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Announcement**CFR SUPPLEMENTS**

(As of January 1, 1960)

The following Supplements are now available:

Title 26, Parts 222-299.....	\$1.75
Title 32A.....	\$0.65
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Title 44, Revised.....	\$3.25
General Index.....	\$1.00

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); Parts 400-899, Revised, (\$5.50); Parts 900-959 (\$1.50); Part 960 to End (\$2.50); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 14, Parts 1-39 (\$0.65); Parts 40-399 (\$0.75); Part 400 to End (\$1.75); Title 15 (\$1.25); Title 16, Revised (\$6.50); Title 17 (\$0.75); 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); Parts 1000-1099, Revised (\$6.50); 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 42, Revised (\$4.00); Title 43 (\$1.00); Title 46, Parts 1-145 (\$1.00); Parts 146-149, Revised (\$6.00); Parts 146-149 (1950 Supp. 1) (\$0.55); 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).

Order from the Superintendent of Documents,  
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# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

#### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811; Amdt. 3]

#### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

##### Requirements and Quotas for 1960

**Basis and purpose.** The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended, and as further amended by Public Law 86-592, approved July 6, 1960 (hereafter called the act), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 and to establish sugar quotas for the supplying areas except Cuba in terms of short tons of sugar, raw value. By Proclamation No. 3355, effective July 8, 1960 (25 F.R. 6414), the President of the United States, acting pursuant to the provisions of section 408(b) of the act, determined that the sugar quota for Cuba for the balance of the calendar year 1960 should be 39,752 short tons, raw value, plus the sugar certified prior to July 3, 1960, for entry but not then entered or withdrawn from warehouse. This regulation establishes quotas for 1960 for domestic areas and for foreign countries other than Cuba pursuant to the provisions of section 202 of the act and also establishes for domestic areas and foreign countries other than Cuba the amounts of certain quotas that may be filled by direct-consumption sugar pursuant to section 207 of the act.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1960 is necessary.

The purpose of this amendment is to (1) make such determination conform to the requirements of consumers as indicated on the basis of factors specified in section 201 of the act, as amended, (2) establish sugar quotas for the supplying areas, except Cuba, in terms of short tons, raw value, and (3) determine and prorate deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for sugar to be marketed in the continental United States in 1960, as established in § 811.2 as amended herein, in accordance with Sec. 204(a).

Section 204(a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota. By Proclamation No. 3355 for President of the United

States delegated to the Secretary of Agriculture the authority vested in the President by sections 408(b) (2) and 408 (b) (3) of the act, such authority to be exercised with the concurrence of the Secretary of State. By virtue of such delegation of authority, and pursuant to sections 204(a) and 408(b) (2) of the act, deficits were determined in Amendment 2 of Sugar Regulation 811 based upon the expectation that the supply of sugar available for marketing in the continental United States will not exceed 940,444 tons from Hawaii, 893,620 tons from Puerto Rico and 8,618 tons from the Virgin Islands.

The increases in the quotas for these three areas made effective herein by virtue of the 400,000-ton increase in the determination of the United States sugar requirements amount to 49,966 tons for Hawaii, 52,245 for Puerto Rico and 712 tons for the Virgin Islands. On the basis of the expected supply of sugar available for marketing in the continental United States from these three areas, it is hereby found that these areas will be unable to market the additional quantities provided by the increased quotas established herein.

It is further found that the maximum quantities of sugar expected to be available for marketing by the Domestic Beet Sugar Area and the Mainland Cane Sugar Area will not exceed 2,514,945 short tons, raw value, and 773,873 short tons, raw value, respectively, the quantities established by Amendment 2 to this regulation as their adjusted quotas.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (24 F.R. 10425; 25 F.R. 6617, 6741): To permit areas for which larger quotas or prorations are hereby established to plan marketings and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the Proclamation of the President of the United States No. 3355 (25 F.R. 6414) §§ 811.1, 811.2, 811.3 and 811.4 are hereby amended to read as follows:

##### § 811.1 Sugar requirements, 1960.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 is hereby determined to be 10,000,000 short tons, raw value.

##### § 811.2 Quotas for domestic areas.

(a) For the calendar year 1960 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quotas	Direct-consumption limits
	(1)	(2)
Domestic beet sugar.....	2,177,773	(1)
Mainland cane sugar.....	670,122	(1)
Hawaii.....	1,215,410	34,216
Puerto Rico.....	1,270,865	148,306
Virgin Islands.....	17,330	0

<sup>1</sup> No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

##### § 811.3 Quotas for foreign countries other than Cuba.

For the calendar year 1960 quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quotas	Direct-consumption limits
	(1)	(2)
Republic of the Philippines.....	980,000	59,920
Peru.....	121,507	10,896
Dominican Republic.....	111,157	9,715
Mexico.....	95,409	17,645
Nicaragua.....	17,471	11,636
Haiti.....	8,268	7,000
Netherlands.....	4,149	4,149
China.....	3,980	3,980
Panama.....	3,980	3,980
Costa Rica.....	3,968	3,968
Canada.....	631	631
United Kingdom.....	516	516
Belgium.....	182	182
British Guiana.....	84	84
Hong Kong.....	3	3
All other countries.....	0	0

##### § 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.9.* It is hereby determined pursuant to section 204(a) of the act, that for the calendar year 1960, Hawaii, Puerto Rico and the Virgin Islands will be unable by 274,966, 377,245 and 8,712 short tons, raw value of sugar, respec-

tively, to market the quotas established for such areas in § 811.2.

(b) *Proration of deficits and quotas in effect.* The total of the deficits in the quotas determined in paragraph (a) of this section amounts to 660,923 short tons, raw value, of which 440,923 short tons, raw value, are hereby prorated pursuant to section 204(a) of the act to the other domestic areas as shown below. The balance of the deficits, amounting to 220,000 short tons, raw value, is not herein allocated to Cuba because of the President's Proclamation 3355 effective July 8, 1960 (25 F.R. 6414). The quotas for the domestic areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
	(1)	(2)
Domestic beet sugar.....	337, 172	2, 514, 945
Mainland cane sugar.....	103, 761	773, 873
Hawaii.....	0	1, 215, 410
Puerto Rico.....	0	1, 270, 865
Virgin Islands.....	0	17, 330

#### STATEMENT OF BASES AND CONSIDERATIONS

Section 201 of the act directs the Secretary to determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States and to revise such determination during the calendar year whenever he deems it necessary. The section sets forth criteria to guide the Secretary in his determinations and states that such determinations shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

Accordingly, it is essential to obtain a steady flow of raw sugar supplies to achieve the statutory objectives. Cuba has been our principal source of raw sugar supplies. Total importations permissible from this source under the President's Proclamation 3355 have now been authorized. Supplies not obtained from Cuba must be obtained from many other areas. Inevitably there must be a shift and diversification of sources of supply. Existing inventories, although substantial, are not considered adequate to compensate for the supply problems inherent in such shifts. Taking into consideration the statutory criteria, a sugar requirements determination of 10,000,000 tons is necessary to provide such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry.

The increase in total sugar requirements of 400,000 tons will enlarge the quotas of full-duty countries approximately 60,000 tons. The increase in requirements plus the determination of domestic deficits made herein would, ex-

cept for the Presidential Proclamation 3355, have increased Cuba's quota by approximately 340,000 tons. Authority exists under Pub. Law 86-592 to provide for the purchase of such quantity from other countries.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpretations or applies sec. 202; 61 Stat. 924; 7 U.S.C. 1112. Pub. Law 86-592; Proclamation No. 3355, 25 F.R. 6414)

Done at Washington, D.C., this 15th day of July 1960.

TRUE D. MORSE,  
Acting Secretary.

[F.R. Doc. 60-6820; Filed, July 20, 1960; 8:50 a.m.]

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

#### PART 1030—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

##### Order Regulating Handling

Sec. 1030.0 Findings and determinations.

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AUTHORITY: §§ 1030.0 to 1030.71 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

##### § 1030.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on March 9-10, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of fresh prunes grown in designated counties in the State of Idaho and in Malheur County, Oregon. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of prunes grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of prunes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of prunes grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U.S.C. 1001-1011). As soon as practical after such effective time it will be necessary to establish the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee, the agency charged with administration of the program. Subsequently,

and prior to imposition of regulations, it will be necessary for the committee and the Secretary to initiate, and complete, various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations to govern operations under the program. The shipments of prunes begin about the middle of August, and for all practical purposes the entire crop is shipped by mid-October. Hence, for the program to be of maximum benefit during the 1960-61 shipping season the order should be made effective as soon as practicable. The provisions of the order are well known to handlers of fresh prunes since the public hearing in connection with the order was completed March 10, 1960, and the recommended decision and the final decision were published in the FEDERAL REGISTER on May 11, 1960 (25 F.R. 4184), and June 15, 1960 (25 F.R. 5342), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipment of fresh prunes takes place; and, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the fresh prunes covered by this order) who, during the period beginning June 1, 1959, and ending May 31, 1960, both dates inclusive, handled not less than 50 percent of the volume of fresh prunes covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (June 1, 1959, through May 31, 1960) were engaged, within the production area specified in this order, in the production of fresh prunes for market, such producers having also produced for market at least two-thirds of the volume of fresh prunes represented in such referendum.

*It is therefore ordered,* That, on and after the effective date hereof, the handling of prunes grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

#### DEFINITIONS

##### § 1030.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may

hereafter be delegated, to act in his stead.

##### § 1030.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

##### § 1030.3 Person.

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

##### § 1030.4 Production area.

"Production area" means and includes Washington, Payette, Gem, Canyon, Ada, and Owyhee Counties in the State of Idaho and Malheur County in the State of Oregon.

##### § 1030.5 Prunes.

"Prunes" means all varieties of plums, classified botanically as *Prunus domestica*, grown in the production area, except those of the President variety.

##### § 1030.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of prunes.

##### § 1030.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on May 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

##### § 1030.8 Committee.

"Committee" means the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee established pursuant to § 1030.20.

##### § 1030.9 Grade.

"Grade" means any one of the officially established grades of prunes as defined and set forth in the United States Standards for Fresh Plums and Prunes (§§ 51.1520 to 51.1537 of this title) or amendments thereto, or modifications thereof, or variations based thereon.

##### § 1030.10 Size.

"Size" means the shortest dimension, measured through the center of the prune, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

##### § 1030.11 Grower.

"Grower" is synonymous with producer and means any person who produces prunes for market and who has a proprietary interest therein.

##### § 1030.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting prunes owned by another person) who handles prunes.

##### § 1030.13 Handle or ship.

"Handle" or "ship" means to sell, consign, deliver, or transport prunes within

the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of prunes from the orchard where grown to a packing facility located within such area for preparation for market.

##### § 1030.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1030.31(m):

(a) "District No. 1" shall include Washington and Payette Counties in the State of Idaho and Malheur County in the State of Oregon.

(b) "District No. 2" shall include Gem and Ada Counties in the State of Idaho.

(c) "District No. 3" shall include Canyon and Owyhee Counties in the State of Idaho.

##### § 1030.15 Export.

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

##### § 1030.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of prunes in a particular type and size of container, or any combination thereof.

##### § 1030.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of prunes.

#### ADMINISTRATIVE BODY

##### § 1030.20 Establishment and membership.

There is hereby established an Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee consisting of 10 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Six of the members and their respective alternates shall be growers or officers or employees of corporate growers. Four of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 6 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 4 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Each district shall be represented on the committee by 2 grower members and their respective alternates. Each district shall be represented on the committee by 1 handler member and his alternate. One handler member and his alternate shall be selected from the production area at large.

##### § 1030.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning June 1 and end-

ing May 31: *Provided*, That the term of office of one-half of the initial grower members and alternates from each district and the handler member and his alternate from District 2 and the handler member and his alternate selected from the production area at large shall end May 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

#### § 1030.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of a meeting of handlers, and group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1030.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than May 1 of each year, a meeting or meetings of growers in each district, and a meeting of handlers, for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the results of the balloting for each member or alternate member position and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings, may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces prunes. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected. If a person is both a grower

and a handler of prunes, such person may vote either as a grower or as a handler but not as both.

#### § 1030.23 Selection.

From the nominations made pursuant to § 1030.22, or from other qualified persons, the Secretary shall select the 6 grower members of the committee, the 4 handler members of the committee, and an alternate for each such member.

#### § 1030.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 1030.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1030.20.

#### § 1030.25 Acceptance.

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

#### § 1030.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1030.22 and 1030.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1030.20.

#### § 1030.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a grower member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate the other grower alternate member from the same district to serve in such member's place and stead. In the event both a handler member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other handler alternate member who is not acting as a member to serve in such member's place and stead.

#### § 1030.30 Powers.

The committee shall have the following powers:

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

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

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

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

#### § 1030.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to prunes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in prune production within the districts and the production area.

#### § 1030.32 Procedure.

(a) Seven members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least seven members.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

**§ 1030.33 Expenses and compensation.**

The members of the committee, and alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed \$10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

**§ 1030.34 Annual report.**

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the prune industry; and (c) any recommendations for changes in the program.

**EXPENSES AND ASSESSMENTS****§ 1030.40 Expenses.**

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 1030.41.

**§ 1030.41 Assessments.**

(a) Each person who first handles prunes shall, with respect to the prunes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of prunes handled by him as the first handler thereof during the applicable fiscal period and the total quantity of prunes so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all prunes handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal

period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

**§ 1030.42 Accounting.**

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 1030.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

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

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

**RESEARCH****§ 1030.45 Marketing research and development.**

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of prunes. The expense of such projects shall be paid from funds collected pursuant to § 1030.41.

**REGULATIONS****§ 1030.50 Marketing policy.**

(a) Each season prior to making any recommendations pursuant to § 1030.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of prunes within the production area;

(2) The expected general quality and size of prunes in the production area and in other areas;

(3) The expected demand conditions for prunes in different market outlets;

(4) The expected shipments of prunes produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of prunes; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for prunes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

**§ 1030.51 Recommendations for regulation.**

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of prunes in the manner provided in § 1030.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for prunes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

**§ 1030.52 Issuance of regulations.**

(a) The Secretary shall regulate, in the manner specified in this section, the handling of prunes whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the Act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any va-

riety or varieties of prunes grown in the production area.

(2) Limit the shipment of prunes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of prunes.

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of prunes which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

#### § 1030.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1030.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of prunes in order to effectuate the declared policy of the Act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the Act, he shall suspend or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such suspension.

#### § 1030.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1030.41, 1030.52, 1030.53, and 1030.55, and the regulations issued thereunder, handle prunes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 1030.41, 1030.52, 1030.53, or 1030.55, the handling of prunes in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1030.45) as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such

rules, regulations, and safeguards as it may deem necessary to prevent prunes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle prunes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the prunes will not be used for any purpose not authorized by this section.

#### § 1030.55 Inspection and certification.

Whenever the handling of any variety of prunes is regulated pursuant to § 1030.52 or § 1030.53, each handler who handles prunes shall, prior thereto, cause such prunes to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for prunes which previously have been so inspected and certified only if such prunes have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such prunes.

#### REPORTS

##### § 1030.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of prunes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such prunes, and (4) the destination of each shipment of such prunes.

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

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

#### MISCELLANEOUS PROVISIONS

##### § 1030.61 Compliance.

Except as provided in this part, no person shall handle prunes the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle prunes except in conformity with the provisions and the regulations issued under this part.

##### § 1030.62 Right of the Secretary.

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

##### § 1030.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature; and shall continue in force until terminated in one of the ways specified in § 1030.64.

##### § 1030.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

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

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of prunes for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of prunes produced for fresh market in the production area; but such termination shall be effective only if announced on or before May 31 of the then current fiscal period.

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

##### § 1030.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds un-

paid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

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

**§ 1030.66 Effect of termination or amendment.**

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

**§ 1030.67 Duration of immunities.**

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

**§ 1030.68 Agents.**

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

**§ 1030.69 Derogation.**

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

**§ 1030.70 Personal liability.**

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of

dishonesty, willful misconduct, or gross negligence.

**§ 1030.71 Separability.**

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

Issued at Washington, D. C., this 15th day of July 1960, to become effective upon publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-6800; Filed, July 20, 1960; 8:47 a.m.]

**Title 5—ADMINISTRATIVE PERSONNEL**

**Chapter II—Employment and Compensation in the Canal Zone**

**PART 201—GENERAL**

**Exclusions; Correction**

F.R. Document 60-3863, appearing at 25 F.R. 3753, April 29, 1960, is corrected to show the subparagraph added to § 201.100(b) to be numbered as "(5)" instead of "(3)".

