitted two letters to the Commission requesting the Commission to permit it to withdraw the supplements involved in the proceedings in Docket Nos. G-12983 and G-13031 and to terminate the aforementioned suspension proceedings. On March 17, 1958, Cities Service submitted decreases in the base rates under the aforementioned rate schedules which decreased rates of 11 cents per Mcf (Supplement No. 6 to Rate Schedule No. 43) and 10.5 cents per Mcf (Supplement No. 11 to Rate Schedule No. 51), were suspended by orders issued in Docket Nos. G-14885 and G-14886, respectively, until April 30, 1958, when they were made effective subject to refund. Subsequently, by orders issued in Docket Nos. G-14885 and G-14886, the decreased rates were allowed to remain in effect without obligation to refund and the proceedings therein were terminated.

In its letters, Cities Service states that it has presented checks to El Paso representing the difference between the previously effective rates and the rates suspended in the aforesaid proceedings in Docket Nos. G-12983 and G-13031. El Paso, the only intervener in the aforesaid proceedings, has requested that the subject supplements be withdrawn before it deposits the checks.

The Commission finds: Good cause exists for severing Docket Nos. G-12983 and G-13031 from the proceedings involved in Docket Nos. G-9510, et al.; for

permitting Cities Service to withdraw the supplements suspended in Docket Nos. G-12983 and G-13031; and for terminating the proceedings in Docket Nos. G-12983 and G-13031 as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. G-12983 and G-13031 are hereby severed from the proceedings involved in Docket Nos. G-9510, et al.

(B) Supplement No. 10 to Cities Service's FPC Gas Rate Schedule No. 51 and Supplement No. 5 to Cities Service's FPC Gas Rate Schedule No. 43 involved in the proceedings in Docket Nos. G-12983 and G-13031, are hereby permitted to be withdrawn by Cities Service.

(C) The proceedings involved in Docket Nos. G-12983 and G-13031 are hereby terminated; *Provided, that*, Within thirty days from the date of issuance of this order, Cities Service submits statements, under oath, showing the details of the calculations of the refunds made in Docket Nos. G-12983 and G-13031, together with copies of releases from El Paso with respect to such refunds.

(D) Upon compliance with the condition set forth in paragraph (C) above, Cities Service shall be discharged from its obligations to refund under the aforementioned suspended supplements involved in the proceedings in Docket Nos. G-12983 and G-13031.

(E) This order is without prejudice to any findings or orders which have been made or may be made by the Commission in Docket Nos. G-9510, et al., or in any other proceeding now pending or hereinafter instituted by or against Cities Service Oil Company.

By the Commission.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 60-4627; Filed, May 23, 1960; 8:46 a.m.]

[Docket No. G-12399, etc.]

**NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.**

**Order Postponing Oral Argument**

MAY 17, 1960.

Natural Gas Pipeline Company of America, Docket No. G-12399; Champlin Oil & Refining Company, Docket No. G-14830; Amerada Petroleum Corporation, Docket No. G-16029; Cities Service Gas Company, Docket No. G-16217; Phillips Petroleum Company, Docket Nos. G-16280 and G-16439; Carter-Jones Drilling Company, Inc., Docket No. G-16288; Magnolia Petroleum Company (now Socony Mobil Oil Company, Inc.), Docket Nos. G-16295, G-16296, G-16398, and G-16266; Johntom Oil Company, Inc., Docket No. G-16375; McCommons Oil Company, Docket No. G-16376; Anson L. Clark, Docket No. G-16382; Cornell Oil Company, Docket No. G-16383; Bond Oil Corporation, et al., Docket No. G-16392; Hudson Oil & Metals Company, Docket No. G-16436; The Pure Oil Company, Docket No. G-17493; Gulf Oil Corporation, Docket No. G-16761; Rid-

dell Petroleum Corporation, Docket No. G-17828; Fain-Porter Drilling Corporation, Docket No. G-17831.

Upon consideration of the request filed by Amerada Petroleum Corporation on May 12, 1960, and concurred in by Gulf Oil Corporation by telegram dated May 12, 1960, the oral argument now scheduled before the Commission on May 20, 1960, in this matter, is hereby postponed to a date hereafter to be fixed.

By the Commission.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 60-4628; Filed, May 23, 1960; 8:46 a.m.]

[Docket No. E-6935]

**NORTHERN STATES POWER CO. AND OTTER TAIL POWER CO.**

**Notice of Application**

MAY 16, 1960.

