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Announcement

**CFR SUPPLEMENTS**

(As of January 1, 1960)

The following Supplements are now available:

Title 18. \$0.55  
Title 26, Parts 20-169. 1.75  
Title 46, Part 150 to End. .65  
Title 49, Part 165 to End. 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); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 20 (\$1.25); Titles 22-23 (\$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 170-221 (\$2.25); Titles 30-31 (\$0.50); Title 32, Parts 700-799 (\$1.00); Part 1100 to End (\$0.60); Title 36, Revised (\$3.00); Title 38 (\$1.00); Title 46, Parts 146-149, Revised (\$6.00); Title 49, Parts 1-70 (\$1.75); Parts 91-164 (\$0.45).

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

# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3340

#### CANCER CONTROL MONTH, 1960

By the President of the United States  
of America

#### A Proclamation

WHEREAS cancer, an increasing threat to the health and well-being of the people of this Nation, annually takes the lives of more than a quarter of a million Americans of all ages; and

WHEREAS application of the results of research has saved the lives of one million cancer victims in this country and could save many thousands more each year; and

WHEREAS the concerted research effort in progress may lead to the development of methods permitting more effective control of cancer through prevention, diagnosis, and treatment; and

WHEREAS the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), authorized and requested the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the month of April 1960 as Cancer Control Month; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations. I also ask the medical and allied health professions, the communications industries, and all interested persons and groups to unite within the appointed month to further our nationwide effort to control cancer.

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

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

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,  
*Secretary of State.*

[F.R. Doc. 60-2972; Filed, Mar. 29, 1960;  
1:30 p.m.]

# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

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

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

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 5, Barley]

#### PART 421—GRAINS AND RELATED COMMODITIES

##### Subpart—1959-Crop Barley Loan and Purchase Agreement Program

###### Basic County Support Rates

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, 24 F.R. 3027, 4017, 5236, 7237, 8665 and 25 F.R. 900 and containing the specific requirements for the 1959-Crop Barley Price Support Program are hereby amended as follows:

Section 421.4087(b) is amended by increasing the following basic county support rates:

| ARKANSAS       |                 |        |
|----------------|-----------------|--------|
| County         | Rate per bushel |        |
|                | From—           | To—    |
| Arkansas       | \$0.82          | \$0.87 |
| Clay           | .84             | .87    |
| Cleburne       | .83             | .87    |
| Conway         | .79             | .85    |
| Craighead      | .86             | .87    |
| Desha          | .81             | .87    |
| Drew           | .80             | .81    |
| Faulkner       | .80             | .86    |
| Greene         | .85             | .87    |
| Jackson        | .84             | .87    |
| Jefferson      | .82             | .86    |
| Lawrence       | .84             | .87    |
| Lee            | .86             | .87    |
| Lincoln        | .80             | .84    |
| Lonoke         | .83             | .87    |
| Monroe         | .84             | .87    |
| Phillips       | .81             | .87    |
| Prairie        | .83             | .87    |
| Pulaski        | .82             | .87    |
| Randolph       | .84             | .87    |
| St. Francis    | .86             | .87    |
| Van Buren      | .79             | .82    |
| White          | .84             | .87    |
| Woodruff       | .85             | .87    |
|                |                 |        |
| CALIFORNIA     |                 |        |
| Plumas         | \$0.78          | \$0.83 |
|                |                 |        |
| MISSOURI       |                 |        |
| Bollinger      | \$0.83          | \$0.85 |
| Butler         | .84             | .87    |
| Cape Girardeau | .84             | .86    |
| Dunklin        | .84             | .87    |
| Mississippi    | .84             | .87    |
| New Madrid     | .84             | .87    |
| Pemisot        | .84             | .87    |
| Reynolds       | .80             | .81    |
| Ripley         | .84             | .87    |
| Scott          | .84             | .86    |
| Stoddard       | .84             | .86    |
| Wayne          | .84             | .86    |

## TEXAS

| County    | Rate per bushel |        |
|-----------|-----------------|--------|
|           | From—           | To—    |
| Montague  | \$0.82          | \$0.83 |
| Stephens  | .83             | .84    |
| Van Zandt | .85             | .88    |
| Wood      | .86             | .87    |

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 25th day of March 1960.

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

[F.R. Doc. 60-2958; Filed, Mar. 30, 1960; 8:53 a.m.]

#### PART 430—DAIRY PRODUCTS

##### Subpart—Milk and Butterfat Price Support Program

###### Price Support Program for Milk and Butterfat

The U.S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1960 through March 1961, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein.

###### \$430,220 Price support program for milk and butterfat.

(a) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1960 through March 31, 1961, as hereinafter provided.

(b) (1) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk and Cheddar cheese offered by manufacturers and handlers, subject to terms and conditions of purchase announcements issued by the Livestock and Dairy Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. CCC will consider offers of such products at the following prices:

| Commodity and location  | Price per pound |
|---|-----------------|
| Butter:   |                 |
| U.S. Grade A or higher:   |                 |
| New York, N.Y., Jersey City, and Newark, N.J.   | \$0.5875        |
| Seattle, Wash., and San Francisco, Calif.   | .5800           |
| California, Alaska, Hawaii, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina. | .5875           |
| U.S. Grade B.   | .5775           |
| Cheddar cheese (standard moisture basis)  | (1) .3275       |
| Nonfat dry milk:  |                 |
| Spray process: Barrels, drums, bags.  | .1340           |
| Roller process: Barrels, drums, bags.   | .1140           |

<sup>1</sup>\$0.02 less than U.S. Grade A price.

(2) Offers to sell butter at any locations not specifically provided for in this

section will be considered at the price set forth in this section for the designated market (New York, San Francisco or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight in effect when the offer is accepted from such point to such designated market.

(3) For cheese offered on a "dry" basis the price per pound shall be that indicated below, according to the percentage of moisture.

| Percent moisture: | Price    |
|-------------------|----------|
| 37.3-37.7         | \$0.3356 |
| 36.8-37.2         | .3382    |
| 36.3-36.7         | .3409    |
| 35.8-36.2         | .3436    |
| 35.3-35.7         | .3463    |
| 34.8-35.2         | .3490    |
| 34.3-34.7         | .3517    |
| 33.8-34.2         | .3543    |
| 33.3-33.7         | .3570    |
| 32.8-33.2         | .3597    |

It is estimated that the foregoing prices will reflect a general level of prices to producers for milk and butterfat of not less than \$3.06 per hundredweight for manufacturing milk of yearly average butterfat content and not less than 56.6 cents per pound for butterfat.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra grade (except that maximum moisture content shall be 3½ percent and the direct microscopic clump bacteria count shall be not more than 250 million per gram as determined by U.S. Department of Agriculture test). The Cheddar cheese shall be U.S. Grade A or higher.

(d) The foregoing purchase prices apply to bulk butter, Cheddar cheese and bulk nonfat dry milk packaged in accordance with specifications set forth in announcements issued by the Department of Agriculture. Products in containers other than bulk containers may be purchased at prices determined by competitive bids. Products meeting other specifications may be purchased at prices stated in the respective purchase announcements for such products or by competitive bid.

(e) The products purchased shall be produced and located in the United States. Purchases will be made in carlots. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052; as amended by 68 Stat. 899, 15 U.S.C. 714c, 7 U.S.C. 1446)

Issued this 28th day of March 1960.

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

[F.R. Doc. 60-2956; Filed, Mar. 30, 1960; 8:53 a.m.]

[Amdt. 4]

**PART 446—PEANUTS**

**Subpart—1959-Crop Peanut Price Support Program Minimum Quantity**

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1959 Crop Peanut Price Support Program, as amended (24 F.R. 6077, 7599, 9329, and 10423) are further amended by authorizing the commodity office to establish the quantities of No. 2 peanuts which may be included in one offer.

Section 446.1139 is amended to read as follows:

**§ 446.1139 Minimum quantity.**

(a) The commodity office shall establish the quantities of No. 2 peanuts which may be offered at any one time. All No. 2 peanuts offered at one time for delivery at one location shall be included in one offer. The minimum established by the commodity office shall be effective upon written notice thereof to the sheller by the association or the commodity office. The sheller shall be deemed to have received such notice as of the third day after the notice is deposited in the mail or filed with the telegraph office for transmittal to such sheller.

(b) Each offer shall be made in the form prescribed by CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Issued this 25th day of March 1960.

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

[F.R. Doc. 60-2957; Filed, Mar. 30, 1960; 8:53 a.m.]

[Amdt. 3]

**PART 472—WOOL**

**Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)**

**IMPORTS OF SHEEP OR LAMBS**

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool), as amended (24 F.R. 649, 10191; 25 F.R. 1725), are further amended as follows:

1. At the end of this subpart, two new sections are added, reading as follows:

**§ 472.1065 Imported sheep or lambs and wool shorn therefrom.**

(a) *Thirty-day ownership.* If sheep or lambs are imported into the United States the period of 30 days for which the applicant for a payment is required to have owned them pursuant to § 472.1003(c) or § 472.1022(b) shall begin after their importation and if they were quarantined in connection with

such importation, the period shall begin after their release from quarantine.