R. V. LEE,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 60-6785; Filed, July 20, 1960; 8:45 a.m.]

**Title 14—AERONAUTICS AND SPACE**

**Chapter II—Civil Aeronautics Board**

**SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-310]

**PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS**

**Application Form for Operating Authorization**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1960.

A notice of proposed rule making was published in the FEDERAL REGISTER on May 4, 1960 (25 F.R. 3856) and circulated to the industry as Economic Regulations Docket No. 11337, dated April 29, 1960, proposing certain amendments to Parts 296 and 297 of the Economic Regulations which would require the use of the same application form for air freight forwarders (Part 296) and international air freight forwarders (Part 297).

It is felt that the use of a single application form would establish a more uniform application system and would allow for the handling of applications in a much more efficient and expeditious

manner and be thereby beneficial to the air freight forwarder industry.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. No industry comments were received. The phrase "5 percent or more" found in items 7 and 10 of the application form, and the corresponding phrase in the body of the regulation, have been changed to read "more than 5 percent," to conform with section 407(b) of the Federal Aviation Act of 1958.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Part 296) effective August 19, 1960, as follows:

1. By amending § 296.42 to read as follows:

**§ 296.42 Application for issuance.**

(a) *Application form.* Any person, other than those specified in § 296.43(a), desiring to operate as an air freight forwarder may apply to the Board for an appropriate Operating Authorization. Such an applicant shall execute in duplicate, an "Application for Operating Authorization as an Air Freight Forwarder" (CAB Form 351).<sup>1</sup> The application shall be certified by a responsible official of such carrier and shall contain the following information: (1) Date; (2) name of applicant, trade names, and name in which authorization is to be issued; (3) address of principal office and mailing address; (4) form of organization (i.e. corporation, partnership, etc.), State under whose laws company is authorized to operate, and date company was formed; (5) a list containing the names of each officer, director, partner, owner, or member of applicant, and holder of more than 5 percent of outstanding stock if a corporation, or owner of a more than 5 percent interest if other than a corporation; an indication as to whether or not 75 percent or more of the voting interest is owned or controlled by citizens of the United States or one of its possessions; if more than 5 percent of applicant's stock is held by a corporation an indication must be made as to whether or not 75 percent or more of the voting interest of such corporation is owned or controlled by citizens of the United States or one of its possessions; (6) a description of current business activities and of former business experience in, or related to, the transportation field; (7) description of operating authority granted applicant by agencies of the United States Government (such as that of surface freight forwarder, motor carrier, etc.) and, if applicable, reasons for revocation or other termination; (8) totals of cargo tonnage handled during past year, the capacity in which handled (as agent of carrier, agent of shipper, as direct carrier, etc.), and means of transportation (air, truck, rail, etc.); (9) an indication as to whether applicant is a cargo sales agent; affiliations, commissions and agreements of the past year in

<sup>1</sup> Form filed as part of original document. Available from Publications Section, Civil Aeronautics Board.

this regard; (10) list of names of parties, effective dates, operating areas, nature and terms of any oral or written agreements, contracts, or working arrangements concerning transportation activities to which applicant is a party; (11) list of domestic and international points served and proposed to be served; list of offices, agents, etc., at points served and proposed to be served; (12) description of proposed services and specializations and an indication as to whether or not owners or affiliates will use the applicant's proposed air freight forwarding services; (13) list of names of the officers, owners, etc., of applicant who have at any time applied for any type of authority or registration from the Civil Aeronautics Board and, if applicable, reasons for revocation or other termination; (14) list of officers, owners, etc., of applicant who have at any time been employed by or associated with any air carrier authorized to operate by the Civil Aeronautics Board indicating dates of employment and capacity in which employed; also a list of officers, owners, etc., of applicant who were connected in any way with any air freight forwarder, noncertificated carrier, etc., which had its operating authority revoked or suspended during the time of that connection; (15) description of experience of applicant's officers, managers and key personnel in transportation activities qualifying them for air freight forwarder operations; (16) a detailed description of any affiliated companies, their activity, operating authority, points served, total cargo tonnage handled during past full calendar year, agency relationships, agreements concerning transportation activity to which affiliate is a party, and integration between applicant and affiliates; (17) any additional information as desired in support of applications; (18) Profit and Loss Statement (for the full year ending as of date of Balance Sheet); Balance Sheet as of a date not more than three months prior to application, list of terminal facilities and automotive equipment owned or leased; Certificate of Insurance (CAB Form 350)<sup>2</sup> or statement of qualification as a self-insurer (filing of a certificate of insurance may be postponed until later notification); sample of proposed air waybill; report of ownership of stock and other interests (CAB Form 2786)<sup>2</sup> by each officer, director, member, partner or owner of applicant; for each affiliate, a Profit and Loss Statement (for the full year ending as of date of Balance Sheet) and Balance Sheet, as of a date not more than three months prior to application; organizational chart, diagram of inter-company ownership and interlocking relationships, annotated to show percentages of stock holdings, officers, directors, members, partners and owners in each company; plus a brief account of any arrangement by which applicant will have available financial sources and

facilities of other companies or individuals.

(b) *Additional information.* The applicant shall also submit such other additional information pertinent to its proposed activities as may be requested by the Board with respect to any individual application.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 101(3), 72 Stat. 737, 49 U.S.C. 1301)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,  
Secretary.

[F.R. Doc. 60-6814; Filed, July 20, 1960;  
8:49 a.m.]

[Reg. ER-311]

## PART 297—CLASSIFICATION AND EXEMPTION OF INTERNATIONAL AIR FREIGHT FORWARDERS

### Application Form for Operating Authorization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1960.

A notice of proposed rule making was published in the FEDERAL REGISTER on May 4, 1960 (25 F.R. 3856) and circulated to the industry as Economic Regulations Docket No. 11337, dated April 29, 1960, proposing certain amendments to Parts 296 and 297 of the Economic Regulations which would require the use of the same application form for air freight forwarders (Part 296) and international air freight forwarders (Part 297).

It is felt that the use of a single application form would establish a more uniform application system and would allow for the handling of applications in a much more efficient and expeditious manner and be thereby beneficial to the air freight forwarder industry.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. No industry comments were received. The phrase "5 percent or more" found in items 7 and 10 of the application form, and the corresponding phrase in the body of the regulation, have been changed to read "more than 5 percent," to conform with section 407(b) of the Federal Aviation Act of 1958.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 297 of the Economic Regulations (14 CFR Part 297) effective August 19, 1960, as follows:

1. By amending § 297.32 to read as follows:

#### § 297.32 Application for issuance.

(a) *Application form.* Any person, other than those specified in § 297.33, desiring to operate as an international

air freight forwarder may apply to the Board for an appropriate Operating Authorization. Such an applicant shall execute in duplicate an "Application for Operating Authorization as an International Air Freight Forwarder" (CAB Form 351).<sup>1</sup> The application shall be certified by a responsible official of such carrier and shall contain the following information: (1) Date; (2) name of applicant, trade names, and name in which authorization is to be issued; (3) address of principal office and mailing address; (4) form of organization (i.e., corporation, partnership, etc.), State under whose laws company is authorized to operate, and date company was formed; (5) a list containing the names of each officer, director, partner, owner, or member of applicant, and holder of more than 5 percent of outstanding stock if a corporation, or owner of a more than 5 percent interest if other than a corporation; an indication as to whether or not 75 percent or more of the voting interest is owned or controlled by citizens of the United States or one of its possessions; if more than 5 percent of applicant's stock is held by a corporation an indication must be made as to whether or not 75 percent or more of the voting interest of such corporation is owned or controlled by citizens of the United States or one of its possessions; (6) a description of current business activities and of former business experience in, or related to, the transportation field; (7) description of operating authority granted applicant by agencies of the United States Government (such as that of surface freight forwarder, motor carrier, etc.) and, if applicable, reasons for revocation or other termination; (8) totals of cargo tonnage handled during past year, the capacity in which handled (as agent of carrier, agent of shipper, as direct carrier, etc.), and means of transportation (air, truck, rail, etc.); (9) an indication as to whether applicant is a cargo sales agent; affiliations, commissions, and agreements of the past year in this regard; (10) list of names of parties, effective dates, operating areas, nature and terms, of any oral or written agreements, contracts, or working arrangements concerning transportation activities to which applicant is a party; (11) list of domestic and international points served and proposed to be served; list of offices, agents, etc., at points served and proposed to be served; (12) description of proposed services and specializations and an indication as to whether or not owners or affiliates will use the applicant's proposed air freight forwarding services; (13) list of names of the officers, owners, etc., of applicant who have at any time applied for any type of authority or registration from the Civil Aeronautics Board and, if applicable, reasons for revocation or other termination; (14) list of officers, owners, etc., of

<sup>1</sup> Form filed as part of original document. Available from Publications Section, Civil Aeronautics Board.

<sup>2</sup> Available from Publications Section, Civil Aeronautics Board.

applicant who have at any time been employed by or associated with any air carrier authorized to operate by the Civil Aeronautics Board indicating dates of employment and capacity in which employed; also a list of officers, owners, etc., of applicant who were connected in any way with any air freight forwarder, non-certificated carrier, etc., which had its operating authority revoked or suspended during the time of that connection; (15) description of experience of applicant's officers, managers, and key personnel in transportation activities qualifying them for air freight forwarder operations; (16) a detailed description of any affiliated companies, their activity, operating authority, points served, total cargo tonnage handled during past full calendar year, agency relationships, agreements concerning transportation activity to which affiliate is a party, and integration between applicant and affiliates; (17) any additional information as desired in support of applications; (18) Profit and Loss Statement (for the full year ending as of date of Balance Sheet); Balance Sheet as of a date not more than three months prior to application; list of terminal facilities and automotive equipment owned or leased; Certificate of Insurance (CAB Form 350)<sup>2</sup> or statement of qualification as a self-insurer (filing of a certificate of insurance may be postponed until later notification); sample of proposed air waybill; report of ownership of stock and other interests (CAB Form 2786)<sup>2</sup> by each officer, director, member, partner or owner of applicant; for each affiliate, a Profit and Loss Statement (for the full year ending as of date of Balance Sheet) and Balance Sheet, as of a date not more than three months prior to application; organizational chart, diagram of inter-company ownership and interlocking relationships, annotated to show percentages of stock holdings, officers, directors, members, partners and owners in each company; plus a brief account of any arrangement by which applicant will have available financial sources and facilities of other companies or individuals.

(b) *Additional information.* The applicant shall also submit such other information pertinent to its proposed activities as may be requested by the Board with respect to any individual application.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 101(3), 72 Stat. 737, 49 U.S.C. 1301)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board,

[SEAL] ROBERT C. LESTER,  
Secretary.

[F.R. Doc. 60-6815; Filed, July 20, 1960; 8:49 a.m.]

<sup>2</sup> Available from Publications Section, Civil Aeronautics Board.

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-NY-61]

#### PART 600—DESIGNATION OF FEDERAL AIRWAYS

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

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

On March 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1964) stating that the Federal Aviation Agency was considering an amendment to §§ 600.6189, 600.6260, 601.6189 and 601.6260 of the regulations of the Administrator which would modify VOR Federal airways Nos. 189 and 260 and their associated control areas.

As stated in the notice, Victor 189 presently extends from the Rocky Mount, N.C., VOR to the Franklin, Va., VOR. Victor 260 presently extends from the Charleston, W. Va., VOR to the Richmond, Va., VOR. The Federal Aviation Agency is extending Victor 189 from the Franklin VOR to the Hopewell, Va., VORTAC and Victor 260 from the Richmond VOR to the Hopewell VORTAC, thence via the Hopewell VORTAC 134° True radial to its intersection with VOR Federal airway No. 1.

The Department of the Air Force offered no objections to the proposed amendments, provided the procedures for the use of these airways would not result in an adverse impact on Langley Air Force Base traffic. The Air Force questioned the desirability of extending Victor 260 into an already congested area.

The Department of the Navy interposed no objection to the extension of Victor 189 and concurred in the use of the Hopewell VORTAC 134° True radial to its intersection with Victor 1 provided radar separation standards are utilized. However, the Navy did object to the designation of this route segment as a Federal airway for the following reasons: The extension of Victor 260 was designed for the use of commercial air traffic and would serve one small segment of aviation to the detriment of other, heavier users of the same area; the necessity for terminal traffic to navigate on en route aids in this area is confined to the rare occasions of radar or communications failure. This situation would necessitate the evacuation of the primary feeder fix to the Norfolk Naval Air Station, thereby penalizing landing traffic; the designation of this route would funnel additional VFR civil traffic into an area already containing a heavy concentration of military traffic; the extension of Victor 260 would create

a mid-air collision prone environment simply to save an air carrier a few miles on those rare occasions when radar or communications failure prohibit the use of radar services.

The airspace encompassed by the proposed extension of Victor 260 is already designated as control area in § 601.1149 (24 F.R. 10555; 25 F.R. 336, 337, 338). This route has been utilized since approximately July 15, 1958, to expedite all segments of air traffic proceeding via Hopewell VORTAC to Patrick Henry Airport, Langley AFB, Norfolk NAS, Norfolk Municipal Airport and Oceana NAS. No adverse conditions have resulted due to its use. The designation of this route as a Federal airway will not alter the procedures now being utilized except to simplify controller phraseology in reducing the amount of conversation necessary for its description. Even though receiving radar separation and advisory services, it is desirable, from an air traffic management viewpoint, that air traffic navigate on predetermined routes as far as possible into terminal areas prior to transition to pure radar service. Traffic proceeding along the proposed extension of Victor 260 will continue to receive radar services as deemed necessary and in the event of radar or communication failure, traffic to Norfolk Municipal and Oceana NAS will normally be routed via Victor 189 and 266 which will be the preferred flight planning route in this area. The Federal Aviation Agency does not believe that the action taken herein would result in an abnormal increase in VFR civil traffic in this area. The airway is being designated over a commonly used route in presently designated controlled airspace, for the purpose of simplifying procedures.

No other adverse comments were received regarding the proposed amendments.

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

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

1. Section 600.6189 (24 F.R. 10521) is amended to read:

§ 600.6189 VOR Federal airway No. 189 (Rocky Mount, N.C., to Hopewell, Va.).

From the Rocky Mount, N.C., VOR via the Franklin, Va., VOR; to the Hopewell, Va., VORTAC.

§ 600.6260 [Amendment]

2. In § 600.6260 (25 F.R. 2159), the following changes are made:

(a) In the caption "(Charleston, W. Va., to Richmond, Va.)" is deleted and "(Charleston, W. Va., to Deep Creek, Va.)" is substituted therefor.

(b) In the text "to the Richmond, Va., VOR." is deleted and "Richmond, Va., VOR; Hopewell, Va., VORTAC; to the

INT of the Hopewell VORTAC 134° True radial and the Norfolk, Va., VORTAC direct radial to the Cofield, N.C., VORTAC." is substituted therefor.

§ 601.6189 [Amendment]

3. In the caption of § 601.6189 (24 F.R. 10602), "(Rocky Mount, N.C., to Franklin, Va.)" is deleted and "(Rocky Mount, N.C., to Hopewell, Va.)" is substituted therefor.

§ 601.6260 [Amendment]

4. In the caption of § 601.6260 (25 F.R. 2159), "(Charleston, W. Va., to Richmond, Va.)" is deleted and "(Charleston, W. Va., to Deep Creek, Va.)" is substituted therefor.

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 July 14, 1960.

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

[F.R. Doc. 60-6788; Filed, July 20, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-40]

**PART 600—DESIGNATION OF  
FEDERAL AIRWAYS**

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

**Modification of Federal Airway, Asso-  
ciated Control Areas and Reporting  
Points**

The purpose of these amendments to §§ 600.282, 601.282 and 601.4282 of the regulations of the Administrator is to modify Red Federal airway No. 82 between the Skwentna, Alaska radio range station and the Willow, Alaska, intersection.

Red 82 is presently designated from the Skwentna radio range station to the intersection of the southeast course of the Skwentna radio range and the north course of the Anchorage (Merrill), Alaska, radio range. The Anchorage (Merrill) radio range has been decommissioned. Therefore, it is necessary to delete any reference to the "Anchorage (Merrill), Alaska radio range station" and redescribe Red 82 by use of a line bearing 357° True from the Anchorage, Alaska radio range station. This redescription does not alter the airway nor its associated control areas. Concurrently with this action, the captions of § 601.282 relating to control areas for Red 82 and § 601.4282 relating to reporting points for Red 82 are amended to reflect the actual terminals of the airway.