Take notice that on May 9, 1960, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Northern States Power Company ("NSP-Minn") and Otter Tail Power Company ("Otter Tail") seeking an order authorizing NSP-Minn to sell and Otter Tail to acquire the Red Lake Falls Electric System ("Red Lake System") of NSP-Minn. NSP-Minn, having its principal business office at Minneapolis, Minnesota, is a corporation organized under the laws of the State of Minnesota and does business in the States of Minnesota, North Dakota and South Dakota. NSP-Minn owns and operates utility properties and furnishes electric service at retail in 399 communities and adjacent rural territories and electric energy at wholesale for resale in 25 additional communities and at wholesale to rural electric cooperative associations and other utility companies. The electric business of NSP-Minn is done in all or parts of 50 counties in Minnesota, four counties in North Dakota, and seven counties in South Dakota. Otter Tail, having its principal business office at Fergus Falls, Minnesota, is a corporation organized under the State of Minnesota laws and does business in the States of Minnesota, North Dakota and South Dakota. Otter Tail owns and operates utility properties and furnishes electric service at retail in 464 communities and adjacent rural territories and electric energy at wholesale for resale in 10 additional communities and at wholesale to rural electric cooperative associations and other utility companies. The electric business of Otter Tail is done in all or parts of 28 counties in Minnesota, 34 counties in North Dakota and 11 counties in South Dakota. The Red Lake System located in Minnesota at the City of Red Lake Falls and adjacent areas includes a hydro plant, transmission and distribution lines, transformers, and electric watt-hour meters. Red Lake System's electric facilities are used in furnishing electric service to the City of Red Lake Falls, the Village of St. Hillaire, and the Unincorporated Com-

munity of Gentilly, all in Minnesota. The number of electric customers served by NSP-Minn through the Red Lake System is as follows:

Residential .....	516
Rural .....	13
Commercial .....	141
Other .....	9
<b>Total .....</b>	<b>679</b>

By an Agreement of Sale, dated April 28, 1960, Otter Tail has agreed to buy from NSP-Minn the above-described Red Lake System for the base purchase price of \$235,872. NSP-Minn and Otter Tail state that because of the Red Lake System's geographical location in relation to Otter Tail's System, the Red Lake System can be more efficiently used and operated by Otter Tail than by NSP-Minn. Upon consummation of the proposed transaction Otter Tail will undertake all duties and legal obligations with respect to the Red Lake System and its operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before the sixth day of June 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 60-4629; Filed, May 23, 1960; 8:46 a.m.]

[Docket No. G-9291 etc.]

**SINCLAIR OIL AND GAS CO.**

**Order Permitting Increased Rates To Remain in Effect and Severing and Terminating Proceedings**

MAY 13, 1960.

Sinclair Oil & Gas Company, Docket Nos. G-9291, et al., Docket Nos. G-13776 and G-14056.

By order issued November 27, 1957, in Docket No. G-13776, the Commission suspended Supplement No. 1 to Sinclair Oil & Gas Company's (Sinclair's) FPC Gas Rate Schedule No. 114, until May 2, 1958. Said supplement provided for an increased rate of 11 cents per Mcf for sales of natural gas to Consolidated Gas Utilities Corporation from the Ostot field, Kay County, Oklahoma, and by order issued June 30, 1958, was made effective as of May 2, 1958, subject to refund.

By order issued December 23, 1957, in Docket No. G-14056, the Commission suspended Supplements No. 1 to Sinclair's FPC Gas Rate Schedules Nos. 29 and 30, until June 1, 1958, providing for sales of gas at the increased rate of 11 cents per Mcf to Lone Star Gas Company from Carter and Stephens counties, Oklahoma, respectively. By order issued June 30, 1958, the increased rates were made effective as of June 1, 1958, subject to refund.

By motion filed April 14, 1960, Sinclair requested termination of the proceed-

ings in Docket Nos. G-13776 and G-14056 and discharge from its refund obligations thereunder, alleging that increased rate filings of other independent producers in the areas involved have been accepted without suspension or similar suspension proceedings terminated, and that these filings involved the same or a higher price level than that proposed by Sinclair in these proceedings.

No petitions to intervene in these proceedings have been filed and no protests have been filed to Sinclair's motion.

By order issued April 15, 1958, the proceeding in Docket No. G-14056, inter alia, was consolidated with the proceedings in Docket Nos. G-9291, et al.

The Commission finds:

(1) The proceeding in Docket No. G-14056 should be severed from the consolidated proceedings in Docket No. G-9291, et al.