(b) *Reporting imported lambs.* If purchased lambs which the applicant for a payment is required to report in accordance with § 472.1010 or § 472.1026 were imported, the liveweight required to be reported shall be the liveweight of the lambs at the time they were imported and if they were quarantined in connection with the importation, at the time they were released from quarantine. For the purpose of such reporting, imported lambs whether or not purchased by the applicant shall be treated as if they had been purchased by him.

(c) *Importation for slaughter.* Payments will not be made on the marketing of imported lambs or of wool shorn from imported sheep or lambs if the permit for the importation of sheep or lambs or a communication connected with such permit, issued by the Agricultural Research Service of this Department, states that the importation is for slaughter.

(d) *Wool shorn in quarantine.* If wool is shorn from imported sheep or lambs while they are held in quarantine in connection with the importation, such wool is not considered to have been shorn in the United States.

(e) *Records as to imported sheep or lambs and inspection thereof.* If an application is based on the sale of wool shorn from imported sheep or lambs or on the sale of imported lambs, or if lambs required to be reported as purchased lambs pursuant to § 472.1010 or § 472.1026, were imported, the applicant is required to maintain books, records, and accounts showing the details of such importation, including the date of arrival of the animals in the United States and the liveweight on such date, and if the animals were quarantined, the date when they were released from quarantine and their liveweight on such date. He shall maintain such books, records, and accounts for the same length of time that he is required to maintain his other books, records, and accounts and shall make them available to CCC, in accordance with § 472.1058.

**§ 472.1066 Provisions in applications as to imported sheep or lambs.**

(a) Each reference to purchases of unshorn lambs in Section B of Form CCC Wool 55, "Application for Incentive Payment—Shorn Wool," or in Section B of Form CCC Wool 56, "Application for Payment—Unshorn Lambs (Pulled Wool)," shall be deemed to refer to purchases as well as to imports of unshorn lambs by the applicant regardless of whether he purchased or produced the imported lambs outside the United States. With respect to imported lambs required to be reported in Section B of Form CCC Wool 55 or Form CCC Wool 56, the heading of column 1, "Date of purchase," shall be deemed to read, "Date of importation," and the heading of column 3, "Liveweight at time of purchase (lbs.)," shall be deemed to read, "Liveweight at time of importation and if the animals were quarantined, liveweight at time of their release from quarantine (lbs.)."

(b) The statement in Section F(d) of Form CCC Wool 55 and in Section D(d) of Form CCC Wool 56 that the applicant(s) owned the animals for "not less than 30 days," shall be deemed to read, in case of imported animals, "not less than 30 days after their importation," and if the animals were held in quarantine in connection with their importation, "not less than 30 days after their release from quarantine."

(c) The statement in Section F(b) of Form CCC Wool 55 that the wool was "shorn in the continental United States, its territories, or possessions," shall be deemed to read, in the case of imported animals held in quarantine in connection with their importation, "shorn in the continental United States, its territories, or possessions after release from quarantine of the animals from which the wool was shorn."

2. *Time of taking effect.* The provisions of this Amendment 3 shall apply to sheep or lambs imported (or, if quarantined, released from quarantine) on or after April 1, 1960, and to wool shorn therefrom.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912, secs. 401-403, 72 Stat. 994-995; 15 U.S.C. 714c, 7 U.S.C. 1781-1787, 1446)

Issued this 30th day of March 1960.

WALTER C. BERGER,  
Executive Vice President, Commodity Credit Corporation,  
and Administrator, Commodity Stabilization Service.

[F.R. Doc. 60-3008; Filed, Mar. 30, 1960; 11:12 a.m.]

**Title 7—AGRICULTURE**

**Chapter III—Agricultural Research Service, Department of Agriculture**

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—Soybean Cyst Nematode**

**NOTICE OF QUARANTINE**

On December 24, 1959, there was published in the FEDERAL REGISTER (24 F.R. 10688) notice of public hearing and of proposed rule making concerning the quarantining of the State of Illinois because of the soybean cyst nematode.

After public hearing and due consideration of all relevant matters presented pursuant to the notice, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), notice of quarantine relating to the soybean cyst nematode (7 CFR 301.79) is hereby amended to read as follows:

**§ 301.79 Notice of quarantine.**

(a) Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 150ee), and after public hearing, it has been determined that it is necessary to quarantine the States of Arkansas, Illinois,

Kentucky, Mississippi, Missouri, North Carolina, Tennessee, and Virginia to prevent the spread of the soybean cyst nematode (*Heterodera glycines* Ichinohe), which causes a dangerous disease of soybeans and certain other plants, and which has not heretofore been widely prevalent or distributed within and throughout the United States, and said States are hereby quarantined or continued to be quarantined because of said nematode, and under the authority of said Acts supplemental regulations are prescribed in this subpart governing the movement of carriers of said nematode. Hereafter the following shall not be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved by mail or otherwise, by any person, from any quarantined State into or through any other State, Territory, or District of the United States in any manner or method or under conditions other than those prescribed in the regulations, as from time to time amended:

- (1) Soil, separately or with other things;
- (2) nursery stock and other plants with roots attached;
- (3) true bulbs, corms, rhizomes, and tubers;
- (4) root crops;
- (5) soybeans;
- (6) small grains;
- (7) ear corn;
- (8) hay, straw, fodder and plant litter of any kind;
- (9) seed cotton;
- (10) used farm tools, implements, and harvesting machinery;
- (11) used construction and maintenance equipment;
- (12) used crates, boxes, burlap bags, and cotton picking sacks, and other used farm products containers;
- (13) other farm products and farm equipment, processing machinery, trucks, wagons, railway cars, aircraft, boats, and other means of conveyance, and unlimited by the foregoing, any other products and articles of any character whatsoever, not covered by subparagraphs (1) through (12) of this paragraph, when it is determined in accordance with the regulations, that they present a hazard of spread of soybean cyst nematodes. However, the requirements of this quarantine and other regulations with respect to such products, articles, and means of conveyance are hereby limited to the areas in any quarantined State which may be designated as regulated areas as provided in the regulations, as long as in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of soybean cyst nematodes, except that such limitation is further conditioned upon the affected State's providing regulations for and enforcing control of the movement within such State of soybean cyst nematodes and other regulated articles under the same conditions as those which apply to their interstate movement under the provisions of the currently existing Federal quarantine regulations, and upon the State's providing regulations for and enforcing such sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, are adequate to prevent the spread of soybean cyst nematodes within such State.

Moreover, whenever the Director of the Plant Pest Control Division shall find that facts exist as to the pest risk involved in the movement of one or more of the products, articles, and means of conveyance to which the regulations apply, making it safe to modify by making less stringent the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated areas or portions thereof and for such products, articles, and means of conveyance, as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

(b) Regulations governing the movement of live soybean cyst nematodes are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., in accordance with said part.

(c) As used in this subpart, unless the context otherwise requires, the term "State, Territory, or District of the United States" means State, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands of the United States.

The purpose of this amendment is to include the State of Illinois in the soybean cyst nematode quarantine. The amendment should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the soybean cyst nematode. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall be effective March 31, 1960.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended)

Done at Washington, D.C., this 25th day of March 1960.

[SEAL] M. R. CLARKSON,  
*Acting Administrator,*  
*Agricultural Research Service.*

[F.R. Doc. 60-2954; Filed, Mar. 30, 1960; 8:52 a.m.]

[P.P.C. 623, Revised]

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Soybean Cyst Nematode

#### ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

Pursuant to § 301.79 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79), under

sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.79a are hereby amended to read as follows:

#### § 301.79a Administrative instructions exempting certain articles from specified requirements.

(a) It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of § 301.79-4(a) under the conditions set forth hereinafter:

(1) Root crops, such as turnips, carrots, and sweetpotatoes, when moving to a designated processing plant, or when washed free of soil and thereafter protected from infestation to the satisfaction of the inspector;

(2) Soybeans if the beans and any containers for the beans did not come in contact with the soil during harvesting and if the beans are moving forthwith to a designated oil mill or storage facility for approved processing or uses other than planting;

(3) Small grain if the grain and any containers for the grain did not come in contact with the soil during harvesting and if the grain is moving forthwith to a designated storage facility for uses other than planting;

(4) Ear corn when harvested from the stalk and placed, without coming in contact with the soil, in a wagon or truck for direct transportation to storage or other handling facility;

(5) Hay, straw, fodder and plant litter of any kind, when harvested and handled so that in the judgment of the inspector no infestation would be transmitted thereby;

(6) Seed cotton when moving to designated gins;

(7) Used farm tools and implements, when washed, steam cleaned, air cleaned, or otherwise treated, and thereafter protected from infestation, to the satisfaction of the inspector. (This exemption does not apply to mechanical cotton or corn pickers, combines, or hay balers);

(8) Cotton picking sacks when they have been cleaned or treated to the satisfaction of the inspector and thereafter protected from infestation;

(9) Trucks, wagons, railway cars, aircraft, boats, and other means of conveyance determined to present a hazard under § 301.79-3 (b), when treated to the satisfaction of the inspector.