Since these amendments impose no additional burden on the public, com-

pliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.282 (24 F.R. 10499), § 601.282 (24 F.R. 10545) and § 601.4282 (24 F.R. 10595) are amended to read:

§ 600.282 Red Federal airway No. 82 (Skwentna, Alaska, to Willow, Alaska).

From the Skwentna, Alaska, RR to the INT of the SE course of the Skwentna RR with a line bearing 357° True from the Anchorage, Alaska, RR.

§ 601.282 Red Federal airway No. 82 control areas (Skwentna, Alaska, to Willow, Alaska).

All of Red Federal airway No. 82.

§ 601.4282 Red Federal airway No. 82 (Skwentna, Alaska, to Willow, Alaska).

No reporting point designation.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on July 14, 1960.

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

[F.R. Doc. 60-6789; Filed, July 20, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-337]

**PART 600—DESIGNATION OF  
FEDERAL AIRWAYS**

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

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

On December 29, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 10920) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 1524 and its associated control areas, from Los Angeles, Calif., to Joliet, Ill.

On February 12, 1960, a modified notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 1285) stating that the Federal Aviation Agency was amending its original proposal. This amended proposal substituted "Moline, Ill.," and "Moline VOR" for "Nodine, Ill.," and "Nodine VOR" respectively, where these place names ap-

pear in the description of Victor 1524 and also changed the segment of Victor 1524, between the Moline VOR and the Joliet VOR, from a routing via the intersection of the Moline VOR 082° True and the Joliet VOR 263° True radials to direct station to station.

No adverse comments were received regarding the proposed amendments. The Department of the Navy, however, conditioned its concurrence on the proposed airway not being designated as a positive control route segment between Ontario, Calif., and Peach Springs, Ariz. The Federal Aviation Agency is not designating this segment of Victor 1524 as a positive control route segment. Additionally, the Department of the Air Force stated that it had no objections to the proposed airway, provided it would overlie existing airways and that interested agencies would be given an opportunity to comment on the proposed intermediate altitude airway concept. The new Victor 1524 will overlie existing airways and interested persons will be given an opportunity to comment on the intermediate altitude airways concept in accordance with existing Federal Aviation Agency procedures.

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

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, Parts 600 (24 F.R. 10487) and 601 (24 F.R. 10530) are amended by adding the following sections:

§ 600.6624 VOR Federal airway No. 1524 (Los Angeles, Calif., to Joliet, Ill.).

From the Los Angeles, Calif., VOR via the Ontario, Calif., VOR; INT of the Ontario VOR 091° True and the Twenty-nine Palms, Calif., VOR 244° True radials; Twentynine Palms VOR; Needles, Calif., VORTAC; Peach Springs, Ariz., VORTAC; Tuba City, Ariz., VOR; Farmington, N. Mex., VORTAC; Alamosa, Colo., VOR; Lamar, Colo., VOR; Hill City, Kans., VOR; Mankato, Kans., VOR; Pawnee City, Nebr., VORTAC; Lamoni, Iowa, VOR; Ottumwa, Iowa, VORTAC; Moline, Ill., VORTAC; to the Joliet, Ill., VORTAC.

§ 601.6624 VOR Federal airway No. 1524 control areas (Los Angeles, Calif., to Joliet, Ill.).

All of VOR Federal airway No. 1524.

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

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

Issued in Washington, D.C., on July 14, 1960.

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

[F.R. Doc. 60-6790; Filed, July 20, 1960; 8:46 a.m.]

[Airspace Docket No. 60-FW-1]

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

**Modification of Control Zone**

On March 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2496) stating that the Federal Aviation Agency proposed to modify the Charlotte, N.C., control zone by revoking the south extension based on the Charlotte radio range and the Fort Mill, S.C., fan marker; by revoking that portion of the control zone extension based on the Fort Mill VOR extending south of the VOR, and by extending the southwest extension to a point 12 miles southwest of the Douglas Airport ILS outer marker.

On May 26, 1960, a modified notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 4652) stating that the Federal Aviation Agency was amending its original proposal. This amended proposal stated that the Douglas Airport ILS outer marker compass locator ADF standard instrument approach procedure would be modified to eliminate the need for that portion of the control zone extension southwest of the outer marker. The original proposal was, therefore, amended in that the Federal Aviation Agency was considering the redesignation of the control zone extension based on the Douglas Airport ILS localizer as within 2 miles either side of the Douglas Airport ILS localizer southwest course extending from the 5-mile radius zone to the ILS outer marker.

Subsequent to publication of the notice and modified notice, it was determined that the radial of the Fort Mill VOR, upon which the modified south control zone extension will be based, is the 004° True instead of the 005° True radial. This change has been made herein since it is minor in nature in that it represents a correction of only one degree.

Although the Aircraft Owners and Pilots Association objected to the modification of the southwest extension to the Charlotte control zone as proposed in the original notice, no adverse comments were received regarding the amendment as proposed in the modified notice.

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

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 601.2135 (24 F.R. 10578) is amended to read:

§ 601.2135 Charlotte, N.C., control zone.

Within a 5-mile radius of the geographical center of the Douglas Airport (latitude 35°12'58" N., longitude 80°56'22" W.), within 2 miles either side of the 004° True radial of the Fort Mill,

S.C., VOR extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the SW course of the Douglas Airport ILS localizer extending from the 5-mile radius zone to the ILS outer marker.

This amendment shall become effective 0001 e.s.t. September 22, 1960.

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

Issued in Washington, D.C., on July 14, 1960.

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

[F.R. Doc. 60-6786; Filed, July 20, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-164]

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

**Modification of Control Zone**

The purpose of this amendment to § 601.2407 of the regulations of the Administrator is to modify the Alpena, Mich., control zone.

The Alpena control zone is presently designated from 0001 e.s.t., June 11, 1960, to 0001 e.s.t., September 4, 1960, and annually thereafter. Phelps Collins Airport, Alpena, Mich., is used annually during the above period for summer Air National Guard encampments. It has been determined that the activity at this location is not sufficient to meet the minimum control zone criteria on a continuous basis during its period of designation. Therefore, the control zone is modified by limiting the time of designation to from 0600 to 2200 local time daily, June 11, 1960, to September 4, 1960, and annually thereafter.

A review of the instrument approach procedure published for the Phelps Collins Airport revealed that the present control zone extension extending 5 miles north of the Alpena nondirectional radio beacon is in addition to that required. Aircraft executing an instrument approach based on this beacon must cross the beacon on an inbound heading at least 1,700 feet MSL, which is in excess of 1,000 feet above the terrain. Accordingly, the control zone extension is modified by terminating it at the beacon.

Since the changes effected by this amendment are less restrictive in nature than the present requirements, and impose no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 601.2407 (24 F.R. 10590, 25 F.R. 4349) is amended to read:

§ 601.2407 Alpena, Mich., control zone.

The airspace within a 5-mile radius of the geographical center of the Phelps Collins Airport (latitude 45°05'00" N., longitude 83°33'30" W.), and within 2 miles either side of a 185° True bearing

from the Alpena (APN), Mich., RBN extending from the 5-mile radius zone to the RBN shall be designated a control zone from 0600 to 2200 local time daily during the period June 11 to September 4, annually.

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

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

Issued in Washington, D.C., on July 14, 1960.

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

[F.R. Doc. 60-6787; Filed, July 20, 1960; 8:45 a.m.]

**Title 16—COMMERCIAL PRACTICES**

**Chapter I—Federal Trade Commission**

[Docket 7384 c.o. et.]

**PART 13—PROHIBITED TRADE PRACTICES**

**Select Magazines, Inc., et al.**

In the matter of Select Magazines, Inc., et al. (D. 7384 c.o.); Curtis Publishing Co., Inc., et al. (D. 7385 c.o.); Cowles Magazines, Inc., et al. (D. 7386 c.o.); Esquire, Inc., et al. (D. 7387 c.o.); New Yorker Magazine, Inc., et al. (D. 7388 c.o.); Newsweek, Inc., et al. (D. 7389 c.o.); United States News Publishing Corporation et al. (D. 7390 c.o.); The Hearst Corporation (D. 7391 c.o.); MacFadden Publications, Inc. (D. 7392 c.o.); Fawcett Publications, Inc. (D. 7393 c.o.); Triangle Publications, Inc. (D. 7394 c.o.); The New American Library of World Literature, Inc., et al. (D. 7611 c.o.); Dell Publishing Company, Inc. (D. 7612 c.o.); Bantam Books, Inc. (D. 7613 c.o.); National Comics Publications, Inc., et al. (D. 7614 c.o.); and Pocket Books, Inc., et al. (D. 7615 c.o.).

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 Allowances for services or facilities.

(Sec. 6(f), 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Select Magazines, Inc. (New York, N.Y.), et al., Docket 7384; Curtis Publishing Co., Inc. (Philadelphia, Pa.), et al., Docket 7385; Cowles Magazines, Inc. (New York, N.Y.), et al., Docket 7386; Esquire, Inc. (New York, N.Y.), et al., Docket 7387; New Yorker Magazine, Inc. (New York, N.Y.), et al., Docket 7388; Newsweek, Inc. (New York, N.Y.), et al., Docket 7389; United States News Publishing Corporation (Washington, D.C.) et al., Docket 7390; The Hearst Corporation, New York, N.Y., Docket 7391; MacFadden Publications, Inc., New York, N.Y., Docket 7392; Fawcett Publications, Inc., Greenwich, Conn., Docket 7393; Triangle Publications, Inc., Philadelphia, Pa., Docket 7394; The New American Library of World Literature, Inc., et al., New York, N.Y., Docket 7611; Dell Publishing Company, Inc., New York, N.Y., Docket 7612; Bantam Books, Inc., New York, N.Y., Docket 7613; National Comics Publications, Inc., et al., New York,

N.Y., Docket 7614; and Pocket Books, Inc., et al., New York, N.Y., Docket 7615; all July 6, 1960]

*In the Matters of Select Magazines, Inc., McCall Corporation, The Popular Science Publishing Company, Inc., The Reader's Digest Association, Inc., Meredith Publishing Company, Inc., Street & Smith Publications, Inc., Time, Inc., Corporations; Curtis Publishing Co., Inc., The American Home Magazine Corp., Curtis Circulation Company, Inc., Corporations; Cowles Magazines, Inc., Curtis Circulation Company, Inc., Corporations; Esquire, Inc., Curtis Circulation Company, Inc., Corporations; New Yorker Magazine, Inc., Curtis Circulation Company, Inc., Corporations; Newsweek, Inc., Curtis Circulation Company, Inc., Corporations; United States News Publishing Corporation, Select Magazines, Inc., Corporations; The Hearst Corporation, a Corporation; MacFadden Publications, Inc., a Corporation; Fawcett Publications, Inc., a Corporation; Triangle Publications, Inc., a Corporation; The New American Library of World Literature, Inc., Independent News Company, Inc., Corporations; Dell Publishing Company, Inc., a Corporation; Bantam Books, Inc., a Corporation; National Comics Publications, Inc., Independent News Company, Inc., Corporations; and Pocket Books, Inc., Affiliated Publishers, Inc., Corporations*

These sixteen proceedings were heard by a hearing examiner on complaints of the Commission charging publishers and their distributors of magazines, paper backs, and comic books with violating section 2(d) of the Clayton Act by making payments or allowances for services or facilities furnished certain customers operating retail outlets in railroad, airport, and bus terminals and in hotels and office buildings, which were not made available on proportionally equal terms to all competing customers.

Accepting consent agreements, the hearing examiner made the initial decisions and orders to cease and desist, all of which became on July 6 the decisions of the Commission.

Respondents in these sixteen cases were ordered to cease and desist as follows:

*It is ordered*, That each of the named respondents—Select Magazines, Inc., McCall Corporation, The Popular Science Publishing Company, Inc., The Reader's Digest Association, Inc., Meredith Publishing Company, Street & Smith Publications, Inc., Time, Inc.; The Curtis Publishing Company, The American Home Magazine Corporation, Curtis Circulation Company; Cowles Magazines, Inc. and Curtis Circulation Company; Esquire, Inc. and Curtis Circulation Company; The New Yorker Magazine, Inc. and Curtis Circulation Company; Newsweek, Inc. and Curtis Circulation Company; United States News Publishing Corporation and Select Magazines, Inc.; The Hearst Corporation; MacFadden Publications, Inc.; Fawcett Publications, Inc.; Triangle Publications, Inc.; The New American Library of World Litera-

ture, Inc., Independent News Company, Inc.; Dell Publishing Co., Inc.; Bantam Books, Inc.; National Comics Publications, Inc., Independent News Company, Inc.; and Pocket Books, Inc., Affiliated Publishers, Inc.—its officers, agents, representatives or employees, directly or through any corporate or other device, in connection with the distribution, sale, or offering for sale of magazines, paper back or comic books in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of any magazine, paper back or comic book published, sold or offered for sale by such respondent, unless such payment or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all of its other customers competing with such favored customer in the distribution of such magazine, paper back or comic book.

Additionally, respondents in seven of these cases were ordered as follows:

*It is further ordered*, That each of the named respondents—Select Magazines, Inc.; Curtis Circulation Company; The Hearst Corporation; MacFadden Publications, Inc.; Fawcett Publications, Inc.; Independent News Company, Inc.; and Affiliated Publishers, Inc.—its officers, agents, representatives or employees, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of magazines, paper back or comic books in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from paying, contracting for, or passing on an allowance or anything of value to, or for the benefit of any customer of any publisher for which it distributes any magazine, paper back or comic book as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of any of such publisher's magazines, paper back or comic books which are sold, offered for sale or distributed by each respondent, unless such allowance or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all other customers of such publisher to whom each respondent distributes such publisher's magazines, paper back or comic books, and who are competing with such favored customer in the distribution of such magazines, paper back or comic books.

By "Decision of the Commission" etc., in each of these sixteen cases, time for filing reports of compliance was extended as follows:

*It is ordered* that the time within which the respondents may file their reports, setting forth the manner and form in which they have complied with the orders to cease and desist as required by § 3.26 of the rules of practice, be, and it

hereby is, extended until further order of the Commission.

Issued: June 30, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-6791; Filed, July 20, 1960; 8:46 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

##### Bread; Order Amending Standard of Identity

In the matter of amending the definition and standard of identity for bread:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 3, 1960 (25 F.R. 3840), setting forth a proposal by the Red Star Yeast and Products Company, 325 North 27th Street, Milwaukee, Wisconsin, to amend the definition and standard of identity for bread by listing calcium iodate as an optional ingredient permitted to be used in amounts not exceeding 75 parts per million on the basis of the weight of flour used. Upon consideration of the proposal and other relevant information, it is concluded that to promote honesty and fair dealing in the interest of consumers the definition and standard of identity for bread (21 CFR 17.1) should be amended as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500, 25 F.R. 5611): *It is ordered*, That § 17.1(a)(12) be amended to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) \* \* \*

(12) Potassium bromate, potassium iodate, calcium iodate, calcium peroxide, or any combination of two or more of these; but the total quantity thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

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

show wherein the person filing will be adversely affected by the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: July 14, 1960.

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

[F.R. Doc. 60-6811; Filed, July 20, 1960;  
8:49 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2161]

[Oregon 06325]

#### OREGON

#### Order Providing for Opening of Lands; Power Projects Nos. 428 and 577

1. The Federal Power Commission has vacated withdrawals created by the filing of applications for preliminary permits for proposed water-power Projects Nos. 428 and 577, affecting approximately 38,013 acres of land in the State of Oregon. Most of the lands are in the Umpqua National Forest; some are re-vested Oregon and California Railroad Grant lands, and most are still blanketed by other withdrawals for power purposes. The following-described "revested O&C"

lands are not national forest lands or otherwise withdrawn:

#### WILLAMETTE MERIDIAN

T. 26 S., R. 2 W.,

Sec. 13, NW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$  NW $\frac{1}{4}$ ;

Sec. 17, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$  SE $\frac{1}{4}$ ;

Sec. 23, lots 10, 11, 12, 13, 14, 15, and 16.

T. 26 S., R. 3 W.,

Sec. 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 11, lots 1, 9, 13, 14, 15, and 16.

The areas described aggregate 1,102.98 acres.

2. Until 10:00 a.m. on October 12, 1960, the described lands shall be open only to application by the State of Oregon for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways in accordance with the provisions of section 24 of the Federal Power Act.

3. Beginning at 10:00 a.m. on October 12, 1960, the lands shall be open to such other forms of disposition as may by law be made of Revested Oregon and California Railroad Grant lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

ROGER ERNST,

Assistant Secretary of the Interior.