(2) Good cause exists for continuing in effect without obligation to refund, the rates prescribed in Supplements No. 1 to Sinclair's FPC Gas Rate Schedule Nos. 114, 29 and 30, to discharge Sinclair from its obligation to make refunds under such supplements and to terminate the proceedings.

The Commission orders:

(A) The proceeding in Docket No. G-14056 is hereby severed from the consolidated proceedings in Docket Nos. G-9291, et al.

(B) The rates and charges set forth in Supplements No. 1 to Sinclair's FPC Gas Rate Schedule Nos. 114, 29, and 30 are hereby continued in effect without obligation to refund, and Sinclair is hereby discharged from its obligation to make refunds under such supplements.

(C) The proceedings in Docket Nos. G-13776 and G-14056 are hereby terminated.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Sinclair Oil & Gas Company.

By the Commission (Commissioner Connoles dissenting.)

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-4630; Filed, May 23, 1960;  
8:46 a.m.]

[Docket No. CP60-55]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application and Date of Hearing

MAY 18, 1960.

Take notice that on March 10, 1960, Texas Gas Transmission Corporation (Applicant), filed an application, as supplemented on April 11, 1960, in Docket No. CP60-55, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate certain facilities so as to augment its system flexibility and to assure continuity of service to its existing customers, all as more fully set forth in the application and supplement on file with the

Commission and open for public inspection.

Applicant proposes to construct and operate the following facilities:

(A) 23.72 miles of 30-inch loop lines in three different segments on its main supply line between Eunice and Bastrop, Louisiana.

(B) 56 miles of 12¾-inch pipeline in Indiana extending between Bedford Junction on the existing Hardinsburg-Bedford lateral to a point on the Evansville-Terre Haute lateral near the Wilfred Storage Field.

(C) 2,500 additional horsepower compressor unit at Covington Compressor Station, Tennessee.

(D) 2,000 additional horsepower compressor unit at Calvert City Compressor Station, Kentucky.

(E) 2,200<sup>1</sup> additional compressor horsepower at Lafayette Compressor Station on the East Lake Palourde line in Louisiana.

Applicant states that no additional service to any existing or new customer is proposed in this application nor will installation of the facilities proposed increase the daily delivery capacity of Applicant's system.

The cost of the proposed facilities, estimated at \$7,936,200, is to be financed out of cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 20, 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 may, after a noncontested 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.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 10, 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. 60-4631; Filed, May 23, 1960;  
8:46 a.m.]

<sup>1</sup> This is to be done by turbo-charging each one of the two existing 880 horsepower compressor units to 1,320 horsepower each and adding directly one 1,320 horsepower compressor unit to the station.

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24C-2227]

### GENERAL AEROMATION, INC.

#### Notice and Order for Hearing

MAY 18, 1960.

I. General Aeromation, Inc. (issuer) a corporation incorporated under the laws of the State of Ohio on December 19, 1958, with offices at 6011 Montgomery Road, Cincinnati, Ohio, filed with the Commission on May 3, 1960, a notification on Form 1-A and an offering circular and other material pertaining to a proposed offering by the issuer of 84,450 shares of its common stock, no par value, at \$3 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on May 6, 1959, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption.

*It is hereby ordered*, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at the Main Office of the Commission, 425 Second Street NW., Washington 25, D.C., at 10:00 a.m., e.d.s.t., June 15, 1960, with respect to the following matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

1. The aggregate offering price of the securities to be offered, as computed in accordance with Rules 254 and 253(c), will exceed \$300,000.

2. The initial offering of the issuer's securities was made prior to the expiration of ten days (Saturdays and Sundays excluded) from the date the notification was filed with the Regional Office of the Commission in violation of Rule 255(a).

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The statement that the Issuer believes its Romatt developments will be successful, although it has no positive assurance of success.

2. The statement that the results of the Issuer's work have been checked by competent sources in the industry.

3. The statement that earnings are anticipated upon the demonstration of the Issuer's jet aircraft ground movement equipment and related equipment and the conclusion of negotiations for their lease or sale.

4. The statement that, as new jet aircraft come into operation in increasing numbers, the Issuer's equipment will be a requirement at major jet air terminals and in commercial and military jet operations throughout the world.

5. The statement that the Issuer knows of no direct competition to its method of moving heavy jet aircraft on the ground.

6. The statement that no adequate equipment for ground handling jets is now available.

7. The statement that the Issuer expects (based on the number of commercial jet aircraft now ordered) to market or lease a considerable number of its units as they are manufactured and field tested.