(b) Information as to designated processing plants, oil mills, storage facilities, and gins may be obtained from the inspector.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended, 7 CFR 301.79)

The foregoing administrative instructions shall become effective March 31, 1960, and shall supersede those contained

in P.P.C. 623, effective July 26, 1957 (7 CFR 301.79a).

The purpose of this amendment is to exempt cotton picking sacks meeting certain requirements from regulation under § 301.79-4 (a), and to clarify the present exemption of soybeans by more clearly stating that they may not only be crushed as now specified but may be given any approved processing. Both of these changes relieve restrictions. In order to be of maximum benefit to shippers, the newly authorized procedure should be made available as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on this amendment are impracticable and unnecessary. Since the amendment relieves restrictions, it is within the exception in section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)) and may properly be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of March 1960.

[SEAL] E. D. BURGESS,  
Director,  
Plant Pest Control Division.

[F.R. Doc. 60-2955; Filed, Mar. 30, 1960; 8:52 a.m.]

[P.P.C. 624, 5th Rev.]

**PART 301—DOMESTIC QUARANTINE NOTICES**

**Subpart—Soybean Cyst Nematode**

**ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS**

Pursuant to § 301.79-2 of the regulations supplemental to the soybean cyst nematode quarantine (7 CFR 301.79-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.79-2a, as amended (24 F.R. 6801), are hereby revised to read as follows:

**§ 301.79-2a Administrative instructions designating regulated areas under the soybean cyst nematode quarantine.**

Infestations of the soybean cyst nematode have been determined to exist in the counties, other civil divisions, farms, and other premises, or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such counties, other civil divisions, farms, other premises, and parts thereof, are hereby designated as soybean cyst nematode regulated areas within the meaning of the provisions in this subpart:

**ARKANSAS**

*Craighead County.* All of the property owned by Mrs. Freddy Darr located in sec. 8, T. 15 N., R. 7 E.

All of the property owned by Marion Davis in sec. 25, T. 16 N., R. 7 E.

*Crittenden County.* The irregular portion on the eastern boundary of the county between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line, bounded on the north by the Crittenden-Mississippi County line and on the south by an east-west line projected from the levee to the State line, lying one mile south of the intersection of a graded road and the levee at the head of Wapanocca Bayou.

The property known as the Clarence Williams Farm, located in sec. 22, T. 5 N., R. 8 E.

*Mississippi County.* The irregular portion on the eastern boundary of the county lying between the Mississippi River levee and the indeterminate Arkansas-Tennessee State line.

That area bounded on the north by the Arkansas-Missouri State line; and further bounded by a line beginning at the intersection of the Mississippi River levee and Arkansas-Missouri State line and extending southward along said levee to U.S. Highway 61, thence due north along U.S. Highway 61 to its intersection with State Highway 158, thence due west along State Highway 158 to its intersection with State Highway 181, thence due north along State Highway 181 to the western boundary line of sec. 30, T. 15 N., R. 10 E., thence continuing due north along the western boundary lines of secs. 30, 19, 18, 7, and 6, T. 15 N., R. 10 E., and secs. 31, 30, and 19, T. 16 N., R. 10 E., to the Arkansas-Missouri State line.

All of sec. 24, T. 13 N., R. 10 E.

That portion of secs. 20 and 21, T. 12 N., R. 11 E., lying west of the Mississippi River levee.

All of the property owned by Mrs. R. C. Bryan, and all of the property owned by C. L. Whistle in sec. 13, T. 12 N., R. 10 E.

All of the property owned by C. B. Galveon in sec. 24, T. 16 N., R. 8 E.

All of the property owned by Mrs. Charles Hale in sec. 19, T. 11 N., R. 11 E.

All of the property owned by Mrs. S. B. Hook in sec. 34, T. 13 N., R. 10 E.

All of the property owned by R. C. Langston in the NE¼ and E½NW¼ sec. 21, T. 13 N., R. 10 E.

All of the property owned by L. M. McClearn in sec. 5, T. 15 N., R. 8 E.

All of the property owned by W. E. Philhours in sec. 36, T. 16 N., R. 8 E.

**ILLINOIS**

*Pulaski County.* The property owned and operated by H. W. and L. H. Parker, consisting of 20 acres being the E½SW¼NW¼ sec. 13, T. 16 S., R. 1 W.

**KENTUCKY**

*Ballard County.* The property owned by O. M. Alexander and operated by Robert Harris, James Alexander and J. D. Skinner, known as Land Parcel No. 3, 183 acres, Property Identification Map No. 29, Ballard County, Kentucky.

The property owned and operated by Robert Harris, known as Land Parcel No. 4, 88½ acres, Property Identification Map No. 29, Ballard County, Kentucky.

*Fulton County.* All of the area known as the detached portion of Fulton County.

All of Island No. 8 in the Mississippi River. The property owned by Reed Bondurant and operated by Albert Williams, consisting of 200 acres located in the NW¼ sec. 14 and NE¼ sec. 15, T. 1 N., R. 6 W.

The property owned by Ward Bushart and operated by C. M. Hornsby, consisting of 102 acres located in the SE¼ sec. 22, T. 1 N., R. 6 W.

The property owned by Helen Byrd and operated by Hugh Swayne, consisting of 119 acres located in the W½NE¼ and E½NW¼ sec. 16, T. 1 N., R. 6 W.

The property owned by the Mrs. R. B. Goalder Estate and operated by R. B. Goalder,

Jr., consisting of 80 acres located in the W½SE¼ sec. 15, T. 1 N., R. 6 W.

The property owned and operated by George Helm, consisting of 347 acres located in the E½ and SW¼ sec. 22, T. 1 N., R. 6 W.

The property owned by Mrs. Mary B. Ligon and operated by T. M. Conder, consisting of approximately 200 acres located in the SE¼ NE¼ and E½SE¼ sec. 9 and E½NE¼ sec. 16, T. 1 N., R. 6 W.

The property owned by Mrs. Nell Mabry and operated by Joe Johnson, consisting of 187 acres located in the SW¼ sec. 10 and NW¼ sec. 15, T. 1 N., R. 6 W.

The property owned by P. L. McKell and operated by Travis Nipp, consisting of 85 acres located in the SE¼ sec. 14, T. 1 N., R. 6 W.

The property of Mrs. Tom H. McMurry, consisting of 240 acres located in the SE¼ and E½SW¼ sec. 22, T. 1 N., R. 4 W.

That portion of the N½ sec. 22, T. 1 N., R. 4 W., owned by Jesse McNeill and King McNeill.

The property owned by Mrs. A. M. Prater and operated by Wilbur White, consisting of 155 acres located in the SW¼ sec. 14 and SE¼ sec. 15, T. 1 N., R. 6 W.

That portion of the Norman Sutton farm lying between the levee and the Mississippi River, in sec. 12, T. 1 N., R. 7 W.

The property owned and operated by Hugh Swayne, consisting of 260 acres and located in the E½ sec. 21, T. 1 N., R. 6 W.

The property owned and operated by George Townsend, located 5 miles east of Hickman, this tract of land being the N½SW¼ sec. 23, T. 1 N., R. 4 W.

The property of John E. Vaughn, consisting of 379 acres located in the S½ sec. 7 and in the northern part sec. 18, T. 1 N., R. 6 W.

The property owned by O. H. Warlick and operated by Terry Jamerson, consisting of 160 acres located in the NW¼ sec. 22, T. 1 N., R. 6 W.

The property owned by O. H. Warlick and operated by Terry Jamerson, consisting of 343 acres located in the S½ sec. 29 and N½ sec. 32, T. 1 N., R. 6 W.

The property owned by O. H. Warlick and operated by Terry Jamerson, consisting of 74 acres located in the SE¼ sec. 35, T. 1 N., R. 6 W.

**MISSISSIPPI**

*De Soto County.* That portion of secs. 28, 29, 31, and 32, T. 2 S., R. 10 W., lying between the Mississippi River levee and the Mississippi-Arkansas State line.

**MISSOURI**

*Dunklin County.* The property owned by W. G. Fitz and operated by Marvin Layne, being the W½NE¼ sec. 13, T. 16 N., R. 7 E.

The property owned and operated by Martis Overby, located in the E½ sec. 23, T. 16 N., R. 7 E.

The property owned by H. O. Thrasher and operated by Charles Williams, being the NE¼NE¼ sec. 23, T. 16 N., R. 7 E.

*New Madrid County.* That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending north approximately two and one-half miles to the E. B. Gee Cotton Gin corner, and thence northeastward on a gravel road, continuing northwestward to No. 1 drainage ditch, thence northeast along the No. 1 drainage ditch to the point where it intersects U.S. Highway 62 and thence east to the point where U.S. Highway 62 intersects U.S. Highway 61 and thence east on the section line common to secs. 12 and 13, T. 22 N., R. 13 E., and continuing directly east to the Mississippi River.