JULY 14, 1960.

[F.R. Doc. 60-6794; Filed, July 20, 1960;  
8:46 a.m.]

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

### Chapter I—Veterans Administration

#### PART 3—VETERANS CLAIMS

#### Payment of Benefits to Children on Account of Death of More Than One Parent in Same Parental Line

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1543 as follows:

#### § 3.1543 Payment of benefits to children on account of the death of more than one parent in the same parental line.

(a) *Provisions of the law.* (1) Section 1 of Public Law 86-495 amends section 3104(b)(2) of Title 38, United States Code, to read as follows:

(2) Benefits other than insurance under laws administered by the Veterans' Administration may not be paid or furnished to or on account of any child by reason of the death of more than one parent in the same parental line; however, the child may elect one or more times to receive benefits by reason of the death of any one of such parents.

(2) Section 2 provides:

The amendment made by this Act shall apply only to cases where the death of a parent occurs after the date of enactment of this Act.

(b) *Effect of the Act.* (1) The term "more than one parent in the same parental line" refers to more than one father or more than one mother; e.g., a natural father and a stepfather. It does not include a combination of one mother and one father.

(2) Payment of more than one death benefit (exclusive of insurance) based on the deaths of two or more parents in the same parental line is prohibited by this amendment, except where the death of more than one such parent occurred before June 9, 1960.

(3) A child may elect and reelect any number of times to receive benefits by reason of the death of any one parent in the same parental line.

(4) Concurrent benefits for children entitled on the basis of the deaths of two or more parents in the same parental line which occurred prior to June 9, 1960, are not affected by this law.

(5) The finality of election to receive dependency and indemnity compensation provided by 38 U.S.C. 416(b)(2) where death occurred before January 1, 1957, is not affected by this amendment.

(c) *Effective date.* The date of enactment of this Act was June 8, 1960. It applies only to deaths which occurred on or after June 9, 1960. (Instruction 1, 38 U.S.C. 3104(b)(2), Public Law 86-495)

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

This regulation is effective July 21, 1960.

[SEAL] A. H. MONK,  
Acting Associate Deputy  
Administrator.

[F.R. Doc. 60-6807; Filed, July 20, 1960;  
8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 994]

[Docket No. AO-300-A1]

### MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

#### Decision on 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), a public hearing was held at Colorado Springs, Colorado, on June 21-22, 1960, pursuant to notice thereof issued on May 31, 1960 (25 F.R. 4919).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 7, 1960 (25 F.R. 6483; Doc. 60-6423) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. No exceptions were filed.

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

1. The Class I price;
2. The Class II price;
3. Pool plant requirements and clarification of plant definitions;
4. Classification of milk transferred or diverted to nonpool plants;
5. Limitations on diversions;
6. Location adjustments to producers;
7. Administrative charges to partially regulated handlers; and
8. Allocation of packaged sour cream received from plants where it has been classified and priced as Class I under another Federal order.

Inasmuch as the Class I price provision will expire July 31, 1960, immediate consideration is necessary on issue number 1, therefore this decision is confined to this issue. The remaining issues will be considered in a separate decision at a later date.

*Findings and conclusions.* The following findings and conclusions are confined to material issue number 1 and are based on evidence presented at the hearing and the record thereof:

1. The Class I price provision should be continued 18 months beyond its present expiration date.

Producers proposed the continuation of the present Class I price. A handler testified in support of producers' proposal. No testimony in opposition was offered.

The Class I price presently is determined by adding \$2.20 to the basic formula-price for the preceding month.

When the order was issued, effective February 1, 1959, this Class I price provision was made effective for a temporary period of 18 months. It was contemplated that after a full year's operation of the order, there should be opportunity to review the Class I price in the light of experience under the order.

Class I sales and producer milk supplies have both increased in the Colorado Springs-Pueblo market in the past year. For the five-month period January through May 1960, Class I sales of pool plants were 12.7 percent higher than those of the comparable period in 1959. Producer receipts in this period were 124.6 percent of those in the same months of 1959. The ratio of producer receipts to Class I sales was 119.2 percent in January-May 1959 and 130.9 percent in January-May 1960.

This higher ratio of increase in production over sales would in most circumstances indicate need for some downward adjustment of the Class I price in order to avoid excessive supplies for the market. There are, however, circumstances in the Colorado Springs-Pueblo market that indicate strongly the need for further experience under the order before arriving at a conclusion concerning the effect over the longer term of present pricing provisions in influencing a proper level of supply for the market.

The most significant factor in the changing supply-sales relationship from early 1959 to early 1960 is the fact that in early 1960 the Fort Carson military installation was supplied by a Denver handler. When this handler became fully regulated under the order, his milk supply was used to fulfill the contract. Local milk previously used to fulfill the contract then had to be classified as Class II. The needs of Fort Carson represent about 10 percent of the Class I sales of local handlers so that the shift of this one contract had a significant impact. At the time of the hearing the Fort Carson contract for the six-month period beginning July 1, 1960, had not yet been awarded.

The trend of producer numbers since the effective date of the order has been quite erratic. There was an increase of 145 producers (42 percent) from February to March 1959, decreases of 81 and 39, respectively, occurred in April and May and there was an increase of 38 in July. In a substantial number of cases producers supplied the market for only a few days, indicating that such producers were primarily associated with other markets, and that this milk was either received to meet the peak demand of an individual handler or that the pool was carrying reserves associated with other markets. Certain issues of this hearing are related to establishing the regular association of producers with the market as a condition of pooling or diversion.

The Colorado Springs-Pueblo market competes for supplies and sales with the substantially larger nearby Denver market. For May 1960, the Colorado Springs-Pueblo Class I price was 45 cents less than the Class I price reported as prevailing in the Denver market. While classification and accounting in Denver differ from Colorado Springs-Pueblo to the point that close comparisons cannot be made, the present Class I price is in reasonable alignment with the neighboring market under present conditions.

Continuation of present pricing provisions for another 18-month period will provide opportunity for a better basis for evaluation of the supply responses to such pricing in the light of developments in this and neighboring markets. It is concluded that the order should so provide.

*Rulings on proposed findings and conclusions.* A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, 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 the interested party are inconsistent with the findings and conclusions set forth herein, the request 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 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 market-

ing agreement upon which a hearing has been held.

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered.* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

**Determination of representative period.** The month of May 1960 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Colorado Springs-Pueblo marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 18th day of July 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

**Order<sup>1</sup> Amending the Order Regulating the Handling of Milk in the Colorado Springs-Pueblo Marketing Area**

**§ 994.0 Findings and determinations.**

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 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) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the or-

<sup>1</sup>This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

der regulating the handling of milk in the Colorado Springs-Pueblo marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 said marketing area, and the minimum prices specified in the order as hereby 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;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Colorado Springs-Pueblo marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

**§ 994.51 [Amendment]**

Delete § 994.51(a) and substitute therefore the following:

(a) *Class I milk.* During the period through January 1962, the basic formula price for the preceding month plus \$2.20.

[F.R. Doc. 60-6818; Filed, July 20, 1960; 8:50 a.m.]

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**Food and Drug Administration**

[ 21 CFR Part 121 ]

**FOOD ADDITIVES**

**Notice of Filing of Petition Regarding Manganese Bacitracin in Turkey Feed**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Grain Processing Corporation, Muscatine, Iowa, proposing the issuance of an amendment of the food additive regulation (§121.203) to provide for the use of manganese bacitracin in turkey feed and to provide for the use of levels of not more than 50 grams (activity bacitracin master standard) per ton of final manufactured feed when incorporated therein solely as an aid in stimulating growth and improving

feed efficiency in chickens, turkeys, and swine.

Dated: July 14, 1960.

[SEAL]

J. K. KIRK,  
Assistant to the Commissioner  
of Food and Drugs.

[F.R. Doc. 60-6810; Filed, July 20, 1960; 8:49 a.m.]

**SECURITIES AND EXCHANGE COMMISSION**

[ 17 CFR Part 230 ]

**DEFINITION OF "TRANSACTIONS BY AN ISSUER NOT INVOLVING ANY PUBLIC OFFERING"**

**Notice of Proposed Rule Making**

Section 5(c) of the Securities Act of 1933 makes it unlawful for any person, directly or indirectly, to use federal jurisdictional means—the mails, or the means or instruments of transportation or communication in interstate or foreign commerce—to offer to sell or to solicit an offer to buy a security unless a registration statement with respect to such security has been filed with the Securities and Exchange Commission. Under section 5(a) it is unlawful by jurisdictional means for any person, directly or indirectly, to sell such security or to carry or cause to be carried any such security for the purpose of sale or for delivery after sale unless the registration statement has become effective. The second clause of section 4(1) of the Securities Act of 1933 exempts from the registration and prospectus provisions of the Act "transactions by an issuer not involving any public offering." These provisions are intended to make effective a basic statutory objective that the registration and prospectus provisions of section 5 of the Act shall apply to distributions of securities to the public by an issuer, underwriter or dealer. Apart from exemptions for certain securities and transactions, other provisions of the Act limit the application of the registration provisions to distributions effected by or on behalf of an issuer or on behalf of a person in a control relationship with the issuer.

Questions have arisen as to the application of the exemption afforded by section 4(1) to a public offering of convertible securities by or on behalf of any person who purchased the convertible security directly or indirectly from the issuer in a non-public transaction, or to a public offering of the underlying securities received upon conversion of the securities so placed. On December 2, 1959, the Commission published Securities Act of 1933 Release No. 4162 in which it invited comment upon a new Rule 155 which had been proposed by the staff of the Commission to clarify the application of the statute in these circumstances.

Release No. 4162, to which reference is made, contains a summary of the staff

conclusions and recommendations which form the basis for the proposed rule. Briefly restated, the staff view is that, "For purposes of the provisions of sections 2(11), 4(1) and 5 of the Securities Act, the transaction involved in a private placement by an issuer of a convertible security is not completed until the disposition of the underlying securities is determined" and that, in consequence, no exemption from the registration and prospectus provisions of the Act is available for a public offering of an immediately convertible security so issued, or for the underlying security received upon conversion unless the circumstances of acquisition, retention and disposition of the underlying security are such that the persons offering the underlying security are not underwriters within the meaning of section 2(11) of the Act.

The Commission has received helpful letters of comment. A number of the suggestions made have been incorporated in a revision of the proposed § 230.155 (Rule 155) as set forth below.

**§ 230.155 Definition of "transactions by an issuer not involving any public offering" in section 4(1) for certain transactions.**

(a) The phrase "transactions by an issuer not involving any public offering" in section 4(1) of the Act shall not include (1) any public offering of a security, which at that time is immediately convertible into another security of the same issuer, by or on behalf of any person or persons who purchased the convertible security directly or indirectly from an issuer as part of a non-public offering of such security, or (2) any public offering by or on behalf of any such person or persons of the other security acquired on conversion of a convertible security, unless the other security was acquired under such circumstances that such person or persons are not underwriters within the meaning of section 2(11).

(b) The phrase "transactions by any person other than an \* \* \* underwriter" in section 4(1) of the Act shall, for the purposes of this section, be deemed to include transactions by the initial, and any intermediate, holder of the convertible security or of the underlying security who (1) has not acquired the convertible or underlying security with a view to the distribution of either of them, and (2) is not effecting or causing to be effected, and has not arranged for a public offering of either security within the meaning of and subject to paragraph (a) of this section.

(c) This section shall apply to transactions of the character described in paragraph (a) of this section only with respect to convertible securities issued after ----- (Effective date of the section.)

Several of the letters received also raised questions as to the application of the proposed rule to various situations and requested that the Commission publish, prior to any final action upon the proposed rule, a further release treating with these questions. The following paragraphs refer to the more important of these questions and to the reasons

advanced by the staff for the additional provisions reflected in the revised proposal.

I. *Notes or debentures convertible into similar trust indenture securities.* The question has been raised whether the proposed rule would relate to " \* \* \* an unsecured note or debenture issued in a bona fide private placement [which] provides that the holder thereof may, if he so desires, break down the note or debenture into a number of small pieces issued under a trust indenture meeting the requirements of the Trust Indenture Act, so as to make it possible for such purchaser or someone else at a later date to effect resales, in such smaller units, of the notes or debenture \* \* \*." It is understood that transactions initially are effected in this manner to avoid certain taxes, the drafting of an indenture, and payment of the fees of an indenture trustee, all of which are not then necessary but might be required in connection with a later public offering of the security, not then contemplated. Assuming that resales at a later date would not be inconsistent with an original bona fide private placement, the staff for many years has been of the view that the breakdown of the large note originally issued into a number of smaller pieces of the same general terms, under a trust indenture, and the distribution of such pieces by a person not in a control relationship with the issuer, who received the security in the private placement, ordinarily does not raise a question under the Securities Act of 1933. The Commission has so ruled in a number of situations of this character. In any event, the proposed Rule 155 does not apply to cases of this character.

II. *Convertible securities issued in certain exempt transactions.* The question has been raised whether the proposed rule, or the principles underlying it, would apply to convertible securities issued in certain "types of exempt transactions other than non-public offerings." Particular reference is made to transactions in which convertible securities are issued in:

(a) A voluntary exchange offer meeting the requirements of section 3(a)(9);

(b) Transactions meeting the requirements of sections 3(a)(10) or 3(a)(11);

(c) Transactions meeting the requirements of the Commission's rules under section 3(b) or Section 3(c);

(d) Or a Rule 133 transaction, where Rule 133 would not require registration;

(e) In a Chapter X proceeding.

These will be dealt with in order. In general, however, it should be emphasized that the proposed rule deals only with the issue of convertible securities in non-public transactions, and specifies the circumstances under which registration is required for subsequent public offerings of such securities or of the underlying securities by or on behalf of the purchaser in the original transaction. It does not apply where convertible securities are distributed to the public initially, whether they are registered or reliance is placed on one of the cited exemptions.

On the other hand, the cited exemptions are all fundamentally transaction

exemptions and do not necessarily create exempted securities. Subsequent transactions in securities issued under these exemptions must find their own exemptions. Consequently, if convertible securities are privately placed initially, the principles announced in the proposed rule will be applicable to subsequent transactions in such securities, even if the initial placement is in form which literally falls within one of the cited exemptions.

These two principles furnish the basis for considering the questions posed. If the initial placement was public in character, whether registered under the Act or exempt from registration because of one or more of the indicated exemptions, the proposed rule does not apply. This is on the basis that the statutory objective has been achieved, that is, registration and the delivery of a prospectus to public purchasers in non-exempt situations. Once registration is effected transactions may be freely made by the public holders of the convertible securities. Any later delivery of the underlying security under conversion is deemed to fall within the exemption afforded by section 3(a)(9); and subsequent transactions in the underlying securities may be consummated free of the registration and prospectus provisions of the Act except as noted below.

Conversely, where the convertible security is issued in a non-public transaction, whether or not the transaction might also be urged as one falling within the literal mold of one of the stated exemptions, the proposed rule would apply. Specifically, the staff's view as to each of the stated situations is as follows:

(a) If, apart from section 3(a)(9), an exchange offer of a convertible security is essentially private in character, any later public offering of the convertible security (if then immediately convertible) and any public offering of the underlying security received upon conversion would be subject to the proposed rule. On the other hand, if the exchange offer is essentially a public offering which, except for the provisions of section 3(a)(9), would be subject to the registration and prospectus provisions of the Act, the proposed rule would not apply either to a later public offering of the convertible security, or of the underlying security, by the holders. If such an offering were made by or on behalf of a person in a control relationship with the issuer or by or on behalf of a person acting as an underwriter for such control person, registration would be necessary without reference to section 3(a)(9) or the proposed Rule 155.

(b) Whether or not the requirements of section 3(a)(10) or 3(a)(11) would seem to be literally fulfilled in regard to the initial placement, if the issuance of the convertible security is essentially private in character, the proposed rule would apply to any later public offering of the convertible or of the underlying security. If, on the other hand, the transaction involving the issuance of the convertible is a public transaction, the proposed rule would not be applicable and registration would not be required except as to transactions by or on behalf

of persons in a control relationship with the issuer.

(c) Presumably, the transaction of issuance of the convertible security, where reliance is had upon section 3(b) and section 3(c), is a public transaction. In such case the proposed rule would not apply to subsequent transactions except by or on behalf of a control person.