8. The statement that under certain conditions the Air Force is unable to move its B-52 aircraft on the ground and that more capable equipment that will move such aircraft is needed by the military forces.

9. The statement that information from military headquarters indicates requirements of up to 1,000 units for the Issuer's Romatt equipment.

10. The failure to disclose past and proposed material transactions by officers, directors, and promoters with the Issuer.

11. The statement, incorporated by reference into the Issuer's financial statements, that Henry J. Wiebe sold to the corporation, at cost, the entire right, title and interest to certain developments, designs and patentable inventions for \$80,000.

12. The failure to set forth adequately in the forepart of the offering circular certain factors regarding the speculative nature of the Issuer's proposed business.

13. The failure to disclose adequately in the forepart of the offering circular factors affecting the value of the securities being offered.

C. Whether the offering has been and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is further ordered*, That Robert N. Hislop or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order by registered mail to General Aeromation, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who de-

sires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before June 13, 1960, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-4633; Filed, May 23, 1960; 8:46 a.m.]

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**GRAIN WAREHOUSES**

**Announcement of Unit Prices for Grain for Net Assets and Bond Purposes Under the United States Warehouse Act**

In accordance with the provisions of §§ 102.6 and 102.14 of the regulations for Grain Warehouses (7 CFR 102.6, 102.14) under section 28 of the United States Warehouse Act (7 U.S.C. 268), and pursuant to a delegation of authority appearing at 25 F.R. 439, notice is hereby given that the unit prices for various grains have been established as follows, for purposes of fixing the amount of net assets required under said § 102.6 and the amount of bond required under said § 102.14, applicable to warehouse licenses issued, or amendments or renewals of warehouse licenses granted, under the United States Warehouse Act during the calendar year beginning June 1, 1960:

	<i>Per bushel</i>
Wheat -----	\$1.90
Flaxseed -----	2.50
Soybeans -----	2.00
Rice (Rough) -----	2.20
Rice (Milled) -----	5.10

The amounts of net assets and bond to be required of warehousemen licensed under the United States Warehouse Act are within the discretion of the responsible officials of the Agricultural Marketing Service, exercised to carry out the purposes of the act. The regulations base such amounts on the unit prices for certain grain as announced annually by the Administrator of the Agricultural Marketing Service or his delegatee. It is the policy of this Department to announce the same unit prices for purposes of this act as are established in connection with price support programs of this Department. The prices announced for the calendar year beginning June 1, 1960 are the same as the prices in effect for the calendar year beginning June 1, 1959. Therefore, no purpose would be served by publishing a notice of rule-making or other public procedure on the announcement of the unit prices for grain under said Act, and accordingly under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that such public procedure on the foregoing announcement would be impracticable and unnecessary.

The announced unit prices should be made effective at the same time as the unit prices specified for price support purposes so as to achieve uniformity of operations. Therefore, under said Section 4, good cause is found for making the announcement effective less than 30 days after publication in the FEDERAL REGISTER.

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

IRVIN L. RICE,  
Acting Director,  
Special Services Division.

[F.R. Doc. 60-4643; Filed, May 23, 1960; 8:48 a.m.]

**SMALL BUSINESS ADMINISTRATION**

[Declaration of Disaster Area 274]

**OKLAHOMA**

**Declaration of Disaster Area**

Whereas, it has been reported that during the month of May, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Choctaw, Creek, Haskell, Latimer, McIntosh, Okmulgee, Sequoyah, and LeFlore (Tornado occurring on or about May 5, 1960).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Bankers Service Life Building, Room 312, 114 North Broadway, Oklahoma City 2, Okla.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 9, 1960.

PHILIP McCALLUM,  
Administrator.

[F.R. Doc. 60-4634; Filed, May 23, 1960; 8:47 a.m.]

[Declaration of Disaster Area 275]

**MISSISSIPPI****Declaration of Disaster Area**

Whereas, it has been reported that during the month of May 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Mississippi;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Walthall (Tornado occurring on or about May 7, 1960).

Offices: Small Business Administration Regional Office, 90 Fallie Street NW., Atlanta 3, Ga. Small Business Administration Branch Office, Electric Building, Room 820, 128 South West Street, Jackson, Miss.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1960.

Dated: May 11, 1960.

PHILIP MCCALLUM,  
Administrator.

[F.R. Doc. 60-4635; Filed, May 23, 1960; 8:47 a.m.]