The property owned by H. E. Hunter and operated by T. C. Wiley, Claudie Harris, M. B. Young, and Roosevelt Walker, located on the north and south sides of a dirt road, at a point approximately 0.6 mile west of the

junction of this dirt road with U.S. Highway 61 at Ristine.

**Pemiscot County.** That portion of the county lying east and south of a line beginning at a point where State Highway B intersects the Pemiscot-New Madrid County line, and extending southward along State Highway B to the point where it joins State Highway 84; thence west along State Highway 84 to a point where the highway joins State Highway C; thence southward along State Highway C to the point where it meets State Highway F; thence due south to the point where it intersects the Missouri-Arkansas State line.

The property owned by Joseph Kohn and operated by Bondy Grissom, consisting of the E $\frac{1}{2}$  sec. 35, T. 19 N., R. 11 E.

The property owned and operated by Royal Sanders, being the N $\frac{1}{2}$  sec. 24, and SW $\frac{1}{4}$  sec. 13, T. 17 N., R. 10 E.

**Stoddard County.** The property owned by Earnest Kellett and operated by Bern Abernathy, being the W $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 16, T. 27 N., R. 12 E.

#### NORTH CAROLINA

**Camden County.** The property owned by Woodson Farrill and operated by Vernon Brown, located 1 mile east of Shiloh on the west side of a paved road connecting State Highway 343 and Riddle; the property being at a point 0.4 mile north of the junction of this paved road and State Highway 343.

The property owned and operated by Frank Sawyer, located at Tar Corner north of the Sharon-Tar Corner and the Moyock-Tar Corner road intersection.

The property owned by Dr. J. B. Sawyer and operated by J. W. Forbes, located on the east side of the Shawboro-Old Trap Road 0.1 mile south of Cow Creek, and 0.1 mile east of the Shawboro-Old Trap Road just north of a graded and drained road.

The property owned and operated by Mack L. Sawyer, located 0.3 mile west of Pearceville and 0.1 mile north of South Mills-Pearceville highway on both sides of a stone surfaced road.

**Currituck County.** The property owned by P. P. Gregory and operated by Charlie Anderson, located on the east side of the Shawboro-Old Trap Road 0.4 mile north of Indiantown Creek.

**Gates County.** That portion of the county bounded by a line beginning at a point where State Highway 32 crosses the North Carolina-Virginia State line, thence east along the State line to the Camden County line, thence in a southwesterly direction along the west edge of the Great Dismal Swamp to a point 1.4 miles east of Corapeake on Corapeake Highway, thence along said highway in a westerly direction to Corapeake, thence along State Highway 32 from Corapeake to the Virginia State line, the point of beginning, excluding the corporate limits of Corapeake.

The property owned and operated by T. H. Reddick located on the east side of North Carolina paved road 1304, 0.6 mile south of the Virginia-North Carolina State line.

**New Hanover County.** That portion of the county bounded by a line beginning at a point where the A.C.L. Railroad Bridge crosses the Northeast Cape Fear River and extending south along said railroad to State Highway 132, thence southeast along said highway to Smith Creek, thence west along said creek to the Northeast Cape Fear River, thence in a northwesterly and then easterly direction along said river to the A.C.L. Railroad Bridge, the point of beginning, excluding all of New Hanover County Airport.

The property owned and operated by H. C. Johnson, located on the northeast side of Gordon Road 0.6 mile northwest of the intersection of Gordon Road and U.S. Highway 17.

The property owned and operated by J. D. Murray, located at the end of Murrayville

Road 2.2 miles from its intersection with Winter Park-Wrightsboro Road.

The property owned and operated by Alex Trask, located on the north side of Murrayville Road and east of State Highway 132 at the intersection of these two roads.

**Pasquotank County.** That portion of the county bounded by a line beginning at the junction of U.S. Highway 17 and North Carolina paved road 1338 and extending southwest along said road to Knobbs Creek, thence southeast along said creek to North Carolina paved road 1332, thence northwest along said road to its junction with North Carolina paved road 1343, thence northeast along said road to its junction with U.S. Highway 17, thence northwest along said highway to the point of beginning.

The property owned by Everette L. Brothers and operated by George Hewett, located on the west side of the Pasquotank River, approximately 1.7 miles west of the bridge where U.S. Highway 17 crosses the Pasquotank River.

The property owned and operated by Moody Meads, located 4.1 miles southeast of Nixonton and 1 mile east of Eureka Pilgrim Church on the northwest side of the unnumbered paved road on which that church is located.

The property owned and operated by John Owens, located 1.3 miles south of Elizabeth City city limits, 0.8 mile east of Pear Tree Road extension and on the south side of the street on a surfaced road that begins 0.8 mile south of U.S.N. Air Facility Railroad crossing.

**Pender County.** That portion of the county bounded by a line beginning at a point where State Highway 210 crosses the Northeast Cape Fear River, thence north along said river to Pike Creek, thence northwest along said creek to the Ashton Road, thence west along said road, through Ashton, to its junction with a paved highway, thence south along said highway to Kellys Creek, thence southwest along said creek to Rileys Creek, thence south and west along said creek to its intersection with State Highway 40, thence east and south along said highway to U.S. Highway 117, thence south along said highway to the Northeast Cape Fear River, thence east and north along said river to the point of beginning, excluding the town of Rocky Point.

The property owned and operated by Mike Boryk, located on the west side of Burgaw-Long Creek Road 0.2 mile south of Burgaw city limits.

The property owned and operated by Henry Clark, located on the south side of State Highway 40 and 0.2 mile southeast of Bell's Crossroads.

The property owned and operated by Dr. J. D. Freeman, located on the south side of State Highway 210, 1.8 miles east of Northeast Cape Fear River.

The property owned and operated by P. Katalinic, located on the east and west side of U.S. Highway 117 at the junction of Stag Park Road and U.S. Highway 117.

The property owned and operated by W. B. Keith, located on the west side of Clarks Landing Loop Road and one mile southwest of Bell's Crossroads.

The property owned and operated by Boney Wilson, located on the southwest side of State Highway 210 and approximately 0.2 mile northwest of Clark's Landing Highway.

**Perquimans County.** That portion of the county bounded by a line beginning at the junction of the Perquimans-Pasquotank County line and North Carolina paved road 1001, thence extending southwest along said road to Nicanor, thence west along unnamed paved road to its junction with North Carolina paved road 1204, thence north and northwest along said road to its junction with the Perquimans-Gates County line, thence east along said county line to its junction with the Perquimans-Pasquotank

County line, thence southeast along said county line to the point of beginning.

**Tyrrell County.** That portion of the county bounded by a line beginning at the junction of Alligator Creek and North Carolina paved road 1209, thence extending northwest along said road to its junction with North Carolina stonemurfaced road 1221, thence southwest along said road to its junction with U.S. Highway 64, thence east along said highway to its junction with Alligator Creek, thence along said creek in an easterly and northerly direction to its junction with North Carolina paved road 1209, the point of beginning.

#### TENNESSEE

**Dyer County.** All of the county except Civil Districts 1, 7, 8, and 9.

**Gibson County.** Civil Districts 10 and 24.

**Haywood County.** The farm owned by Jack Savage Gause, also known as the Old Nail Place, consisting of 221 acres, located in Civil District 11 on the northside of the Nutbush-Durhamville Road, 2.1 miles southwest of the intersection at Nutbush of Haywood County Road 8051 and State Highway 19.

**Lake County.** The entire county.

**Lauderdale County.** Civil Districts 4, 5, 8, 9, 12, and 13; and that part of Civil District 11 consisting of a 40-acre farm, owned by Mrs. Dezzie Mae Clark, known as the Old Hunt Farm on county Highway 8045, 1.2 miles southwest of the junction of county Highway 8045 with State Highway 19.

**Obion County.** All Civil Districts except 1, 2, 7, and 16.

**Shelby County.** That part of Shelby County known as President's Island.

**Tipton County.** That part of Civil District 3 consisting of a 57-acre farm owned by Herbert E. Baskin, known as the Old Jack Baskin place, located on the west side of Turkey Scratch Road, 2.2 miles southeast of R. M. Burlison's store. This store is located 2 miles west of Burlison Post Office on Highway 59.

That part of Civil District 3 consisting of a 70-acre farm owned by Mrs. O. H. Blankenship, known as the Old John Yount place, located on the west side of Turkey Scratch Road, 2.3 miles southeast of R. M. Burlison's store. This store is located 2 miles west of Burlison Post Office on Highway 59.

#### VIRGINIA

**Nansemond County.** That portion of the county bounded by a line beginning at the junction of State Roads 32 and 678 and extending east on State Road 678 to the western boundary of the property owned and operated by E. Hurley Brinkley, thence north and east along the boundaries of said property and continuing east along the northern boundary of the property owned and operated by Willie C. Knight to State Road 604; thence south on State Road 604 to the northern boundary of the property owned and operated by Raymond R. Brinkley; thence east along the northern boundary of said property to the Dismal Swamp; thence south along the Dismal Swamp to the North Carolina-Virginia State line; thence west along the State line to State Road 32, thence northward to the point of beginning.