(d) The question posed here relates to the issuance of convertible securities "in a Rule 133 transaction where Rule 133 would not require registration of such securities for subsequent transactions." It is assumed that the question, as framed, is limited to persons who, under Rule 133, would not be considered "underwriters." Subject to the qualification for transactions by a person in the control relationship with the issuer, the rationale for the application of the proposed rule discussed above is essentially the same in these circumstances. Transactions subsequent to the Rule 133 transaction by such persons would not appear to be subject to the rule if the over-all Rule 133 transaction involved a public offering of the convertible securities. If, however, the over-all transaction is private in character, the proposed rule will apply whether or not the initial placement falls literally within Rule 133.

(e) Similar considerations as have been discussed with respect to section 3(a)(10) will prevail as to transactions after the issuance of the convertible securities in connection with a Chapter X proceeding.

As to all situations, the caveat should be added that no matter which form the initial transaction takes, "if the over-all transaction is designed as a method of evading the registration or prospectus provisions, the asserted exemption would not in any case be available.

**III. Exclusion of persons from underwriter status.** The question raised here is whether the person to whom a convertible security was issued initially in a non-public transaction, and any immediate and subsequent assignee of the security in a non-public transaction, should, upon a later public offering of the convertible security or the underlying security, be deemed to be an underwriter as to the securities involved in such offering within the meaning of section 2(11) of the statute. In this connection, it is suggested that at least certain of these holders of the convertible security be excluded from the status of underwriter.

As already stated, the proposed rule is bottomed upon the view that the availability of an exemption from the registration and prospectus provisions of the Act to a transaction involving the issuance of a convertible security in a non-public transaction is not determinable until a public offering of the convertible or underlying security has been effected or precluded or the right to convert has terminated. If as proposed by Rule 155, registration is required as to any such public offering of the underlying security, any person who effects such public offering in the circumstances encompassed by the proposed rule would be a person who has directly or indirectly purchased the convertible from the issuer, with a view to the distribu-

tion of, or who has offered, the (underlying) security on behalf of the issuer. Since each holder engaged in steps which ultimately developed into a public offering of the securities, it may be urged that each should be deemed to be an underwriter within the meaning of section 2(11). On the other hand, it has also been urged that a conclusion that each such intermediate holder is an underwriter does not necessarily follow from the facts and the intentions of the parties. This is based on the view that each of the holders who did not acquire the convertible with a view to the direct or indirect public offering by him or on his behalf of either security may be in a position to argue that he does not meet the definition of underwriter. Whatever the merits of this argument, in the light of the special circumstances to which the proposed rule relates, it does not appear necessary to hold that every intermediate holder is an underwriter in order to achieve the aim of the rule—to make clear that the ultimate public offering is subject to the registration and prospectus provisions of the Act. Accordingly, the staff has recommended that the proposed rule be revised to make clear that each such intermediate holder is not, merely because of an intermediate holding of the convertible security, an underwriter within the meaning of section 2(11) and the first clause of section 4(1) of the Act. On this basis, any person who actually effects the public offering as well as any person who arranges for a public offering would be deemed to be an underwriter.

**IV. The "Unless" clause.** The proposed rule provides, in effect, that, in a case falling within the rule, upon exercise of the conversion privilege and subsequent sale of the underlying security, the registration and prospectus provisions apply "unless [that] security was acquired under such circumstances that such person or persons are not underwriters within the meaning of section 2(11)." It has been suggested that (a) if "what is intended is that the person who converts the convertible security must acquire the underlying security with that state of mind which would prevent such person from being an underwriter if the underlying security were being sold for cash," this should be stated, and (b) "a period should be specified which would at least be prima facie evidence of the fact that the converter of the security acquired the underlying security for investment and not with a view to their distribution." It is the view of the staff that the test as quoted in (a) fairly states the meaning and purpose of the "unless" clause and that it is neither necessary nor feasible to adopt a standard as suggested in (b). The Commission has repeatedly indicated its view that it is a question of fact, turning on the circumstances of a particular case, whether a person acquiring securities from an issuer and later disposing of them in a public offering is or is not an underwriter. There is nothing in section 2(11), the legislative history of the Act, Commission precedent or in case law which suggests that the time between the acquisition and disposition is or necessarily should be conclusive of

the question. Undoubtedly time is relevant insofar as it may be evidence of the intent of a person when the security is purchased from an issuer. There is nothing in the Act, however, which suggests that one who may otherwise be fairly considered to be an underwriter necessarily ceases to be such because the distribution is intentionally or otherwise deferred.

**V. Brokers' transactions.** It has been suggested that "an exemption analogous to the 'brokers' transactions' exemption of paragraphs (d) and (e) of Rule 133" be considered by the Commission. Particularly it is suggested that adoption of "the same test of 'distribution' which is used to determine whether a person has the status of an underwriter in a Rule 133 transaction would be appropriate in the case of sale of the convertible securities or the related underlying securities, \* \* \*." The Commission has never considered that a person who has taken securities from an issuer in a purportedly private transaction, but under such circumstances that he would have the status of an underwriter if he distributed the securities to the public, may claim exemption from registration under the first clause of section 4(1) for such public offering, and such a position would appear contrary to the holding of the court in *Gilligan, Will & Co. vs SEC*, 267 F. 2d 461 (C.A. 2, 1959), cert. den. 361 U.S. 896 (1959). The adoption of the standard provided in Rule 133 springs from different circumstances, including the fact that a Rule 133 transaction, unlike the transactions presently involved, may and often does involve a widespread distribution of securities by the issuer in what is, in effect, an exempt transaction. A certain degree of latitude in the application of section 2(11) and the first clause of section 4(1) to reofferings is appropriate under such circumstances. Paragraphs (d) and (e) of Rule 133 represent an effort to recognize that, in a situation where a trading market may be availed of by other persons receiving securities in a Rule 133 transaction, it would be less than realistic to permit a controlling person of a constituent company less latitude in a trading transaction than he had before consummation of the Rule 133 transaction and, indeed, less than a controlling person of the issuer itself.

**VI. Applicability of rule to registered securities and to securities not immediately convertible.** The Commission has been asked to "indicate the practice which it would follow as a matter of logic or policy, where a convertible security, whether widely distributed through an underwriting group or offered directly to a number of initial purchasers for investment, is registered at the time of issuance, particularly where one or more blocks of such security are subsequently distributed by non-controlling but substantial holders or where such non-controlling but substantial holders convert and distribute the underlying security." The question relates to securities immediately convertible and to those which contain a delayed conversion privilege.

Where initially there is a genuine public offering of the convertible security, whether or not immediately con-

vertible, the proposed rule has no application. In such cases, any later reoffering of the convertible security or of the underlying security by a person who is not (a) in a control relationship with the issuer, (b) an underwriter disposing of an undistributed portion of the original offering, (c) someone offering for a person in (a) or (b), or (d) an underwriter acting pursuant to some arrangement with the issuer, would not ordinarily be subject to the registration and prospectus provisions of the Act.

Where there is no genuine public offering, registration is not required for the initial non-public placement. However, even if a registration statement were filed and became effective by lapse of time or otherwise in such circumstances, i.e. at the outset of a non-public placement, this would not relieve the persons with whom the securities were so placed from their status and obligations under the Act. Thus, any later offering by them under circumstances contemplated by proposed Rule 155 would require the use of a prospectus which at that time met the requirements of section 10 in all respects or the filing of a new registration statement.

Section 6(a) of the Act reflects a statutory prohibition against what is referred to as "registration for the shelf." This is accomplished by a provision that "[a] registration statement shall be deemed effective only as to securities specified therein as proposed to be offered." This has been construed by the Commission as limiting the availability of registration to securities presently proposed to be offered at the time of the effectiveness of the registration statement.

It is recognized, however, that the Commission has in certain situations permitted what has been referred to as "continuous registration." Thus, in Rule 133 situations, the Commission has not objected to registration of securities issued to persons who have declined to make a commitment that they were taking for investment and not with a view

to distribution because they wished to be free to dispose of the securities in a manner and at a time which might make them "underwriters." However, in these situations it is clear that upon a distribution by such persons, absent a clear showing to the contrary, they might be deemed to be underwriters. Consequently registration is permitted but only when accompanied by undertakings to assure that the prospectus which must be used by the underwriters will meet the requirements of section 10, and otherwise be consistent with other provisions of the Act at the time of its use. Undoubtedly the Commission would be prepared to consider flexible procedures in connection with proposed Rule 155 situations to meet any reasonable problems arising in that context. This would include any special problems created by separate offerings made by one or more holders of convertible securities. In this connection it should again be emphasized that the proposed rule would apply only to a public offering of a convertible security which at the time of the offering is immediately convertible.

**VII. Outstanding securities.** It has been suggested that, in the event the Commission should adopt the proposed rule, a proviso should be added making it inapplicable to outstanding convertible securities and securities acquired upon conversion of such convertibles. It is pointed out that for many years issuers, institutional investors and their counsel relied on the view, which they believed to be shared by the Commission, that, in the situations encompassed by the proposed rule, the registration and prospectus provisions of the Act did not apply; that, in consequence, many such securities were issued and are outstanding with respect to which no provision was negotiated either for registration or for investigations considered necessary to the assumption of an underwriter's liabilities; that even assuming recognition by issuers of a duty to provide registration upon a proposed public offering by such holders, at best a deadlock would arise; that, as a result, many in-

stitutional investors with a large public interest in their own securities would be "locked in" or compelled to liquidate a position at less than might be obtained upon a public offering. There is some basis for each of these arguments, and the situation is consequently somewhat analagous to the ones for which Congress provided in section 19 of the Act, that is, those who rely in good faith on what appears to be the view of the Commission, and act accordingly, should not be penalized for so acting. Under all of the circumstances it seems reasonable in this context to suggest that the Commission consider the addition of such a proviso to the proposed rule, and the staff so recommends.

Proposed Rule 155 was published on December 2, 1959. Since that time it has received wide attention and it has been the subject of considerable discussion among issuers, institutional investors, investment bankers and the Bar. The Commission is of the view, therefore, that a further period of comment should be limited to the time reasonably required to consider and comment upon the views of the staff hereinabove described. Accordingly, the Commission invites the comments, suggestions and views of all concerned upon Proposed Rule 155 as revised to give effect to the changes hereinbefore suggested and requests that such comments be submitted not later than September 1, 1960. For the convenience of all concerned there is attached hereto a reprint of Release No. 4162 which contains the text of the rule as originally proposed together with a statement of the staff conclusions upon which the proposal was based.<sup>1</sup> Rule 155 as revised is proposed under section 19(a) of the Securities Act of 1933.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

JULY 14, 1960.

[F.R. Doc. 60-6798; Filed, July 20, 1960;  
8:47 a.m.]

<sup>1</sup> Release published at 24 F.R. 9945.

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Notice 22]

#### ALASKA

#### Notice of Filing of Alaska Protraction Diagram; Anchorage Land District

JULY 15, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 6th and Cordova, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 76.9(a)(4), (24 F.R. 4657), and other authorized uses filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

#### ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

##### SEWARD MERIDIAN

S 29-1, Ts. 49 to 52 S., Rs. 81 to 84 W.,  
S 29-2, Ts. 53 to 56 S., Rs. 85 to 89 W.,  
S 29-3, Ts. 53 to 56 S., Rs. 81 to 84 W.,  
S 29-4, Ts. 57 to 60 S., Rs. 81 to 84 W.,  
S 29-5, Ts. 57 to 60 S., Rs. 85 to 88 W.,  
S 29-6, Ts. 56 to 60 S., Rs. 89 to 92 W.,  
S 29-7, Ts. 58 to 60 S., Rs. 93 to 96 W.,  
S 29-8, Ts. 61 to 64 S., Rs. 93 to 96 W.,  
S 29-9, Ts. 61 to 64 S., Rs. 89 to 92 W.,  
S 29-10, Ts. 61 to 64 S., Rs. 85 to 88 W.,  
S 29-11, Ts. 66 to 67 S., Rs. 88 to 91 W.

Copies of these diagrams are for sale at one dollar (\$1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 6th and Cordova, Anchorage, Alaska.

L. M. LAITALA,  
Acting Manager.

[F.R. Doc. 60-6793; Filed, July 20, 1960;  
8:46 a.m.]

[Notice 11]

#### ALASKA

#### Notice of Filing of Alaska Protraction Diagrams; Fairbanks Land District

JULY 14, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959) oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

#### ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

##### KATEEL RIVER MERIDIAN—FOLIO NO. 10

##### Sheet No.

1. Ts. 1 thru 4 S., Rs. 25 thru 28 E.
2. Ts. 1 thru 4 S., Rs. 21 thru 24 E.
3. Ts. 1 thru 4 S., Rs. 17 thru 20 E.
4. Ts. 5 thru 8 S., Rs. 17 thru 20 E.
5. Ts. 5 thru 8 S., Rs. 21 thru 24 E.
6. Ts. 5 thru 8 S., Rs. 25 thru 28 E.
7. Ts. 5 thru 8 S., R. 29 E.
8. Ts. 9 thru 12 S., R. 29 E.
9. Ts. 9 thru 12 S., Rs. 25 thru 28 E.
10. Ts. 9 thru 12 S., Rs. 21 thru 24 E.
11. Ts. 9 thru 12 S., Rs. 17 thru 20 E.
12. Ts. 13 thru 16 S., Rs. 17 thru 20 E.
13. Ts. 13 thru 16 S., Rs. 21 thru 24 E.
14. Ts. 13 thru 16 S., Rs. 25 thru 28 E.
15. Ts. 13 thru 16 S., Rs. 29 thru 30 E.

Cover sheet showing location map and index.

##### SEWARD MERIDIAN—FOLIO NO. 1

##### Sheet No.

6. Ts. 29 thru 32 N., Rs. 9 thru 12 E.

##### SEWARD MERIDIAN—FOLIO NO. 2

##### Sheet No.

3. Ts. 33 N., Rs. 9 thru 12 W.
4. Ts. 33 N., Rs. 13 thru 16 W.
5. Ts. 29 thru 32 N., Rs. 13 thru 16 W.
6. Ts. 29 thru 32 N., Rs. 9 thru 12 W.

Cover sheet showing location map and index.

##### FAIRBANKS MERIDIAN—FOLIO NO. 10

##### Sheet No.

1. Ts. 1 thru 4 S., Rs. 1 thru 4 W.
2. Ts. 1 thru 4 S., Rs. 5 thru 8 W.
17. Ts. 17 thru 20 S., Rs. 1 thru 4 W.

Copies of these diagrams are for sale at one dollar (\$1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,  
Manager.

[F.R. Doc. 60-6802; Filed, July 20, 1960;  
8:47 a.m.]

#### ARIZONA

#### Notice of Filing of Arizona Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following protraction diagrams are officially filed of record in the Arizona Land Office, 1305 North Central Avenue, Phoenix, Arizona.

2. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959) and amendments of Parts 188, 193, 195, 196, 198, 199 and 200 of Title 43, Code of Federal Regulations, as published in 25 F.R. 2797 (April 2, 1960) (Circular 2040), these protractions will become the basic record for the description of applications and offers for mineral leases and permits filed at and subsequent to 10:00 a.m. on the thirty-first day after publication of this notice.