[Delegation of Authority 30-XIII-1  
(Revision 1)]

**CHIEF, FINANCIAL ASSISTANCE  
DIVISION****Delegation Relating to Financial Assistance and Administrative Functions**

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), (25 F.R. 1706), there is hereby redelegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve and decline disaster loans and Limited Loan Participation loans.

2. To approve but not decline direct and participation business loans.

3. To disburse approved loans.

4. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for

loans approved under delegated authority, said execution to read as follows:

(Name), Administrator.

By \_\_\_\_\_

(Name)

Chief, Financial Assistance Division.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

9. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

10. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of \$20,000, or less;

(c) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(d) Disburse fisheries' loans in the same manner as SBA business loans; and

(e) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

11. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; *Provided, however,* That he may not assign, endorse, transfer, deliver, modify, surrender, satisfy, discharge, release, subordinate or cancel, in whole or in part, judgments and judgment liens, certificates or other instruments issued by receivers, trustees, liquidators or other

officers or officials, representing claims allowed against or interests in receivership, bankruptcy or other estates, without the prior written approval of the Regional Counsel or the United States Attorney, in those cases where the latter is involved in the proceedings.

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision.

2. To authorize or approve travel for employees under his supervision.

C. *Correspondence.* To sign non-policy making correspondence, except Congressional correspondence relating to the financial assistance program.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All authority previously delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: April 27, 1960.

NEAL E. TOURTELLOTE,  
Regional Director,  
Seattle Regional Office.

[F.R. Doc. 60-4636; Filed, May 23, 1960; 8:47 a.m.]

[Delegation of Authority 30-XIII-10  
(Revision 1)]

**CHIEF, LOAN ADMINISTRATION  
SECTION****Delegation Relating to Financial Assistance and Administrative Functions**

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-XIII-1 (Revision 1), dated April 27, 1960, there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To approve amendments and modifications of loan authorizations for loans that have been fully disbursed.

2. To take all necessary action in connection with the servicing, administration and collection of partially or fully disbursed loans.

3. Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to en-

dorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision.

2. To authorize or approve travel for employees under his supervision.

C. *Correspondence.* To sign all non-policy making correspondence originating in the Loan Administration Section, except Congressional correspondence, correspondence with the Washington Office, and letters to borrowers or guarantors containing any threat of legal action.

II. The authority delegated in subsections I. A. and B. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Administration Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: April 27, 1960.

E. D. PETERSON,  
Chief, Financial Assistance Division,  
Seattle Regional Office.

[F.R. Doc. 60-4637; Filed, May 23, 1960;  
8:47 a.m.]

[Delegation of Authority No. 30-XIII-11  
(Revision 1)]

**CHIEF, LOAN PROCESSING SECTION**  
**Delegation Relating to Financial Assistance and Administrative Functions**

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation No. 30-XIII-1 (Revision 1), dated April 27, 1960, there is hereby delegated to the Chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve and decline disaster loans and Limited Loan Participation loans.

2. To approve but not decline direct and participation business loans.

3. To disburse approved loans.

4. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator.

By \_\_\_\_\_

(Name)

Chief, Loan Processing Section.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of \$50,000 or less for a period not to exceed four months.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision.

2. To authorize or approve travel for employees under his supervision.

C. *Correspondence.* To sign non-policy making correspondence, except Congressional correspondence and correspondence addressed to the Washington Office, relating to the functions of the Loan Processing Section.

II. The authority delegated in subsections I. A and B may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Processing Section, is rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: April 27, 1960.

E. D. PETERSON,  
Chief, Financial Assistance Division,  
Seattle Regional Office.

[F.R. Doc. 60-4638; Filed, May 23, 1960;  
8:47 a.m.]

[Delegation of Authority 30-XIII-18]

**CHIEF, LOAN LIQUIDATION SECTION**  
**Delegation Relating to Financial Assistance and Administrative Functions**

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30-XIII-1, (Revision 1), dated April 27, 1960, there is hereby redelegated to the Chief, Loan Liquidation Section, the authority:

A. *Financial assistance.* To take all necessary action in connection with the liquidation of partially or fully disbursed loans, other obligations and acquired property.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision.

2. To authorize or approve travel for employees under his supervision.

C. *Correspondence.* To sign all non-policy making correspondence originating in the Loan Liquidation Section, except Congressional correspondence, correspondence with the Washington Office, and letters to borrowers or guarantors containing any threat of legal actions.

II. The authority delegated in subsections I. A and B may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Liquidation Section, is hereby rescinded without prejudice to actions taken under all such

delegations of authority prior to the date hereof.

Effective date: April 27, 1960.