That portion of the county bounded by a line beginning at the junction of State Road 616 and the Nansemond-Isle of Wight County line; thence southeast to the junction of State Road 615; thence north along State Road 615 following the west and northern boundaries of the properties owned and operated by C. E. Daughtery and Jasper W. Daughtery; thence along the western and northern boundaries of the property owned and operated by Frank Holland and Mary L. Holland to the eastern boundary of this property; thence along the eastern boundary of the property owned and operated by Lydia and J. E. Griffin to State Road 189; thence

east along State Road 189 and south along the eastern boundaries of the properties owned and operated by James E. Rawls and Samuel L. Hunter; thence along the southern boundary of the Samuel L. Hunter property to State Road 616; thence northwest along State Road 616 to include the property owned and operated by Clifford D. Holland lying on both sides of State Road 616; and thence from the junction of the northern boundary of said farm and State Road 616 northwest along State Road 616 to the property owned by Helen I. Lawrence and operated by Michael Carter; thence along the eastern and southern boundaries of said property to State Road 189; thence along State Road 189 to include all of the property owned by R. Kermit Saunders and operated by Leo Saunders on both sides of said road; thence in a northerly direction to the junction of State Roads 615 and 618; thence west along State Road 618 to the Nansemond-Isle of Wight County line; thence northeast along said county line, including that portion of the property owned by Carlton L. Cutchin and operated by Elmer Darden in Isle of Wight County, to the point of beginning.

That portion of the county bounded by a line beginning at the intersection of U.S. Route 58, and the Isle of Wight-Nansemond County line; thence northeast along said county line including that portion of the property owned by Elliott L. Johnson and operated by Jesse F. Johnson extending into Isle of Wight County; thence south along the eastern boundary of said property to the northern boundary of the property owned and operated by Jasper Daughtrey, Jr.; thence along the northern and eastern boundaries of said property; thence east along the northern boundaries of the properties owned by Clarence T. Daughtrey and Mamie D. Duke; thence along the eastern and southern boundaries of the Mamie D. Duke property to the eastern boundary of the Clarence T. Daughtrey property; thence south along the eastern boundary of the Emmett L. Rawles property to U.S. Route 58; thence northwest on U.S. Route 58 to the southern boundary of the Emmett L. Rawles property; thence west along the southern boundaries of the Emmett L. Rawles and Jarvis L. Howell properties; thence north along the western boundaries of the Jarvis L. Howell and Elliott L. Johnson properties to the point of beginning.

That portion of the county bounded by a line beginning at a point where State Road 612 intersects the property owned by J. D. Rawles and operated by Lonnie W. Harrell, Sr., 0.2 mile south of the junction of State Roads 612 and 661, and extending east and southeast along the boundaries of said property; thence southeast along State Road 612 to the southern boundary of the property owned by the W. Joe Smith Estate and operated by Gerald Rountree and C. C. Adams; thence along the southern boundary of said property to the eastern boundary of the property owned by Dr. W. John Norfleet and operated by J. C. Britton; thence along the eastern and southern boundaries of said property to State Road 664; thence south and west along State Roads 664 and 667 to the western boundary of the property owned by David L. Rawles, Jr., and operated by Augusta B. Nichols; thence along the western and northern boundaries of said property to State Road 616; thence north along the western boundary of the property owned by Dr. W. John Norfleet and operated by J. C. Britton and continuing north along the western boundary of the property owned by Sue K. Jolly and operated by I. O. Ellis, and the property owned by J. D. Rawles and operated by Lonnie W. Harrell, Sr.; thence east along the northern boundary of the said J. D. Rawles property to point of beginning.

The property owned and operated by Percy

L. Artis located on State Road 679, one mile southeast of the junction of State Road 189.

The property owned and operated by Hurley B. Aswell and the property owned and operated by Gurney C. Hare, located at the junction of State Roads 642 and 673, and the adjacent property owned by the M. Gay Taylor Estate and Priscilla Vann and operated by Bernard Knight on State Road 673. Also the adjacent property owned by R. H. Brinkley and operated by William L. Jones located on the west side of State Road 642 at the junction of State Road 678.

The property owned by Rudolph C. Badger and operated by Aaron K. Morriss, located at the junction of State Roads 642 and 674; the adjoining property to the south owned by the Julius E. Baines Estate and operated by Raymond T. Baines, located on the west side of State Road 642; the adjacent property on the south owned and operated by John H. Parker, located on both sides of State Road 642; and the property owned and operated by Rudolph C. Badger, lying on the east side of State Road 642 between two sections of the John H. Parker property and extending southeast to the Dismal Swamp.

The property owned and operated by Shirley M. Baines, located on the east side of State Road 642 at the northern junction of State Roads 642 and 678, and the adjoining property to the east owned and operated by Pearl Brinkley.

The property owned and operated by James F. Bracey, Jr., lying on the east side of State Road 612 at the northern junction of State Roads 661 and 612.

The property owned and operated by Floyd J. Brinkley, lying on the east side of State Road 673 at the junction of State Roads 675 and 673.

The property owned by J. M. Brinkley and operated by Eddie A. Kelly, located on the west side of State Road 32, one-quarter mile north of the junction of State Roads 678 and 32.

The properties owned by Reginald E. Brothers, Carrie B. Knight and Willie C. Knight, located at the junction of State Roads 675 and 642.

The property owned by Robert D. Butler and operated by Moody G. Gardner, located on the east side of State Road 614 at the Nansemond-Isle of Wight County line.

The property owned and operated by Julius E. Copeland, located at the junction of State Roads 664 and 642 and lying on the north side of State Road 642.

The property owned and operated by Lloyd Ellis, located on a private road 0.25 mile west of State Road 612, said private road junctioning with State Road 612 at a point 0.71 mile southwest of the junction of State Roads 612 and 680.

The property owned by Jessie S. and Mamie B. Griffin and operated by Talford Copeland, located on both sides of State Road 678, one mile west of the junction of State Roads 642 and 678.

The property owned by Charles C. Harrell and operated by James R. Byrd, located on both sides of State Road 32, 0.5 mile north of the junction of State Roads 675 and 32.

The property owned by Ayler J. Holland and operated by Marshall Parker, located on both sides of State Road 189 at the junction of State Roads 189 and 613.

The property owned by Ella L. Holland and Linwood W. Holland and operated by Dan N. Holland, located on the west side of State Road 661, 0.4 mile south of the junction of State Roads 661 and 679.

The property owned and operated by Guss R. Holland, located at the junction of State Roads 661 and 613 and lying on the north side of State Road 661.

The property owned and operated by Delaware Howell, located on both sides of State Road 613, 0.3 mile southeast of the junction of State Roads 613 and 189.

The property owned and operated by W. H. Howell, located 0.5 mile southwest of the village of Ellwood.

The property owned by Ruby Parker Jones and operated by Lawrence E. Holland and the property owned and operated by Lawrence F. Jones, located at the junction of State Roads 666 and 615.

The property owned by Eddie A. Kelly and operated by Willie and William Mathias, located on State Road 678 one mile west of its junction with State Road 32.

The property owned and operated by Willie C. Knight, located on a private road 0.2 mile east of State Road 32, said private road joining State Road 32 at a point 0.3 mile southeast of the junction of State Roads 642, 32, and 616.

The property owned by Rachel Lassiter and operated by Vernon Lassiter, located on State Road 674, 0.5 mile east of the Atlantic Coast Line Railroad tracks.

The property owned and operated by Tommie Milteer lying between State Roads 32 and 646 at the junction of State Roads 646 and 674.

The property owned and operated by Howard W. Overton lying south of State Road 675 and west of State Road 32 at the junction of State Roads 32 and 675 and extending north on the west side of State Road 646.

The property owned and operated by Linwood Parker, located on State Road 604, 0.5 mile southeast of State Road 642.

The property owned by Ruth Knight Rice and operated by Vernell Hall, located on the south side of State Road 675, 0.5 mile east of the intersection of State Road 675 and the Atlantic Coast Line Railroad.

The property owned and operated by Jesse F. Turner, located on the north side of State Road 673, on a private road which junctions with State Road 673, 0.5 mile south of the junction of State Roads 673 and 37; and the adjoining property to the northeast owned and operated by William T. Harrell.

The property owned by Willis W. Walden and operated by Warrit Walden, located on the east side of State Road 661, 0.6 mile south of the junction of State Roads 661 and 679.

The property owned by the Willis J. Wiggins Estate and operated by Dealie Wiggins, located 0.5 mile north of the junction of State Roads 666 and 661 and lying on the west side of State Road 661.

The property owned by Lonnie J. Wilkins and operated by Lonnie J. Wilkins and James A. Harcum, located at the junction of State Roads 612 and 661 and lying on the west side of State Road 612.

*Southampton County.* The property owned by Mrs. Clarys McClenney Lawrence and operated by J. B. Bradshaw and L. E. Edwards, located on the west side of State Road 714, 1.5 miles northwest of the junction of State Roads 714 and 189.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 19 F.R. 74, as amended, 7 CFR 301.79-2)

The foregoing administrative instructions shall become effective March 31, 1960, and shall supersede those contained in P.P.C. 624, 4th Rev., effective August 21, 1959 (7 CFR 301.79-2a; 24 F.R. 6301).