#### ARIZONA PROTRACTION DIAGRAMS NOS. 31 TO 51, INCLUSIVE

##### GILA AND SALT RIVER MERIDIAN

##### Unsurveyed sections in:

- No. 31—  
T. 35 N., R. 4 E.;  
Ts. 35, 36, 37, 38 and 40 N., R. 3 E.;  
Ts. 39 and 40 N., R. 2 E.
- No. 32—  
Ts. 35, 36 and 37 N., Rs. 5 through 8 E.;  
Ts. 38 and 39 N., Rs. 6, 7 and 8 E.;  
T. 40 N., R. 8 E.;  
Ts. 41 and 42 N., Rs. 5, 6 and 7 E.
- No. 33—  
Ts. 35 through 42 N., Rs. 9, 10, 11, 12 and 12½ E.
- No. 34—  
Ts. 35 through 41 N., Rs. 13 through 16 E.
- No. 35—  
Ts. 35 through 41 N., Rs. 17 through 20 E.
- No. 36—  
Ts. 35 through 41 N., Rs. 21 through 24 E.
- No. 37—  
T. 34 N., Rs. 26, 27 and 28 E.;  
Ts. 35 through 41 N., Rs. 25 through 28 E.;  
T. 42 N., Rs. 27 and 28 E.
- No. 38—  
Ts. 34 through 42 N., Rs. 29, 30 and 31 E.
- No. 39—  
T. 30 N., Rs. 3 and 4 E.;  
T. 31 N., Rs. 2, 3 and 4 E.;  
Ts. 32, 32½, 33 and 34 N., Rs. 1 through 4 E.
- No. 40—  
T. 29 N., Rs. 5, 6 and 8 E.;  
Ts. 30, 31, 32, 32½, 33 and 34 N., Rs. 5 through 8 E.
- No. 41—  
T. 28 N., Rs. 10, 11, 12, 12½ E.;  
Ts. 29, 30, 33½ and 34 N., Rs. 9, 10, 11, 12, and 12½ E.;  
T. 31 N., Rs. 9, 10, 12 and 12½ E.;  
T. 32 N., Rs. 9, 12 and 12½ E.;  
T. 33 N., Rs. 9, 11, 12 and 12½ E.
- No. 42—  
T. 28 N., R. 16 E.;  
T. 32, 33 and 34 N., Rs. 13 through 16 E.
- Nos. 43 and 43A—  
T. 27 N., Rs. 18 and 19 E.;  
Ts. 28, 32, 33 and 34 N., Rs. 17, 18 and 19 E.;  
T. 31 N., R. 19 E.
- No. 44—  
Ts. 28 through 34 N., Rs. 20 through 23 E.
- No. 45—  
Ts. 28 through 34 N., Rs. 24 and 25 E.
- No. 47—  
Ts. 21 and 22 N., Rs. 12 and 12½ E.;  
Ts. 23 and 24 N., Rs. 11, 12 and 12½ E.;  
Ts. 25, 26 and 27 N., Rs. 10, 11, 12 and 12½ E.
- No. 48—  
T. 20½ N., R. 13 E.;  
Ts. 21 through 24 N., Rs. 13 and 14 E.;  
T. 27 N., R. 16 E.
- No. 49—  
Ts. 23, 24 and 25 N., Rs. 22, 23 and 24 E.;  
Ts. 26 and 27 N., Rs. 21 through 24 E.
- No. 50—  
T. 23 N., R. 25 E.;  
Ts. 24, 25 and 27 N., Rs. 25, 26 and 27 E.;  
T. 26 N., Rs. 26 and 27 E.
- No. 51—  
T. 23 N., R. 28 E.;  
Ts. 24 and 27 N., Rs. 28 through 31 E.;  
T. 25 N., R. 31 E.;  
T. 26 N., Rs. 30 and 31 E.

##### NAVAJO SPECIAL MERIDIAN

##### Unsurveyed sections in:

- No. 45—  
Ts. 2 through 5 N., R. 9 W.
- No. 46—  
Ts. 1, 2 and 6 N., Rs. 5 and 8 W.;  
T. 3 N., R. 8 W.;

Ts. 4 and 5 N., Rs. 5, 7 and 8 W.;  
T. 7 N., Rs. 5, 6 and 8 W.

3. Copies of these diagrams are for sale at One Dollar (\$1.00) per sheet by the Arizona State Office, Bureau of Land Management, P.O. Box 148, Phoenix, Arizona.

Dated: July 14, 1960.

E. I. Rowland,  
State Supervisor.

[F.R. Doc. 60-6803; Filed, July 20, 1960;  
8:47 a.m.]

[85663]

## MINNESOTA

### Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JULY 15, 1960.

1. Plats of survey of the islands described below will be officially filed in the Eastern States Land Office, effective 10:00 a.m. on August 26, 1960.

#### FOURTH PRINCIPAL MERIDIAN

T. 64 N., R. 18 W.,	Acres
Sec. 29, Lot 15-----	1.36
T. 65 N., R. 19 W.,	
Sec. 28, Lot 6-----	0.49
Sec. 33, Lot 8-----	2.63

#### FIFTH PRINCIPAL MERIDIAN

T. 125 N., R. 38 W.,	
Sec. 16, Lot 8-----	0.21
T. 129 N., R. 41 W.,	
Sec. 6, Lot 7-----	0.05
T. 145 N., R. 34 W.,	
Sec. 31, Lot 6-----	7.81

2. Except for and subject to valid existing rights, it is presumed that title to Lot 8, Sec. 16, T. 125 N., R. 38 W., 5th P.M. passed to the State of Minnesota upon the acceptance of the above mentioned plat of survey.

3. The records show that all of T. 64 N., R. 18 W., 4th P.M. is withdrawn by the Shipstead-Nolan Act of July 10, 1930 and therefore Lot 15, Section 29 therein is not subject to disposition under the public land laws.

4. The remaining islands described in this notice are open to application, location, selection and petition as outlined in paragraph 6 below. No applications for these lands will be allowed under the Homestead, Small Tract or any other non-mineral public land law, unless the lands have already been classified for consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. The islands which are all upland in character are of sandy, gravelly and stoney formation, ranging in elevation from 1 to 20 feet above water level. The timber specie consists mainly of jack pine, Norway pine, white pine, spruce, birch, cedar, poplar, ash, elm, willow, and cottonwood, ranging in size from 4 to 30 inches in diameter.

6. Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applica-

tions, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

Applications by persons having prior, valid, existing and maintained settlement rights; preference rights conferred by existing laws; or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support thereof. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

All valid applications and selections under the non-mineral public land laws, other than those coming under paragraph above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., August 26, 1960 will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour and date will be governed by the time of filing.

7. All inquiries relating to the lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,  
Manager.

[F.R. Doc. 60-6804; Filed, July 20, 1960;  
8:48 a.m.]

## NEVADA

### Notice of Proposed Withdrawal and Reservation of Lands

JULY 15, 1960.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial Number Nevada-055233 for the withdrawal of the lands described below, from all forms of appropriation, including the mining, but not the mineral leasing laws, nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended.

The applicant desires the land for construction of ponds and water control structures to improve waterfowl habitat, to retard waterfowl losses from botulism, and to provide public use of a natural resource. This area, to be known as Alkali Lake Wildlife Management Area, will be administered by the State of Nevada Fish and Game Department.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### MOUNT DIABLO MERIDIAN, NEVADA

- T. 12 N., R. 23 E.,  
Sec. 1, Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 2, Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 3, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 12, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ .  
T. 13 N., R. 23 E.,  
Sec. 34, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 36, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ .  
T. 12 N., R. 24 E.,  
Sec. 6, Lots 3, 4, 5, 6 and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 13 N., R. 24 E.,  
Sec. 31, Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ .

The area as described contains approximately 3,487.80 acres.

MAX W. BRIDGE,  
Acting State Supervisor,  
Reno, Nevada.

[F.R. Doc. 60-6805; Filed, July 20, 1960;  
8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### DELEGATION OF AUTHORITY TO EXECUTE CERTAIN DOCUMENTS AND ASSIGNMENT OF FUNCTIONS

Pursuant to the assignment of functions and the authority delegated (25 F.R. 436) to the undersigned, the material appearing at (23 F.R. 5931) is hereby revoked and the following is substituted therefor:

1. Authority is hereby delegated to the various market administrators of Federal milk orders, to the various marketing specialists of the Dairy Division, and to the various marketing specialists of the Fruit and Vegetable Division, charged with the responsibility of representing the Directors of said Divisions in the respective areas, to perform the functions of the Deputy Administrator prescribed by the General Regulations in Section 900.4 (b) and (c) (7 CFR Part 900), as follows:

(a) Except in the case of a new program pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the various market administrators of Federal milk orders, in respect to a hearing regarding an order administered by him, shall mail a true copy of the notice of hearing to each of the persons known to him to be interested in the hearing, based upon records available to the market administrator in the respective area, as required by the General Regulations in § 900.4 (b) (1) (ii) (7 CFR Part 900), and execute an affidavit or certificate as therein prescribed.

(b) In the case of new programs and programs in operation pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the various marketing specialists of the Dairy Division, charged with the responsibility of representing the Director of said Division in connection with hearings regarding proposed milk orders or amendments to existing milk orders,

with respect to which a notice of hearing has been issued, shall, except as notification has been given pursuant to paragraph (a) above, mail a true copy of the notice of hearing to each of the persons known to such representatives to be interested in such hearing as required by the General Regulations in § 900.4(b) (1) (ii) (7 CFR Part 900), and execute the affidavit or certificate as therein prescribed.

(c) The marketing specialist of the Fruit and Vegetable Division, charged with the responsibility of representing the Director of said Division in the respective areas subject to regulation by the order or the proposed order in question concerning other than milk, with respect to which a notice of hearing has been issued, shall mail a true copy of the notice of hearing to each of the persons, disclosed by the information available to such representative in the respective areas subject to regulation or proposed to be regulated, to be interested in such hearing as required by the General Regulations in § 900.4(b) (1) (ii) (7 CFR Part 900), and execute the affidavit or certificate as therein prescribed.

2. Authority is hereby delegated to the Information Specialists, Marketing Information Division, Agricultural Marketing Service, in Washington, D.C., or in the various area offices, to make available a copy of the press release issued by the Department to such newspapers in the area, subject to regulation, or proposed to be subjected to regulation, as will tend to bring the notice to the attention of interested persons as required by § 900.4(b) (1) (iii) of the General Regulations (7 CFR Part 900), and execute the affidavit or certificate as therein prescribed.

3. If for any reason, any officer or employee of the Department, assigned functions hereunder, finds it impractical or impossible to give the notice involved with respect to any hearing, he shall immediately notify the Director concerned of such facts with the reasons for his so finding in order that a decision may be made as to the need for a determination being filed in the proceeding as prescribed in § 900.4(c) of said regulations (7 CFR Part 900).

Done at Washington, D.C., this 12th day of July 1960, to become effective upon publication in the FEDERAL REGISTER.

H. L. FOREST,  
Director, Dairy Division, Agricultural Marketing Service.  
BERT JOHNSON,  
Acting Director, Marketing Information Division, Agricultural Marketing Service.  
S. R. SMITH,  
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6817; Filed, July 20, 1960; 8:49 a.m.]

**Agricultural Research Service**  
**IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED-LIVESTOCK**

**Supplemental List of Humane Slaughterers**

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the lists previously pub-

lished under the act (25 F.R. 5954, 6370, 6545) and represents those establishments and species which were reported too late to be included in the earlier lists or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier lists were based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour & Co.	2 AT					(*)	
Do.	2A U	(*)		(*)		(*)	
Swift & Co.	3F	(*)	(*)	(*)	(*)	(*)	
Hygrade food Prods Corp.	12						
Do.	12A	(*)				(*)	
The Cudahy Pckng. Co.	19	(*)					
Roegelstein Prov. Co.	32	(*)					
Do.	32A	(*)					
Edgar Pckg. Co.	84						
Wilson & Co.	111					(*)	
Wilson & Co., Inc.	119	(*)		(*)			
Armour & Co.	177						
The Rath Pckg. Co.	186			(*)	(*)	(*)	
Hygrade Food Prod. Corp.	224					(*)	
American Stores Co.	279	(*)		(*)			
Midland Empire Pckg.	339					(*)	
Anza Pckg. Co.	345			(*)			
Lundy Pckg. Co.	413					(*)	
Hebron Pckg. Co., Inc.	425	(*)		(*)			
Cornhusker Pckg. Co.	468	(*)					
Coldring Pckg. Co.	490			(*)			
Armour & Co.	509						
Pearl Packing Co., Inc.	524			(*)			
Pepper Pckg. Co.	536	(*)				(*)	
Swift & Co.	548	(*)				(*)	
Pride Pckng. Co., Inc.	549	(*)					
H. H. Kelm Co.	630	(*)					
Ebner Bros. Packers.	633	(*)		(*)			
Bird Provision Co.	647					(*)	
Wilson & Co., Inc.	655	(*)		(*)			
Pierce Pckg. Co., Inc.	691					(*)	
Vernon Calhoun Pckg., Co.	897						
Sigman Meat Co., Inc.	901			(*)			
Hansen Packing Co.	901A						
Armour & Co.	1085	(*)		(*)			

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

C. H. PALS,  
Acting Director,  
Meat Inspection Division,  
Agricultural Research Service.

[F.R. Doc. 60-6819; Filed, July 20, 1960; 8:50 a.m.]

**Commodity Credit Corporation**  
**SALES OF CERTAIN COMMODITIES**  
**July 1960 Monthly Sales List; Amendment**

The price listing for the Commodity Credit Corporation Monthly Sales List for July 1960 is amended as set forth below, and effective July 7, 1960, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) by adding the following in the section covering dairy products:

Commodity	Sales price or method of sale
Butter.....	Domestic, unrestricted use: 66.5 cents per pound New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.75 cents per pound Washington, Oregon, and California. 65.5 cents per pound—all other States. Export: Competitive bid under LD 33 pursuant to invitations to bid to be issued by the Cincinnati CSS Commodity Office. May be applicable to arrangements for barter or approved credit sales.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued: July 15, 1960.

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

[F.R. Doc. 60-6801; Filed, July 20, 1960; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Office of the Secretary

[Dept. Order 117 (Revised) ]

### FEDERAL MARITIME BOARD AND MARITIME ADMINISTRATION

#### Organization and Functions

JULY 8, 1960.

The material appearing in 25 F.R. 3860-3864 of May 4, 1960 is revised as follows:

**SECTION 1. Purpose.** The purpose of this order is to describe the organization and define the functions of the Federal Maritime Board and the Maritime Administration.

**SEC. 2. Establishment.** The Federal Maritime Board and the Maritime Administration were established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950.

**SEC. 3. General functions.** .01 The Federal Maritime Board and the Maritime Administration are responsible for fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national defense and of the domestic and foreign commerce of the United States. The functions of the Federal Maritime Board include the making of rules and regulations with respect to merchant shipping, and the award of construction-differential and operating-differential subsidies to the United States merchant marine. The Maritime Administration is responsible for the construction, repair and operation of merchant ships, maintenance of national defense reserve fleets of Government-owned ships, administration of subsidy programs and other Government aids to shipping, maintenance of reserve shipyards for ship construction in national emergencies and the training of merchant marine officers; and performs activities for the Federal Maritime Board as directed by the Chairman, Federal Maritime Board.

.02 In carrying out their responsibilities, the Federal Maritime Board and the Maritime Administration are guided by the broad declaration of policy stated in Title I of the Merchant Marine Act, 1936, as amended (49 Stat. 1985).

**SEC. 4. Organization of the Federal Maritime Board—**.01 *Composition of the Federal Maritime Board.* The Federal Maritime Board is composed of three members appointed by the President by and with the advice and consent of the Senate. The President designates one of the members to serve as Chairman of the Federal Maritime Board. The Chairman serves as the chief executive and administrative officer of the Federal Maritime Board, as provided by Reorganization Plan No. 6 of 1949.

.02 *Organizational Components.* The Federal Maritime Board has the following organizational components:

1. Office of the Chairman of the Federal Maritime Board;
2. Offices of the Members of the Federal Maritime Board;
3. Office of the Secretary;

4. Office of Regulations;
5. Office of Hearing Examiners; and
6. The General Counsel.

.03 *Use of Officers and Employees of the Maritime Administration.* Insofar as he deems desirable, the Chairman of the Federal Maritime Board makes use of the officers and employees of the Maritime Administration, under his supervision as Maritime Administrator, to perform activities for the Federal Maritime Board.

**SEC. 5. Functions of the Federal Maritime Board—**.01 *Regulatory functions.* Reorganization Plan No. 21 of 1950 provides that the Federal Maritime Board shall be independent of the Secretary of Commerce in performing the following functions:

1. All functions under the provisions of Sections 14 to 20, inclusive, and Sections 22 to 33, inclusive, of the Shipping Act, 1916, as amended, including such functions with respect to the regulation and control of rates, services, practices and agreements of common carriers by water and of other persons;

2. All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended;

3. The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of Section 19 of the Merchant Marine Act, 1920, as amended, exclusive of subsection (1) (a) thereof;

4. The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of Section 212(e) of the Merchant Marine Act, 1936, as amended; and

5. So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of Section 21 of the Shipping Act, 1916, as amended, as relates to its functions under subsections 1 through 4 above.