E. D. PETERSON,  
Chief, Financial Assistance Division,  
Seattle Regional Office.

[F.R. Doc. 60-4639; Filed, May 23, 1960;  
8:47 a.m.]

**INTERSTATE COMMERCE**  
**COMMISSION**

**FOURTH SECTION APPLICATIONS**  
**FOR RELIEF**

MAY 19, 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. 36247: *Iron or steel rods—North Atlantic Ports to Niles, Mich.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2539), for interested rail carriers. Rates on coiled iron or steel rods, in carloads, as described in the application, from North Atlantic Ports and points grouped therewith, to Niles, Mich.

Grounds for relief: Foreign water and truck competition.

Tariffs: Supplement 48 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-15, Supplement 61 to Agent R. B. LeGrande's tariff I.C.C. 261, and Supplement 300 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 591 (Swenson series).

FSA No. 36248: *Petroleum products between points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A-2108), for interested rail carriers. Rates on petroleum and petroleum products, in tank-car loads, from specified points in Colorado, Montana and Wyoming, to specified points in Colorado, Montana, Nebraska, South Dakota, and Wyoming.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 19 to Western Trunk Line Committee tariff I.C.C. A-4199.

FSA No. 36249: *Lumber—Southern territory to Gulf and South Atlantic ports.* Filed by O. W. South, Jr., Agent (SFA No. A3948), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in southern territory, to specified Gulf, South Atlantic, and Virginia ports (Export and intercoastal traffic only).

Grounds for relief: Short-line distance formula and grouping.

Tariff: Southern Freight Association tariff I.C.C. S-118.

FSA No. 36250: *Joint motor-rail rates between points in southwestern and WTL territories and the East.* Filed by Middlewest Motor Freight Bureau, Agent

(No. 240), for the Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas, Foster Freight Lines, and Liberty Motor Freight Lines. Rates on general commodities, moving on class and commodity rates, loaded in or on trailers and moving in joint service over highways and on railroad flat cars, between points in Kansas, Missouri, Oklahoma, and Texas, on the lines of the rail carriers, on the one hand, and points in Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania, on the lines of the motor carriers, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 36251: *Asphalt—Baltimore, Md., to Virginia points.* Filed by Traffic Executive Association—Eastern Railroads, Agent (ER No. 2541), for interested rail carriers. Rates on asphalt (asphaltum), natural, by product of petroleum, other than paint, stain or varnish, in tank-car loads, from Baltimore, Md., to specified points in Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 11 to Traffic Executive Association—Eastern Railroads tariff I.C.C. A-932 (Boin series).

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-4641; Filed, May 23, 1960;  
8:48 a.m.]

[Notice 317]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 19, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63107. By order of May 18, 1960, the Transfer Board approved the transfer to S. Handverger Co., Inc., Lynn, Mass., of Permit No. MC 103316, issued April 13, 1960, to Samuel Handverger, doing business as S. Handverger Co., Lynn, Mass., authorizing the transportation of: Glue stock, from Manchester, and Nashua, N.H., to North Woburn, and Winchester, Mass. John J. Leonard, 7 Willow Street, Lynn, Mass., for applicants.

No. MC-FC 63113. By order of May 17, 1960, the Transfer Board approved the transfer to Irvin W. Zechman, Middleburg, Pa., of the operating rights set forth in Permit No. MC 38425, issued by the Commission July 3, 1941, to A. M.

Hoffheiser, Maryland Line, Md., authorizing the transportation over irregular routes, of agricultural commodities, fertilizer, chemicals used in the manufacture of fertilizer, feed, and seed, from Baltimore, Md., and points in York County, Pa., to five specified towns in Virginia, Philadelphia, Pa., four cities in New York, three in New Jersey, points in Berkeley and Jefferson Counties, W. Va., points in five counties in Pennsylvania, and those in Maryland, Delaware, and the District of Columbia, building material, and farm supplies, from Baltimore to points in York County, Pa. Bernard N. Gingerich, Quarryville, Pa., for applicants.

No. MC-FC 63131. By order of May 18, 1960, the Transfer Board approved the transfer to E. W. Cunningham, doing business as Fort Smith-Sallisaw Transfer, Fort Smith, Ark., of Certificates Nos. MC 74361, MC 74361 Sub 1, and MC 74361 Sub 2, issued May 12, 1949, August 7, 1947, and March 31, 1950, respectively, to A. C. Bennett, doing business as Sallisaw Transfer, Sallisaw, Okla., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from Sallisaw, Okla., over U.S. Highway 64 to Fort Smith, Ark., and return, serving all intermediate points; from Sallisaw, Okla., over U.S. Highway 64 to Vian, Okla., and return, serving all intermediate points; and from Vian, Okla., over U.S. Highway 64 to Warner, Okla., thence over U.S. Highway 266 to Checotah, Okla., thence over U.S. Highway 69 to Eufaula, and return, serving the intermediate points of Gore, Warner and Checotah, Okla., and the off-route point of Webbers Falls, Okla. Thomas Harper, Kelley Building, Fort Smith, Ark., for applicants.