This revision places under regulation for the first time a property within the State of Illinois, the infested premises being in Pulaski County. It also includes for the first time premises or contiguous areas in Craighead County, Arkansas; Ballard County, Kentucky; Tyrrell County, North Carolina; and Southampton County, Virginia. Further, additions have been made to the previously regulated parts of Mississippi County, Arkan-

sas; Fulton County, Kentucky; Dunklin and Pemisicot Counties, Missouri; Gates, New Hanover, Pasquotank, Pender, and Perquimans Counties, North Carolina; and Nansemond County, Virginia. One property in Mississippi County, Arkansas, has been removed from the regulated area.

These instructions, in part, impose restrictions supplementing soybean cyst nematode quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of a certain regulated area. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as a regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of March, 1960.

[SEAL]

E. D. BURGESS,  
Director,

Plant Pest Control Division.

[F.R. Doc. 60-2953; Filed, Mar. 30, 1960;  
8:52 a.m.]

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

### PART 817—REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

#### Miscellaneous Amendments

The amendments herein made in Sugar Regulation 817, Rev. 2 (23 F.R. 671; 24 F.R. 6614) are issued pursuant to section 403(a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) for the purposes of: (1) correcting references to the continental United States to include rather than exclude Alaska, (2) changing the procedural requirements to provide that importers of sugar must at all times during the year apply for and secure authorization by the Secretary before Collectors of Customs can release sugar imported from any country or area for continental United States consumption, (3) clarifying that part of the regulation relating to the determination of the order of eligibility of applications for authorization for the release of sugar, and (4) changing references in the regulation to make them consistent with other proposed revisions.

Notice of the proposed amendments of Part 817 (S.R. 817, Rev. 2) was published on December 9, 1959 (24 F.R. 9934) in accordance with the Administrative Procedure Act (60 Stat. 237). Consideration has been given to the views and arguments submitted in connection therewith.

Section 4 of Public Law 86-70, 86th Congress, approved June 25, 1959, further amended the Sugar Act of 1948, as amended, to define the continental United States to mean the 49 States and the District of Columbia. Thus, the State of Alaska is included as a part of the continental United States must be provisions of Sugar Regulation 817 relating to the importation of sugar into the continental United States must be made applicable to sugar imported or brought into Alaska. The amendments herein made to paragraph (a) of § 817.1 and to paragraphs (g) and (h) of § 817.2 will accomplish this objective.

Heretofore paragraph (a) of § 817.5 provided that until a notice was issued that 80 percent of the applicable quota was filled, or in the absence of such a notice, until August 31 of any year, Collectors of Customs might release sugar imported from certain specified areas without prior authorization by the Secretary. On shipments of sugar so released the applications required by § 817.4 were submitted by the importers to the appropriate Collector of Customs who in turn transmitted copies to the Department for quota accounting purposes. With this method of quota clearance and accounting, quantities of sugar imported were not recorded as charged to the applicable quota for as much as two to three weeks after the sugar arrived in the continental United States. Thus, until the quotas for these areas were 80 percent filled or until August 31 of any year, the quota accounts for these areas did not fully reveal the quantity of sugar imported within quotas and the quantities shipped from the areas of origin for importation within the quota.

By requiring prior authorization by the Secretary for release of sugar from all areas, as provided under the amendments herein, shipments of sugar can be recorded as charged to the quota as much as five days prior to the date of shipment from the area of origin. In this way all quota accounts would at all times reflect the entire quantity imported within the quota, and, to the extent that importers apply for quota clearance as much as five days before shipment, as the regulation permits, charges to quotas would also reflect the quantities of sugar enroute to the United States for importation within quotas. Making this additional information available to importers should help to avoid the shipment of quantities of sugar in excess of quotas. The amendment to § 817.5 requires prior authorization by the Secretary for release of sugar and makes this procedural requirement the same for sugar from all areas and throughout the year.

The changes in §§ 817.4, 817.7, 817.8 and 817.9 merely make appropriate changes necessitated by the change in § 817.5.

The change in § 817.6 is to clarify the order in which applications become eligible for authorization.

**Effective date.** These amendments of Part 817 (Sugar Regulation 817, Rev. 2) shall become effective May 1, 1960.

Pursuant to the authority vested in the Secretary of Agriculture by Section 403(a) of the Act, Part 817 (Sugar Regu-

lation 817, Rev. 2, 23 F.R. 671; 24 F.R. 6614), is amended as follows:

1. Paragraph (a) of § 817.1 is amended to read:

#### § 817.1 Purpose and persons affected.

(a) The regulations in this part establish, under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), the procedures applicable to (1) importing sugar and liquid sugar into the continental United States (including Alaska) from all domestic offshore areas and all foreign countries and (2) reporting the evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of such sugar and liquid sugar.

2. Paragraphs (g) and (h) of § 817.2 are amended to read:

#### § 817.2 Definitions.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar or liquid sugar into the continental United States (including Alaska) from either an insular domestic area or a foreign country.

(h) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States (including Alaska), including but not limited to the owner, consignee, transferee or purchaser of such sugar or the broker acting on behalf of such person.

3. Paragraphs (c) and (d) of § 817.4 are amended to read:

#### § 817.4 Application by importer.

(c) The application specified in paragraph (a) of this section shall be submitted to the Sugar Division for the issuance of an authorization by the Secretary to the appropriate Collector for the release of sugar or liquid sugar as provided in § 817.5.

(d) The specific authorization by the Secretary required pursuant to § 817.5 may be issued prior to the receipt of an application on appropriate copies of the "Sugar Quota Clearance Record": *Provided*, That all of the information required pursuant to paragraph (a) of this section is transmitted to the Sugar Division by telegram and such advance authorization is necessary to avoid delay in the delivery of the sugar.

4. Section 817.5 is amended to read:

#### § 817.5 Release by a Collector.

A Collector of Customs may release sugar or liquid sugar imported from any area for any purpose only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application, required under § 817.4, except that the quantities for which no application is required pursuant to § 817.3 may be released by a Collector at any time.

5. Paragraphs (b) and (c) of § 817.6 are amended to read:

#### § 817.6 Specific authorization for release.

(b) *Order of eligibility for authorization.* An application on file with the Sugar Division for the release of sugar shall become eligible for authorization at 12:01 a.m., on the fifth calendar day prior to the date stated on the application as the date of departure of the shipment of sugar from the area of origin or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release of sugar by the Collector within the unfilled portion of the quota or allotment which is applicable pursuant to § 817.7 in the same order in which the applications pertaining to the same quota or allotment become eligible for authorization: *Provided*, That, if two or more applications pertaining to the same quota or allotment become eligible for authorization at the same time, such applications shall be authorized in the order of their stated date of departure (earliest first), and in such case if two or more such applications have the same date of departure and the quantity which may be authorized within the unfilled quota or allotment balance is less than the sum of the applied for quantities, the quantity authorized for each application shall be in the same proportion to the quantity which may be authorized within the unfilled quota or allotment as the quantity requested on each such application is to the sum of the quantities requested on all such applications.

(c) *Substitution.* Release of a quantity of sugar or liquid sugar subject to a quota or allotment may be authorized by the Secretary after such quota or allotment has been filled: *Provided*, That, an equivalent quantity of sugar or liquid sugar previously released pursuant to § 817.5 within the same quota or allotment has been delivered into the custody of a Collector. The Collector shall retain custody of such equivalent quantity of sugar or liquid sugar in accordance with § 817.3(e) until released pursuant to § 817.5.

§ 817.6 [Amendment]

6. Paragraph (g) of § 817.6 *Interpretations* is hereby rescinded.

7. Paragraph (c) of § 817.7 is amended to read:

§ 817.7 Applicable quota and allotment.

(c) *Quantity and time of effect.* (1) Each quantity authorized for release pursuant to § 817.6 shall be effective for filling the applicable quota and allotment at the time the applicable authorization is issued. For this purpose the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipment subject to the same quota or allotment and the raw values thereof determined as provided in Title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of and on the basis of the report required pursuant to § 817.4 (f) for raw sugar or a similar report for direct-consumption sugar covering an application initially given effect pur-

suant to subparagraph (1) of this paragraph, the quantity effective for filling the applicable quota and allotment shall be the quantity of sugar or liquid sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of this subchapter to the extent of its raw value, as defined in Title I of the Act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter, except that the raw value of liquid sugar imported from Puerto Rico shall be computed by multiplying the total sugar content thereof by the factor 1.07.

(3) Whenever the Secretary determines that (i) a default in a condition of a bond accepted pursuant to § 817.9 has occurred or, (ii) a quantity of sugar or liquid sugar authorized for release for importation as raw sugar is direct-consumption sugar pursuant to § 810.5 (c) of this subchapter, by virtue of its use for which authorization pursuant to § 817.3(g) was not granted, or (iii) a quantity of sugar or liquid sugar has been imported without authorization for release as required pursuant to § 817.5, the quantity of sugar or liquid sugar involved in such default, change of purpose, or importation without authorization shall be applied to the applicable quota or allotment in effect for the year in which the importation occurred after all importations made in accordance with the regulations of this Part to which the same quota and allotment were applicable have been applied thereto.