.02 *Subsidy and other functions.* Reorganization Plan No. 21 of 1950 provides that the Federal Maritime Board shall be guided by the general policies of the Secretary of Commerce in performing the following functions:

1. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction, or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of national defense features, and, in the case of operating-differential subsidy,

the contract with the subsidy applicant for the payment of the subsidy;

2. The functions with respect to: (a) conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VIII, and Sections 301, 708, 805(a) and 805(f) of the Merchant Marine Act, 1936, as amended; (b) making changes, subsequent to entering into an operating-differential subsidy contract, in such determinations under Section 301 of such Act, as amended, and readjustments in determinations as to operating cost differentials under Section 606 of such Act, as amended; and (c) the approval of the sale, assignment, or transfer of any operating subsidy contract under Section 608 of such Act, as amended;

3. The functions with respect to investigating and determining (a) the relative cost of construction of comparable vessels in the United States and foreign countries, (b) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (c) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of Section 211 of the Merchant Marine Act, 1936, as amended;

4. All functions under Section 12 of the Shipping Act, 1916, as amended, including such functions with respect to making investigations and reports on relative costs and on marine insurance;

5. So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges and memoranda, under Section 21 of the Shipping Act, 1916, as amended, as relates to the functions of the Board under subsections 1 through 4 above;

6. So much of the functions with respect to adopting rules and regulations, making reports and recommendations to Congress, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under Sections 204, 208, and 214 of the Merchant Marine Act, 1936, as amended, as relates to the functions of the Board, under the provisions of Reorganization Plan No. 21.

.03 *Charters Under the Merchant Ship Sales Act of 1946, as Amended by Public Law 591, 81st Congress.* The Federal Maritime Board makes determinations, after public hearings, as to whether the bareboat charter of war-built dry-cargo ships owned by the United States is required in the public interest in any service not adequately served and for which privately-owned American flag ships are not available for charter by private operators on reasonable conditions and rates; certifies its findings to the Secretary of Commerce with any conditions which it determines to be necessary or appropriate to protect the public interest in respect to such charters and to protect privately-owned ships against competition from ships chartered by the Secretary of Commerce; and reviews such charters annually for the purpose of making recommendations to the Secretary of Commerce as to whether conditions

exist justifying the continuance of the charters.

.04 *Mortgage insurance.* Pursuant to Section 1104(a)(10) of the Merchant Marine Act, 1936, as amended, the Federal Maritime Board is responsible for approving limited liability mortgages for passenger vessels, in connection with applications for mortgage insurance under Title XI of the said Act.

.05 *Functions of organizational components under the Federal Maritime Board.* 1. The Office of the Secretary receives documents required to be filed with the Federal Maritime Board and the Maritime Administration; prepares agenda and dockets of matters to be considered by the Board; maintains records of meetings; issues notices and orders as a result of actions taken; executes authorized contracts and other instruments; administers oaths; issues subpoenas; and generally exercises administrative surveillance over the activities of the Office of Regulations and the Office of Hearing Examiners;

2. The Office of Regulations examines and makes recommendations to the Federal Maritime Board concerning agreements between common carriers by water and other persons subject to the Shipping Act, 1916, as amended, tariffs of common carriers and terminal operators and applications for registration of freight forwarders; maintains surveillance over the practices of parties subject to the shipping statutes; reviews informal complaints and studies evidences of violations of the Shipping Act, 1916, as amended, and other applicable laws and takes corrective action thereon or prepares recommendations to the Board for appropriate action; makes recommendations to the Board with respect to rules and regulations relating to the foregoing; and maintains official records, available for public inspection. The Office of Regulations has the following divisions: Division of Domestic Regulations, Division of Foreign Regulations, and Division of Compliance;

3. The Office of Hearing Examiners conducts hearings and makes initial or recommended decisions under the Administrative Procedure Act on formal complaints of violations of the Shipping Act, 1916, as amended, and other shipping statutes; applications for operating-differential subsidy; investigations of employment and wage conditions on ships receiving operating-differential subsidy; and applications for charters under Public Law 591, 81st Congress; and

4. The General Counsel serves as the law officer of the Federal Maritime Board and renders legal advice and assistance to the Board. Incumbent serves also as the General Counsel of the Maritime Administration.

SEC. 6. *Organization of the Maritime Administration.*—01 *Maritime Administrator.* The Chairman of the Federal Maritime Board is ex officio the Maritime Administrator. When serving as Maritime Administrator, he reports and is responsible to the Secretary of Commerce, through the Under Secretary of Commerce for Transportation. As Maritime Administrator, he is vested also with the

residual powers and authorities of Director, National Shipping Authority, which was established by the Secretary of Commerce under Executive Order 10219; and is designated Commandant of the United States Maritime Service.

.02 *Deputy Maritime Administrator.* The Maritime Administrator is assisted in his duties by a Deputy Maritime Administrator, who performs such duties as the Maritime Administrator may prescribe. In addition, he is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Maritime Administrator; and executes for the Maritime Administrator his residual powers as Director, National Shipping Authority, including all National Shipping Authority orders and amendments thereof. The Deputy Maritime Administrator is appointed by the Secretary of Commerce, after consultation with the Maritime Administrator. The Deputy Maritime Administrator at no time sits as a member of the Federal Maritime Board.

.03 *Organizational components.* The Maritime Administration has the following organizational components:

1. Office of the Maritime Administrator, Deputy Maritime Administrator.

2. Assistant Deputy for Administration.

(1) Office of Budget and Management.  
(2) Office of Personnel Management.  
(3) Office of Investigations and Security.

(4) Office of Property and Supply.  
(5) Office of Ship Statistics.  
3. Office of the General Counsel.  
4. Office of the Comptroller.

5. Office of Planning and Special Studies.

6. Office of Public Information.  
7. Office of Ship Construction.  
8. Office of Ship Operations.  
9. Office of Government Aid.  
10. Office of Research and Development.

11. Offices of the Coast Directors; and  
12. United States Merchant Marine Academy.

.04 *Use of officers and employees of the Federal Maritime Board.* Insofar as he deems desirable, the Maritime Administrator makes use of officers and employees of the Federal Maritime Board, under his supervision as Chairman, to perform activities for the Maritime Administration.

SEC. 7. *Functions of the Maritime Administration.* 01 Specific functions of the Organizational Components of the Maritime Administration are as follows:

1. The Office of the Maritime Administrator directs the activities of the Maritime Administration, including all such activities which are performed for the Federal Maritime Board. Within this office are personnel responsible for liaison and advisory services on maritime training.

2. The Assistant Deputy for Administration directs and administers the organizations and activities as enumerated in subsections (1) through (5) below:

(1) The Office of Budget and Management formulates, recommends and interprets budgetary policies and programs; collaborates with operating officials in the development of work programs and fiscal plans; develops and presents budget requests and justifications, and apportionments; arranges for transfers of funds; maintains budgetary control of funds available; conducts analyses of status of all budgetary availabilities; reviews program performance in relation to agency's fiscal plans; conducts studies of management practices, organization, functions, authorities, procedures, work methods, and automatic data processing equipment applications for the purpose of recommending measures for the improvement of operations; maintains a system for the issuance of the manual of orders and other directives; maintains programs for the control of forms, reporting requirements, graphic presentations, and committee activities; facilitates the production of publications and procurement of printing services; coordinates the management improvement program; conducts internal audits of financial activities and records; and prepares periodic activity reports to the Department of Commerce and to the Congress. The Office of Budget and Management has the following divisions: Division of Budget, Division of Management, and Division of Internal Audit;

(2) The Office of Personnel Management plans and administers personnel activities relating to recruitment, placement, compensation, promotion, training, separation, performance evaluation, incentive awards, employee relations and services, employee utilization, National Defense Executive Reserve, position classification and wage rate compensation programs. The Office of Personnel Management has the following divisions: Division of Classification and Wage Administration and the Division of Employment;

(3) The Office of Investigations and Security conducts investigations with respect to the internal programs, activities and employees of the Federal Maritime Board and the Maritime Administration, rates and practices of common carriers by water and other persons subject to the regulatory authority of the Board and performance of individuals and organizations in contractual relationship with the Board/Administration; and, under the general policy guidance of the Departmental Security Officer, administers the Security Program under Executive Orders 10450 and 10501, the Atomic Energy Act and the security provisions of the North Atlantic Treaty Organization and the Southeast Asia Treaty Organization;

(4) The Office of Property and Supply is responsible for the procurement of supplies, materials, equipment and services; conducts domestic freight and passenger traffic activities, and settles loss or damage claims arising from shipments on Government bills of lading; conducts material control and disposal activities, ship and other inventories, sales of ships, and supervises compliance with ship sales agreements and mortgages; secures allocations of the production capacity of private plants for the

manufacture of components and materials required in the event of mobilization; conducts facilities management activities, including acquisition, lease and disposal of marine terminals, warehouses, reserve shipyards, reserve training stations, and other real estate, settlement of claims, maintenance, custody and protection of real property and facilities; is responsible for maintenance and operation of warehouses; renders office services to all components of the agency, including communications, records management, library, duplicating, tabulating and property maintenance services; and issues merchant marine decorations and awards. The Office of Property and Supply has the following divisions: Division of Purchase and Sales, Division of Facilities Management, and Division of Office Services;

(5) The Office of Ship Statistics collects, maintains, and disseminates statistical data relating to cargoes carried in the domestic and foreign trades of the United States, composition and characteristics of the world's merchant fleets, seafaring, longshore and shipyard labor; conducts cargo data analyses reflecting competitive factors for use in calculation of operating-differential subsidy rates. The Office of Ship Statistics has the following divisions: Division of Ship Data, Division of Labor Data, and Division of Cargo Data;

3. The Office of the General Counsel, under the general policy guidance of the General Counsel, Department of Commerce, serves as the law office of the Board and Administration; reviews, and gives legal clearance to; applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepares, and approves as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; renders legal opinions as to the interpretation of such documents and the statutes; prepares drafts of proposed legislation and Executive Orders, and legislative reports to Congressional committees and the Bureau of the Budget; negotiates and settles, or recommends settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represents the Board and Administration in public proceedings involving regulatory, subsidy, charter and related matters, before the Board and other administrative agencies of the Government, and in State and Federal courts; and handles court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Board and Administration. The Office of the General Counsel has the following divisions: Division of Construction Contracts, Division of Operating and Mortgage-Insurance Contracts, Division of Legislation, Division of Litigation, and Division of Regulations;

4. The Office of the Comptroller renders financial advice and opinions; performs accounting functions, including maintenance of general accounts and related fiscal records, preparation of fi-

ancial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribes a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; performs required external audits of contractors' accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintains control records of statutory and contractual reserve funds; administers the marine and marine war-risk insurance programs; takes necessary action to effect collection of amounts due; negotiates and settles, or recommends settlement of, marine and marine war-risk insurance claims, and general claims; analyzes financial statements and other data submitted by existing and prospective contractors to determine financial qualifications and limitations. The Office of the Comptroller has the following divisions: Division of Accounts, Division of Audits, Division of Insurance, and Division of Credits and Collections;

5. The Office of Planning and Special Studies develops and recommends long-range merchant marine policies and programs; coordinates national defense planning activities; maintains liaison with the Department of State and international organizations on shipping matters; formulates and conducts programs for the development and promotion of ports and port facilities, and emergency planning for operation of United States seaports under mobilization conditions; supervises training in maritime fields for grantees of the International Cooperation Administration and others; and conducts special economic and shipping studies;

6. The Office of Public Information, subject to policy guidance and direction of the Departmental Public Information Officer, issues or clears for issuance all information for the general public on shipping and on decisions and activities of the Board and Administration, and prepares periodic and special reports, as assigned;

7. The Office of Ship Construction collects and analyzes data on relative costs of shipbuilding in the United States and foreign countries; calculates and recommends amount of construction-differential subsidy; develops preliminary designs establishing the basic characteristics of proposed ships; reviews and approves ship designs submitted by applicants for Government aid; recommends and, upon request, conducts research and development projects in ship design and construction; develops or approves contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; reviews, obtains approval and certification of national defense features by the Department of the Navy; prepares cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; inspects ships during the course of work to assure conformance with approved plans and specifications; upon the direction of the Maritime Administrator or upon request of the Office of Research and Develop-

ment, provides technical services and advice in connection with the development of basic characteristics, preliminary design, and the review of contract plans and specifications of the hull and conventional machinery of experimental ships; conducts activities relating to the design and construction of developed ships, including developed nuclear ships; performs expediting and scheduling activities to insure satisfactory delivery of components and materials to shipyards; maintains current records of commercial shipyard ways in the United States and schedules of work progress on such ways; operates the Defense Materials System for ship construction; develops requirements for mobilization ship construction programs; makes recommendations for the allocation of ship construction contracts under Public Law 805, 84th Congress; and conducts trial, acceptance and guarantee surveys of ships. The Office of Ship Construction has the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Nuclear Activities, Division of Production, and contains the Trial and Guarantee Survey Boards;

8. The Office of Ship Operations provides safety engineering services to all components of the agency; approves transfers of ships to foreign ownership, registry or flag; recommends rates for the transportation of Government-financed cargoes and for services of ships operated by, or for the Maritime Administration; determines program requirements for, and allocates Government-owned oceangoing merchant shipping; recommends the reactivation, purchase, chartering or requisition of merchant ships for Government use; directs the operation of Maritime Administration-owned or acquired merchant ships; is responsible for activities relating to the charter of such ships; recommends terms of and administers General Agency, Charter and Berth Agency agreements and contracts, and related orders; reviews and makes recommendations, from an operating standpoint, on applications for new ship construction; recommends and, upon request, conducts research and development projects in ship operation fields, develops plans for the manning of new or experimental type ships; directs the conduct of condition surveys of ships; recommends terms of, and administers contracts for ship repairs for the account of the Maritime Administration; and directs the maintenance of the national defense reserve fleets, including the ship preservation programs. The Office of Ship Operations has the following divisions: Division of Operating Agreements and Traffic, Division of Operations, Division of Ship Repair and Maintenance, and Division of Ship Custody;

9. The Office of Government Aid processes applications for construction-differential and operating-differential subsidy, Federal Ship Mortgage insurance, trade-in allowances, and other forms of Government aid to shipping; conducts negotiations with applicants, obtains comments of other offices, and prepares reports and recommendations for the award of Government aid contracts; administers all forms of Govern-

ment aid contracts after their execution; coordinates the work of other organizational components in connection with such contracts; administers Construction Reserve Funds; collaborates with the Office of the Comptroller in preparing recommendations relating to the administration of Special and Capital Reserve Funds of subsidized operators; collects, analyzes, and evaluates costs of operating ships under United States and foreign registry; calculates and recommends operating-differential subsidy rates; conducts studies to evaluate the efficiency and economy of operations of subsidized operators; analyzes and makes recommendations on the trade route structure and requirements of the ocean-borne commerce of the United States; and examines, approves or modifies sailing schedules of subsidized operators. Within this office are personnel responsible for the collection of maritime cost data and other technical maritime activities in foreign countries. The Office of Government Aid has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Operating Costs, and Division of Trade Routes;

10. The Office of Research and Development plans, initiates, and carries out research and development activities, including basic and applied research, as needed to assure that the United States merchant marine shall be composed of the best-equipped, safest and most suitable types of ships and capable of competing favorably with ships of other maritime nations; develops, recommends approval of, and directs all approved research and development projects in the maritime field, including cargo handling, ship design, marine transportation systems, advanced propulsion concepts and ship management, relying primarily on outside contractors for the conduct of advanced studies, engineering design, fabrication, construction and test operation of special components and systems, and prototype components, power plants, and ships; is responsible for planning and organizing all research and development projects, establishing fund requirements, maintaining control of allotted funds, negotiating and administering contracts, reviewing, analyzing and approving contractor performance, and performing expediting and scheduling activities to assure satisfactory delivery of services and materials; keeps abreast of research and development programs in maritime fields of other nations, Government agencies, and industry; participates with other Government agencies, such as Atomic Energy Commission, Office of Naval Research, etc., in the conduct of research and development of joint interest, including supervision and direction of all activities relating to the development, design, construction, and test operation of the first nuclear-powered merchant ship, the NS "Savannah"; and collaborates with other offices of the Maritime Administration to obtain optimum utilization of their knowledges and special skills in carrying out all of the above responsibilities. The Office of Research and Development has the following divi-

sions: Division of Research Planning, Division of Development Projects, and Division of Technical Support;

11. The Offices of the Atlantic, Gulf and Pacific Coast Directors are responsible for all field offices and programs of the Maritime Administration within their respective coast areas, subject to national policies and program determinations, standard procedures, and technical direction of the appropriate office chief in Washington, D.C.; and

12. The United States Merchant Marine Academy, Kings Point, New York, develops and maintains programs for the training of American citizens to become officers in the United States merchant marine.