No. MC-FC 63173. By order of May 17, 1960, the Transfer Board approved the transfer to Richard J. Cornelison, Meriden, Kansas, of Certificate No. MC 104459, issued May 16, 1951, to Francis (Bud) Hammerly, Meriden, Kansas, authorizing the transportation of: Livestock, between Meriden, Kans., and points within 12 miles of Meriden, on the one hand, and, on the other, Kansas City and St. Joseph, Mo.; feed from Kansas City and St. Joseph, Mo., to Meriden and Hoyt, Kans., and agricultural machinery parts from Kansas City, Mo., to Meriden, Kans.

No. MC-FC 63193. By order of May 18, 1960, the Transfer Board approved the transfer to L. S. V. Transportation Co., a Corporation, Prosser, Wash., of that portion of the operating rights of Fred E. Brader, Zillah, Wash., set forth in Permit No. MC 11722-Sub 11, issued November 4, 1952, authorizing the transportation, over irregular routes, of box shooks and box tops, wooden, or wood and wire combined, from Odell, Oreg., and points within one mile of Odell, to points in Yakima County, Wash., and box shooks, box tops, and box materials, wooden, or wood and wire combined, from points in Hood River County, Oreg., to points in Yakima, Douglas, Chelan, and Okanogan Counties, Wash. James T. Johnson, 609 Norton Building, Seattle 4, Wash.

No. MC-FC 63249. By order of May 16, 1960, the Transfer Board approved the transfer to K. G. Moore, Inc., Manchester, N.H., of Certificate No. MC 22988, issued January 30, 1951 to Kenneth G. Moore, doing business as K. G. Moore, Truckman, Manchester, New Hampshire, authorizing the transportation (1) over regular routes, of eggs, agricultural commodities, farm machinery and implements, and forest products; and general commodities, including household goods, but excluding commodities in bulk and various specified commodities, between Weare, N.H., and Boston, Mass.; and (2) over irregular routes, general commodities, including household goods, but excluding commodities in bulk, and various specified commodities, between points in New Hampshire, on the one hand, and, on the other, points in Middlesex County, Mass.; between Manchester, N.H., and points within 10 miles thereof, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, and Massachusetts; and between Manchester, N.H., on the one hand, and, on the other, points in Massachusetts south of Massachusetts Highway 9 which are within 10 miles of Boston, Mass.; lumber, from points in Maine and Vermont to Manchester, N.H.; household goods, between points in New Hampshire, Maine, Vermont, Massachusetts, Rhode Island, and Connecticut; and between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, on the one hand, and, on the other, points in New York, New Jersey and Pennsylvania; and neon sign, between Manchester, N.H., on the one hand, and, on the other, points in Vermont and Maine. Kimon S. Zachos, 875 Elm Street, Manchester, N.H., for applicants.

No. MC-FC 63252. By order of May 16, 1960, the Transfer Board approved the transfer to Paul F. Cavanaugh, doing business as Paul Cavanaugh and Son, Woburn, Mass., of Certificate No. MC 19518, issued December 8, 1955, to Paul Cavanaugh and Paul F. Cavanaugh, a partnership, doing business as Paul Cavanaugh and Son, Woburn, Mass., authorizing the transportation, over irregular routes, of hides, from Boston, Mass., to Winchester, Mass.; and loose glue stock, in bulk, in dump vehicles, from South Paris, Maine, to Woburn, Mass. Paul F. Cavanaugh, 17 Washington Street, Woburn, Mass., for applicants.