8. Paragraphs (a) and (e) of § 817.8 are amended to read:

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar or liquid sugar for importation for the purposes specified in this section without effect on a quota at the time of importation.

(e) Upon fulfillment of the requirements of §§ 817.3 and 817.4 the authorization required pursuant to § 817.5 may be issued to the Collector for the release of sugar or liquid sugar for purposes stated in section 212 of the Act, other than those specified in paragraph (b) of this section, within the limitations specified in such section 212 of the Act.

§ 817.9 [Amendment]

9. Paragraph (c) of § 817.9 is amended in the following respect: All references to § 817.5(c) are changed to read § 817.5.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply Sec. 209; 61 Stat. 928; 7 U.S.C. 1119)

Issued this 28th day of March 1960.

TRUE D. MORSE,  
Acting Secretary.

[F.R. Doc. 60-2959; Filed, Mar. 30, 1960; 8:53 a.m.]

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

[Milk Order 3]

PART 903—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Amending Order

§ 903.0 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 of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *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 order regulating the handling of milk in the St. Louis, Missouri, 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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 10, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 24, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1,

1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* The order is hereby amended as follows:

1. Delete § 903.43(c)(2) and substitute therefor the following:

(2) The transferee-plant is located within 110 airline miles from the City Hall in St. Louis, Missouri, or in the State of Missouri south of the Missouri River, or in the county of Fulton in the State of Arkansas, and the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the handler and the operator of the transferee-plant on or before the 7th day after the end of the delivery period within which such transaction occurred;

2. Revise § 903.51(a) to read as follows:

(a) *Class I milk price.* The Class I price at plants located more than 30 but not more than 40 airline miles from the City Hall in St. Louis shall be equal to the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 34 cents, and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph.

(1) If the utilization percentage calculated pursuant to subparagraph (2) of this paragraph exceeds 130 subtract, or if it is less than 130 add, an amount calculated by multiplying the difference between such percentage and 130 by 2 cents.

(2) For each month calculate a utilization percentage by (i) dividing the net pounds of Class I milk disposed of from all pool plants (except non-Grade A milk disposed of outside the marketing area and allocated to other source milk) plus the Class I milk disposed of in the marketing area from nonpool plants, all for the 12-month period ending with the beginning of the preceding month, into the total pounds of producer milk during such 12-month period, (ii) multiplying by 100, (iii) adding or subtracting, re-

spectively, any amount by which such result is greater or less than a comparable 12-month utilization percentage as computed for the third month preceding, and (iv) rounding the resultant figure to the nearest whole percent.

The Class I price at plants located 30 airline miles or less from the City Hall shall be 16 cents more than the Class I price specified above.

3. In § 903.51(b) revise the first sentence to read as follows: "For the months of August through February, the Class II milk price shall be the basic formula price."

4. In § 903.71 renumber present paragraphs (b) to (e), (c) to (f), (d) to (g), (e) to (h) and (f) to (i) and add new paragraphs (b), (c), (d) and (j) to read as follows:

(b) For each of the months of April, May, June and July subtract an amount equal to 10 cents per hundredweight on the total amount of producer milk included in these computations, to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (c) of this section;

(c) Add during each of the months of October, November and December one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Subtract an amount computed by multiplying the total hundredweight of producer milk received at plants located 30 airline miles or less from the City Hall in St. Louis, Missouri, by 16 cents.

(j) The uniform price at plants located 30 airline miles or less from the City Hall in St. Louis, Missouri, shall be 16 cents more than the price specified in paragraph (i) of this section.

5. In § 903.71 delete the phrase "f.o.b. marketing area" and the phrase "f.o.b. the marketing area" and substitute therefor the phrase "at plants located more than 30 but not more than 40 airline miles from the City Hall in St. Louis".

6. In § 903.71(f) (to be redesignated 903.71(i)), change the reference "pursuant to paragraph (e)" to read "pursuant to paragraph (h)".

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

Issued at Washington, D.C. this 28th day of March 1960 to be effective on and after the 1st day of April 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-2928; Filed, Mar. 30, 1960; 8:48 a.m.]

## PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

### Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of April through June 1960:

(1) The provision "any of" as it first appears in § 904.2(d)(3) immediately preceding the provision "the preceding months of July through March" relating to the "Dairy farmer for other markets" definition;

(2) The provision "any of" as it first appears in § 904.21(f) relating to the pooling provisions.

(b) The five New England regulated markets draw milk from a generally common supply area and class prices in these markets are established under identical pricing mechanisms and, except for a seven-cent higher Class I price in Southeastern New England, at the same level. It was expected that with the advent of regulation in Southeastern New England and Connecticut in 1959, shifts of supply plants out of the Boston market to the newly regulated markets would result in close alignment of blend prices at competitive points. The anticipated price alignment was obtained in the month of October when the Southeastern New England blended price was only four cents over the Boston blended price. During the period November 1959 through January 1960, however, the Southeastern New England price has averaged about 16 cents below Boston and, as a result, handlers have shifted plants from the Southeastern market to the Boston market. It is expected that the two prices will therefore again be closely aligned by the month of March. However, because of the pooling provisions of the Boston order, four plants presently regulated under Boston must return to the Southeastern pool for the months of April, May, and June which will result in a substantial difference in blended prices in favor of Boston.

A considerable number of the 105 issues considered at the five-market general amendment hearing held in New England on September 9 to October 8, 1959, were specifically directed to the pooling problem and the preponderance of evidence was in favor of providing greater freedom for movement of plants and milk as between markets to implement the equation of blended price and promote more orderly marketing. Because of the number of issues involved it has not been possible to issue a full decision on the matters considered at this hearing and because of the general inter-relationship of the many proposals it has not been practical to separate issues to handle the pooling problem. Nevertheless, it is apparent that the structure of the several orders should not restrict the movement of plants as between markets to the extent of precluding the possibility of alignment of blended price as between markets during the forthcoming months of April through June.

The suspension will not, in and of itself, change the status of any presently regulated plant. It will, however, provide opportunity for handlers during April, May, and June to maintain pooling status under the Boston order for certain plants which during some months of the July 1959-March 1960 period were

under the Boston order and in other months under the Southeastern New England order. While the suspension could provide pooling status for certain plants which were regulated only under the Boston order and only for part of the July 1959-March 1960 period, the number and size of such plants would be such as to have an insignificant effect on the total pool.

The suspension in the "dairy farmer for other markets" definition is a corollary action with the suspension in the pooling provision and is necessary to assure producer status for the dairy farmers who regularly delivered to any plants which might elect pooling under the Boston order as a result of this suspension. Without this corollary suspension the plants would be deterred from shifting because of the loss of producer status for their regular producers.

(c) Notice of proposed suspension and of opportunity for submission of data, views or argument with respect thereto, was issued on March 7, 1960 and published in the FEDERAL REGISTER on March 11, 1960 (25 F.R. 2086).

(d) Such data, views and argument have been considered in the light of the record evidence and the proposed suspension order. It is hereby determined upon the basis of such consideration that such suspension order should be issued.

(e) Thirty days notice of the effective date hereof, is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date;

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in this marketing area and as among New England federally regulated marketing areas.

Therefore, good cause exists for making this order effective April 1, 1960.

It is therefore ordered, That the aforesaid provisions of the order are suspended effective April 1, 1960 for the months of April, May and June, 1960.

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

Issued at Washington, D.C., this 28th day of March 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-2950; Filed, Mar. 30, 1960; 8:51 a.m.]

[Milk Order 18]

**PART 918—MILK IN MEMPHIS, TENN., MARKETING AREA**

**Order Amending Order**

Sec. 918.0 Findings and determinations.

**DEFINITIONS**

918.1 Act.  
918.2 Secretary.  
918.3 Department of Agriculture.  
918.4 Person.  
918.5 Cooperative association.  
918.6 Memphis, Tennessee, marketing area.

Sec. 918.7 Fluid milk plant.  
918.8 Approved plant.  
918.9 Nonfluid milk plant.  
918.10 Handler.  
918.11 Producer.  
918.12 Producer milk.  
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918.21 Powers.  
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**REPORTS, RECORDS AND FACILITIES**

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918.90 Payments to market administrator.  
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918.92 Butterfat differential to producers.  
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918.95 Adjustment of accounts.  
918.96 Marketing services.  
918.97 Expense of administration.  
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**EFFECTIVE TIME, SUSPENSION OR TERMINATION**

918.100 Effective time.  
918.101 Suspension or termination.  
918.102 Continuing obligations.  
918.103 Liquidation.

**MISCELLANEOUS PROVISIONS**

918.110 Agents.  
918.111 Separability of provisions.

**AUTHORITY:** §§ 918.0 to 918.111 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

**§ 918.0 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 of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) 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 order regulating the handling of milk in the Memphis, Tennessee 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;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to receipts of milk pursuant to § 918.97.