Sec. 8. *Delegations of authority to the Maritime Administrator.* .01 Subject to such conditions and limitations as the Secretary of Commerce may impose, the Maritime Administrator is authorized to exercise the powers and authorities vested in the Secretary of Commerce by:

1. Reorganization Plan No. 21 of 1950 (other than the authority to establish general policies for the guidance of the Federal Maritime Board in exercising its functions under Section 105 of said plan);

2. Executive Orders 10480 and 10219, as amended, and any present or subsequent delegations or implementing orders under mobilization statutes, with respect to intercoastal, coastwise, and overseas shipping, including the use thereof; and

3. Any other existing or subsequent legislation and Executive Orders with respect to the promotion and maintenance of the United States merchant marine.

.02 The authority granted by Section 8.01 2 above shall not be deemed to include authority to grant exceptions from the provisions of Transportation Orders T-1 and T-2, as amended.

.03 Any condition or limitation which may be imposed by the Secretary of Commerce on the authority delegated in Section 8.01 above and which requires public notice under the provisions of Section 3(a) of the Administrative Procedure Act will be published in the FEDERAL REGISTER.

.04 The Maritime Administrator may redelegate the authority delegated herein, and prescribe necessary limitations, restrictions and conditions on the exercise of such authority.

.05 All actions heretofore taken by the Maritime Administrator in conformance with the provisions of this Section are hereby confirmed and approved.

Effective date: July 8, 1960.

FREDERICK H. MUELLER,  
*Secretary of Commerce.*

All statements affecting the Federal Maritime Board contained in the foregoing have been adopted by the Federal Maritime Board.

THOS. E. STAKEM,  
*Vice Chairman,*  
*Federal Maritime Board.*

[F.R. Doc. 60-6809; Filed, July 20, 1960; 8:49 a.m.]

## FREDERICK L. GRAF

### Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

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

This statement is made as of July 13, 1960.

FREDERICK L. GRAF.

JULY 13, 1960.

[F.R. Doc. 60-6565; Filed, July 20, 1960; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 11223]

### AIRSEMBLY FORWARDERS, INC.; INTERLOCKING RELATIONSHIP

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on July 27, 1960 at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., July 18, 1960.

[SEAL] FRANCIS W. BROWN,  
*Chief Examiner.*

[F.R. Doc. 60-6812; Filed, July 20, 1960; 8:49 a.m.]

[Docket Nos. 11541, 11544; Order No. E-15525]

### ALLEGHENY AIRLINES, INC.

#### Proposed "No-Reservation Fares" Between Philadelphia and Providence/Boston

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of July 1960, in the matter of complaints against Allegheny Airlines, Inc., proposed "No-Reservation Fares" between Philadelphia and Providence/Boston; Dockets 11541 and 11544.

By a tariff revision filed on June 10, 1960,<sup>1</sup> Allegheny Airlines, Inc. (Allegheny) proposes to introduce "No-Reservation Fares" between Philadelphia/Camden on the one hand, and Boston, Massachusetts and Providence, Rhode Island, on the other. The one-way fares proposed are \$13.64 between Philadelphia and Boston and \$11.82 between Philadelphia and Providence. These fares reflect reductions from the currently effective first-class fares of approximately 36 percent and 37 percent, respectively,

<sup>1</sup> Allegheny Airlines, Inc., C.A.B. No. 11.

and are marked to expire on March 31, 1961. They are available to passengers who make no reservations, carry their own baggage, and board flights on a stand-by basis.

The New York, New Haven and Hartford Railroad, the Pennsylvania Railroad Company, and Northeast Airlines, Inc., by complaints filed June 24 and 27, 1960, have requested the Board to investigate and suspend Allegheny's proposed tariff on the grounds that the fares are uneconomical, unreasonably low, unjustly discriminatory, unduly preferential, unduly prejudicial, and will have the effect of increasing the subsidy requirements of Allegheny.

On October 1, 1959, the Board considered a similar proposal by Allegheny to introduce a "No-Reservation Fare" between Philadelphia and Pittsburgh and found that, although suspension of the proposal was not warranted, an investigation should be instituted to determine the lawfulness of the tariff charge.<sup>3</sup> A hearing in this investigation is scheduled July 28, 1960.

The proposed fares represent a worthwhile experiment in promotional fares and a lower cost type of service which we are reluctant to suspend in the absence of a more compelling showing of probable unlawfulness than has been made by the complainants. We will therefore dismiss the complaints insofar as suspension is sought.

The current investigation of Allegheny's "No-Reservation Fare" between Pittsburgh and Philadelphia (Docket 10900) involves many questions which are substantially similar to those involving its Philadelphia-Providence/Boston "No-Reservation Fare" proposals. In view of the substantially similar questions involved we recognize that the final decision in the Pittsburgh-Philadelphia investigation may provide guideposts for further Board action in respect to fares of this nature both as presently proposed and as may be proposed in the future. Moreover, it is to be expected that the decision of the Board in the Pittsburgh-Philadelphia case will be issued at a much earlier date than would be possible for the completion of any investigation of the instant proposals. Under these circumstances we will not initiate a second investigation of "No-Reservation Fares" at this time. We will defer ruling, therefore, upon the complainants' requests for investigation until such future time when any investigation would not result in either an unjustifiable duplication of effort or a substantial delay in concluding the pending investigation.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. The complaints in Dockets Nos. 11541 and 11544 be dismissed insofar as suspension is requested.

2. Decision be deferred upon the requests for investigation contained in the

<sup>3</sup> Order E-14513 "In the Matter of Allegheny Airlines, Inc., Proposed "Book Ticket Fare" and "No-Reservation Fare", Docket 10900.

complaints in Dockets Nos. 11541 and 11544.

3. Copies of this order be served on Allegheny Airlines, Inc., the New York, New Haven and Hartford Railroad Company, the Pennsylvania Railroad Company, and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.<sup>3</sup>

[SEAL] ROBERT C. LESTER,  
Secretary.

[F.R. Doc. 60-6813; Filed, July 20, 1960;  
8:49 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-29]

### YANKEE ATOMIC ELECTRIC CO.

#### Notice of Issuance of Interim Facility License

Please take notice that the Atomic Energy Commission has issued to Yankee Atomic Electric Company Interim Facility License No. DPR-3, authorizing operation of the reactor located at Rowe, Massachusetts, at power levels not in excess of 5 MW thermal solely for the purposes of initial core loading, initial criticality, and low power tests. The license, effective July 9, 1960, was issued pursuant to the Second Intermediate Decision and Order for Limited Power Operations issued by the Presiding Officer July 9, 1960.

Dated at Germantown, Md., this 14th day of July 1960.

For the Atomic Energy Commission.

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

[F.R. Doc. 60-6781; Filed, July 20, 1960;  
8:45 a.m.]

## GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 384]

### SECRETARY OF DEFENSE

#### Authority To Represent Interests of Executive Agencies of Federal Government in Matter of Proposed Rates for In-Out Dialing

Authority to represent the interests of the executive agencies of the Federal Government in the matters of Southern Bell Telephone & Telegraph Company, Alabama Public Service Commission, Georgia Public Service Commission, File 19315, Docket No. 1560-U, Tennessee Public Service Commission, Docket U-4398; proposed rates for in-out dialing.

1. Pursuant to the provisions of sections 201(a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as

<sup>3</sup> Dissenting opinion of Mr. Boyd filed as part of original document.

amended, authority to represent the interest of the executive agencies of the Federal Government in the matters of Southern Bell Telephone & Telegraph Company, Alabama Public Service Commission, Georgia Public Service Commission, File 19315, Docket No. 1560-U, and Tennessee Public Service Commission, Docket U-4398, proposed rates for in-out dialing, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of General Services Administration.

4. This delegation of authority shall be effective June 28, 1960.

Dated: July 15, 1960.

FRANKLIN FLOETE,  
Administrator.

[F.R. Doc. 60-6792; Filed, July 20, 1960;  
8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2361]

### HEALTH MACHINES AND EQUIPMENT CORP.

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

JULY 15, 1960.

I. Health Machines and Equipment Corporation (issuer), a Colorado corporation, 206 South Federal Boulevard, Denver, Colorado, filed with the Commission on March 25, 1959 a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its \$1 par value common stock at \$1 per share for an aggregate of \$300,000, and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has filed a report of sales on Form 2-A which fails to reflect accurately the use of the proceeds from the offering;

2. The issuer has failed to revise its offering circular in accordance with the requirements of Rule 256(e).

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made,

in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to reflect the fact that the proceeds of the offering were being and had been used for advances to an affiliate;

2. The failure to reflect the fact that the company is no longer in business at the address shown in the offering circular.

C. The offering, if made on the basis of the material filed, would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. *It is ordered.* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-6796; Filed, July 20, 1960; 8:47 a.m.]

[File No. 811-876]

**TRINITY SMALL BUSINESS INVESTMENT CO.**

**Notice of Motion To Terminate Registration**

JULY 14, 1960.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion is proposing under section 8(f) of the Investment Company Act of 1940 ("Act") to declare by order that Trinity Small Business Investment Company ("Trinity"), registered under the Act as a closed-end investment company, has ceased to be an investment company.

Trinity was organized under South Carolina law on March 30, 1959 for the express purpose of operating as a licensee under the Small Business Investment Act of 1958 ("Act of 1958"). On April 17, 1959 it registered under the Act and also filed its Registration Statement on Form N-5 under the Act and under the Securities Act of 1933 registering 235,000

shares of its capital stock which it proposed to offer to the public. This Registration Statement, insofar as it pertained to the offering of securities under the Securities Act of 1933, was ordered effective on September 28, 1959. Subsequently, on December 4, 1959, pursuant to the request of Trinity, the Commission issued its order consenting to the withdrawal of the Registration Statement under the Securities Act of 1933.

Trinity has represented to the Commission that the final prospectus under the Securities Act of 1933 registration statement was not circulated to anyone other than the company's directors; that no public solicitations were made, nor were subscriptions accepted; no shares of its capital stock were issued; and the company will be dissolved and its charter cancelled. The Small Business Administration informed the Commission that no license had been issued to Trinity under the Act of 1959.

Notice is further given that any interested person may, not later than July 29, 1960, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-6797; Filed, July 20, 1960; 8:47 a.m.]

[File No. 812-1322]

**CENTRAL SECURITIES CORP. AND WM. H. TEGTMEYER & CO.**

**Notice of Filing of Application for Order Exempting Certain Proposed Transactions**

JULY 19, 1960.

Notice is hereby given that Central Securities Corporation ("Central"), a registered closed-end non-diversified management investment company, has filed an application under section 17(b) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed sale to Central by Wm. H. Tegtmeier & Co. ("Tegtmeier & Co."), the underwriter in a current offering of the securities of Super Food Services, Inc., ("Super Food"), of 10,000 Preferred Shares-Convertible Series of Super Food at \$25.00 per share.

Super Food is a Delaware Corporation engaged, among other things, in the wholesale grocery business. Tegtmeier & Co., under a firm underwriting commitment acquired 70,000 Preferred

Shares-Convertible Series of Super Food which it is offering to the general public at \$25.00 per share. Central and Super Food are affiliates of each other by reason of the ownership by Central of more than 5 percent of the outstanding voting securities of Super Food. In addition, William H. Tegtmeier ("Tegtmeier"), is President, Director and the sole stockholder of Tegtmeier & Co., and is also President, Director and the owner of more than 5 percent of the outstanding voting securities of Super Food.

Pursuant to section 2(a)(3) of the Act, Tegtmeier and Tegtmeier & Co., are affiliates of each other and Tegtmeier and Super Food are affiliates of each other. The application recites that Tegtmeier & Co. is not technically an affiliated person of Super Food or an affiliated person of an affiliated person of Central, but requests the relief sought in the application in order to avoid any question of the legality of the proposed transaction under the Act by reason of Tegtmeier's sole ownership and control of Tegtmeier & Co.

Pursuant to section 48(a) of the Act, it is unlawful for any person, directly or indirectly, to cause to be done any act or thing through or by means of any other person which it would be unlawful for such person to do under the Act and the rules promulgated thereunder. In this connection the direct sale of the Super Food stock by Tegtmeier & Co. to Central would constitute the indirect sale of such stock by Tegtmeier, who by reason of the affiliated relationship referred to above, could not make such sale unless the transaction is exempted from section 17(a) of the Act.

Section 17(a) prohibits, among other things, an affiliated person of a registered investment company (Central) or an affiliated person (Tegtmeier) of an affiliated person (Super Food) of a registered investment company from selling to such company any security or other property unless an order exempting such transaction is granted by the Commission pursuant to section 17(b), upon a finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transaction is consistent with the policy of the registered investment company concerned and consistent with the general purposes of the Act.

The application states that the proposed purchase from Tegtmeier & Co. will be at the same price and under the same conditions as the offering to other purchasers; that the securities proposed to be acquired are a proper and sound investment for Central; and that the proposed transaction does not contravene and is not inconsistent with the general purposes of the Act and is consistent with the tax and investment policy of the Applicant.

Notice is further given that any interested person may, not later than July 29, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed

to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-6864; Filed, July 20, 1960;  
8:51 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 289]

### TEXAS

#### Declaration of Disaster Area

Whereas, it has been reported that during the months of June and July 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

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 Harris County suffered damage or destruction as a result of flood on or about June 26, 1960 and from persons or firms whose property situated in Hale, Lamb, Hockley and Lubbock Counties suffered damage or destruction as a result of flood occurring on or about July 8, 1960, including any areas adjacent to said counties.

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, 1424 Hadley Street, Houston, Tex. Small Business Administration Branch Office, Veterans Administration Building, Room 212, 1616 19th Street, Lubbock, Tex.

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 January 31, 1961.

Dated: July 12, 1960.

PHILIP McCALLUM,  
Administrator.

[F.R. Doc. 60-6816; Filed, July 20, 1960;  
8:49 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

### GERHARD BLEICKEN

#### Appointee's Statement of Business Interests

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

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

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

Director, High Vacuum Equipment Corp., Hingham, Mass.

Director, Kinetics Corp., Hingham, Mass. Trustee, B & M Real Estate Trust, Hingham, Mass.

This amends statement published January 19, 1960 (25 F.R. 417).

GERHARD BLEICKEN.

JULY 9, 1960.

[F.R. Doc. 60-6782; Filed, July 20, 1960;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 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. 36398: *T.O.F.C. service—Paper articles within southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7847), for interested rail carriers. Rates on paper articles, as described in the application, loaded in trailers and transported on railroad flat cars between points in southwestern territory, including Natchez, Miss., and Memphis, Tenn.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36399: *T.O.F.C. service—Iron and steel articles within southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7848), for interested rail carriers. Rates on iron and steel articles, loaded in trailers and transported on railroad flat cars between points

in southwestern territory, including Natchez, Miss., and Memphis, Tenn.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36400: *T.O.F.C. service—Class and commodity rates from and to Porum and Shopton, Okla.* Filed by Southwestern Freight Bureau, Agent (No. B-7849), for interested rail carriers. Rates on various commodities moving on class and commodity rates, loaded in trailers and transported on railroad flat cars between points in southwestern territory, including Natchez, Miss., and Memphis, Tenn., on the one hand, and Porum and Shopton, Okla., on the other.

Grounds for relief: Motor-truck competition, short-line distance formula and grouping.

Tariff: Supplement 11 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 36401: *Scrap iron or steel—Muskegon, Mich., to South Chicago, Ill.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2440), for interested rail carriers. Rates on scrap iron or steel, as described in the application, in carloads from Muskegon, Mich., to South Chicago, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 95 to Chesapeake and Ohio Railway Company tariff I.C.C. 13487.

FSA No. 36402: *Scrap iron or steel—Holland, Mich., to Chicago, Ill.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2441), for interested rail carriers. Rates on scrap iron or steel, as described in the application, in carloads from Holland, Mich., to Chicago, Ill., and points within switching limits, also South Chicago, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 95 to Chesapeake and Ohio Railway Company tariff I.C.C. 13487.

FSA No. 36403: *Coal—West Virginia Mines to South Carolina.* Filed by The Chesapeake and Ohio Railway Company (No. A-39), for interested rail carriers. Rates on coal, in carloads from mines in southern West Virginia to specified points in South Carolina.

Grounds for relief: Rate relationship with other origin mines.

Tariffs: Supplements 12 and 16 to Chesapeake and Ohio Railway tariff I.C.C. 13590.

FSA No. 36404: *Screened gravel—To Decatur, Ill.* Filed by Illinois Freight Association, Agent (No. 107), for interested rail carriers. Rates on screened gravel, in carloads from Attica, Montezuma and Terre Haute, Ind., to Decatur, Ill.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 103 to Baltimore and Ohio Railroad tariff I.C.C. 24048. Supplement 60 to Pennsylvania Railroad tariff I.C.C. 3414.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-6806; Filed, July 20, 1960;  
8:48 a.m.]

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