No. MC-FC 63254. By order of May 16, 1960, the Transfer Board approved the transfer to Davis Transport, Inc., Paducah, Ky., of Certificates Nos. MC 11397 Sub 1, MC 11397 Sub 10, MC 11397 Sub 13, MC 11397 Sub 19, MC 11397 Sub 20, MC 11397 Sub 21, MC 11397 Sub 24, MC 11397 Sub 35, MC 11397 Sub 26, and MC 11397 Sub 38, issued January 27, 1958, March 29, 1956, February 7, 1956, October 2, 1957, December 16, 1957, December 20, 1957, October 23, 1958, December 5, 1958, December 22, 1959, and December 22, 1959, respectively, in the name of Wade E. Davis, doing business as Davis Transport, Paducah, Ky., authorizing the transportation of petroleum products, in bulk, in tank vehicles, from Paducah, Ky. and points within 10 miles

thereof to specified parts of Kentucky and Tennessee; from River Terminal at Birds Point, Mo., to specified parts of Illinois, Indiana, Kentucky and Tennessee; from site of pipeline terminal of Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark., to points in Tennessee and Kentucky; petroleum and petroleum products, in bulk, in tank vehicles, from Paducah, Ky. and points within 10 miles thereof to specified points in Missouri; from Memphis, Tenn. and points in Tennessee within 10 miles thereof to specified points in Kentucky; and from sites of Texas Eastern Transmission Corporation, in Indiana and Ohio, to points in Kentucky, Indiana and West Virginia; gasoline, in bulk, in tank vehicles, for U.S. Government, under Government bills of lading, from Cairo, Ill., to installations of the Tennessee Valley Authority, near Jackson, Tenn.; coal tar and coal tar products, from points in Lyon and Marshall Counties, Ky., to points in Tennessee, Indiana, Illinois and Missouri; and from site of Kentucky Asphalt Terminal, Inc., near Louisville, Ky. to points in Illinois, Indiana, Tennessee, and Ohio; asphalt, asphalt products, asphalt cutback, road oil, and fuel oil, from specified points in Kentucky to points in Illinois, Indiana, Ohio, Missouri, and Tennessee; molasses, in bulk, in tank vehicles, from Louisville, Ky. to points in Illinois, Indiana, Ohio, and

Tennessee; coke, in hopper trailers, from points in Hopkins County, Ky. to points in Tennessee, Indiana and Illinois; compressed gases in shipper-owned cylinders and manifold-tube semitrailers, from Calvert City, Ky., to points in Illinois, Indiana, and Tennessee; oxygen, hydrogen, and nitrogen, in bulk, in shipper-owned vehicles, from Calvert City, Ky., to points in Missouri, Ohio, Virginia, West Virginia, North Carolina, Georgia, Alabama, Mississippi, and Arkansas; and liquid fertilizer solutions, in bulk, in tank vehicles, from Birds Point, Mo., and points within 4 miles thereof, to points in Arkansas, Illinois, Kentucky, and Tennessee. Herbert S. Melton, Jr., Williams Building, Broadway at 17th, Paducah, Ky., for applicants.

No. MC-FC 63256. By order of May 16, 1960, the Transfer Board approved the transfer to Carlton M. Moyer, doing business as Moyer Transfer, Lynchburg, Va., of the operating rights set forth in Permit No. MC 117957, issued by the Commission, September 28, 1959, to Carlton M. Moyer and Pat R. Morton, a Partnership, doing business as Moyer and Morton, Lynchburg, Va., authorizing the transportation of bananas, and bananas and fresh fruits and vegetables in mixed shipments, over irregular routes, from Baltimore, Md., and Tampa and Miami, Fla., to Lynchburg, Va. W. G. Burnette, P.O. Box 859, Lynchburg, Va., for applicants.

No. MC-FC 63257. By order of May 16, 1960, the Transfer Board approved the transfer to Armored Motor Service Corporation, Trenton, N.J., of Permit No. MC 115009, issued January 19, 1960, in the name of Jack L. Neal and Roy M. Clifton, a partnership, doing business as Armored Motor Service of Idaho, Boise, Idaho, authorizing the transportation over irregular routes, coin, between Denver, Colo., Helena, Mont., Los Angeles, Calif., Portland, Oreg., Salt Lake City, Utah, San Francisco, Calif., and Seattle, Wash.; and bullion, from San Francisco, Calif., to Denver, Colo. Nathan N. Schildkraut, 143 East State Street, Trenton 8, N.J., for applicants.

No. MC-FC 63258. By order of May 16, 1960, the Transfer Board approved the transfer to Miami Valley Bus Lines, Inc., Trotwood, Ohio, of Certificate No. MC 74483, issued June 2, 1943, to St. John Transportation Company, Dayton, Ohio, authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from Dayton, Ohio, to points in Illinois, Indiana, Kentucky, and Michigan, and return. Kennedy Legler, Jr., 1406 Third National Building, Dayton, Ohio, for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-4642; Filed, May 23, 1960; 8:48 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.

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