(b) Additional findings. (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1960.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 8, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 14, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the

foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1960, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4(c), Administrative Procedure Act, 4 U.S.C. 1001-1011).

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Memphis, Tennessee 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:

#### DEFINITIONS

##### § 918.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

##### § 918.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the power or to perform the duties of the said Secretary of Agriculture.

##### § 918.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

##### § 918.4 Person.

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

##### § 918.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February

18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

##### § 918.6 Memphis, Tennessee, marketing area.

"Memphis, Tennessee, marketing area" means all the territory, including incorporated municipalities and military reservations, within Shelby County and Madison County (except civil districts 4 and 9), Tennessee, the city of West Memphis, Arkansas, and the counties of DeSoto, Tate, Panola, Tunica, Lafayette, and Marshall (exclusive of Beat 5) in the State of Mississippi.

##### § 918.7 Fluid milk plant.

"Fluid milk plant" means:

(a) Any milk processing or bottling plant from which a volume of Class I milk equal to an average of 1,000 pounds or more per day, or not less than 5.0 percent of the Class I milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area;

(b) Any plant from which during the month Grade A milk, skim milk or the milk equivalent in the form of cream in excess of 70,000 pounds is moved to and received at a plant(s) described pursuant to paragraph (a) of this section and any of the skim milk or butterfat contained in such products would be allocated to Class I pursuant to § 918.46 if such plant were not a fluid milk plant.

##### § 918.8 Approved plant.

"Approved plant" means a fluid milk plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except fluid milk plants) located in the marketing area.

##### § 918.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

##### § 918.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants.

(b) Any cooperative association with respect to milk of its member producers diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association; or

(c) Any cooperative association with respect to the milk of its member producers which it causes to be delivered directly from the farm to the fluid milk plant(s) of another handler in a bulk tank truck owned and operated by, or under contract to, or under control of, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered in writing that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk

tank milk, effective the first day of the month following receipt of such notice, and shall account for the actual receipts from each producer as determined at the farm at prices applicable to receipts from producers at plants to which the cooperative association delivers the milk.

##### § 918.11 Producer.

"Producer" means any person except a producer-handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from a fluid milk plant to a nonfluid milk plant, except a milk plant fully subject to the provisions of another order issued pursuant to the act, for the account of the handler. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

##### § 918.12 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in an amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a bulk tank truck) which is:

(a) Received directly from producers at a fluid milk plant;

(b) Diverted pursuant to § 918.11; or

(c) Received by a cooperative association which is a handler pursuant to § 918.10(c).

##### § 918.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except:

(1) Receipts from the fluid milk plants of other handlers or from a cooperative association which is a handler pursuant to § 918.10(c), or

(2) Producer milk; and

(b) Products other than fluid milk products from any source (including those produced by the handler) which are reprocessed or converted to another product during the month.

##### § 918.14 Producer-handler.

"Producer-handler" means any person who operates an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

##### § 918.15 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

##### § 918.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, milk drinks (plain or flavored) cream (including sour cream, but excluding aerated and frozen cream), any mixture in fluid form of milk, skim milk and cream (ex-

cept eggnog and mixes for frozen dairy products.)

#### MARKET ADMINISTRATOR

##### § 918.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

##### § 918.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

##### § 918.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of the funds provided by § 918.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 918.96, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous

place in his office and by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made reports pursuant to § 918.30 and § 918.31 or payments pursuant to § 918.90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing on or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 918.51(a) and the Class I butterfat differential computed pursuant to § 918.52(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 918.51(b) and the Class II butterfat differential computed pursuant to § 918.52(b), both for the previous month;

(j) Notify each handler in writing on or before the 11th day of each month the amount of the net obligation of such handler for milk received from producers during the previous month. Such notification shall show the amount and the value of milk in each class, the amount and the value of overage, and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the 13th day after the end of each of the months of August through February, the uniform price and the location differential for each handler computed pursuant to § 918.71 and § 918.93, respectively, and the butterfat differential computed pursuant to § 918.92, and

(2) On or before the 13th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk and the location differential for each handler computed pursuant to § 918.72 and § 918.93, respectively, and the butterfat differential computed pursuant to § 918.92; and

(l) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

#### REPORTS, RECORDS, AND FACILITIES

##### § 918.30 Reports of receipts and utilization.

By mailing on or before the 6th day after the end of each month, or by delivery not later than the 8th day after the end of such month, each handler (except a producer-handler) for each of his approved plants and any cooperative association with respect to milk for which it is a handler pursuant to § 918.10 (b) or (c), shall report for such month to the market administrator in detail and on forms prescribed by the market administrator the following:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in beginning and ending inventories of fluid milk products; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

##### § 918.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating a fluid milk plant and any cooperative association which is a handler pursuant to § 918.10 (b) or (c), shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 21st day of each month, the name and address or appropriate identification of each producer from whom milk was received during the first 15 days of such month, the total pounds of milk received from each producer, the location at which such milk was received, the amount of any deductions authorized in writing by producers from whom such handler received milk, the total pounds of milk received from each cooperative association which is a handler pursuant to § 918.10(c), and the name and address of each such cooperative association.

(2) By mailing on or before the 6th day after the end of the month, or by delivery not later than the 8th day after the end of such month, the correct name and address or appropriate identification of each producer, the total pounds of milk received from each producer, the location at which such milk was received, the number of days on which milk was received from each producer, the amount of any deductions authorized in writing by the producer to be made in making payments to such producer, and the average butterfat content of the milk received from each producer.

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

##### § 918.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form.

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled; and

(c) The pounds of skim milk and butterfat contained in or represented by all

milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

#### § 918.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain. If, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

#### CLASSIFICATION

#### § 918.40 Skim milk and butterfat to be classified.

All skim milk or butterfat received within the month by handlers and which is required to be reported pursuant to § 918.30 shall be classified by the market administrator pursuant to the provisions of § 918.41 through § 918.46.

#### § 918.41 Classes of utilization.

Subject to the conditions set forth in § 918.43 and § 918.44, the class of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat: (1) Disposed of in the form of a fluid milk product; and (2) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) in aerated cream and in cream frozen and stored; (3) disposed of and used for livestock feed; (4) contained in ending inventory of fluid milk products; (5) in actual shrinkage of skim milk and butterfat (i) allocated pursuant to § 918.42(b)(2) but not to exceed an amount calculated as follows: 0.5 percent of skim milk and butterfat in milk received directly from producers (except diverted milk) and disposed of as whole milk, skim milk or cream in bulk; plus 1.5 percent of skim milk and butterfat, respectively, received in bulk from fluid milk plants of other handlers and from cooperative associations which are handlers pursuant to § 918.10(c); and plus 2.0 percent of skim milk and butterfat, respectively, received directly from producers and disposed of in a form other than bulk tank lots of whole milk, skim milk or cream, and (ii) allocated to other source milk pursuant to § 918.42(b)(1) and (6) the utilization of which is established as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufactur-

ing establishments which do not dispose of fluid milk products.

#### § 918.42 Shrinkage.

The market administrator shall allocate shrinkage to handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) For each handler prorate the resulting respective amounts between:

(1) The pounds of skim milk and butterfat in other source milk received in the form of fluid milk products; and

(2) 50 times the maximum pounds of skim milk and butterfat pursuant to § 918.41(b)(5)(i).

#### § 918.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

#### § 918.44 Transfers.

Skim milk and butterfat transferred and moved from the fluid milk plant of a handler (including diverted milk in the case of transfers to nonfluid milk plants), or by a cooperative association which is a handler pursuant to § 918.10(c), shall be classified as follows:

(a) The skim milk and butterfat in milk received by a fluid milk plant from a cooperative association which is a handler pursuant to § 918.10(c) shall be included as producer milk classified at the plant of the transferee handler;

(b) As Class I if transferred to a fluid milk plant of another handler in the form of fluid milk products unless the operators of both plants claim utilization thereof in Class II in their reports submitted pursuant to § 918.30. The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the receiving handler after the subtraction of other source milk pursuant to § 918.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk. If either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk;

(c) As Class I if transferred to the plant of a producer-handler in the form of fluid milk products;

(d) The skim milk and butterfat transferred to a nonfluid milk plant which is a fully regulated plant under another order issued pursuant to the Act shall be classified pursuant to the utilization assigned pursuant to the classification and allocation procedure of the other Federal order. In the event such nonfluid milk plant received skim milk or butterfat from two or more plants regulated by order(s) other than that under which it is regulated the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(e) As Class I if transferred in the form of fluid milk products to a nonfluid milk plant (except as specified in paragraph (d) of this section) which is not the plant of a producer-handler, unless:

(1) The transferee plant is located less than 225 miles from the city hall in Memphis, Tennessee, by the shortest highway distance open to commercial truck traffic as determined by the market administrator;

(2) The transferring handler claims utilization as Class II in the report due pursuant to § 918.30;

(3) The operator of the nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant, and the market administrator is permitted to audit such books and records for the purpose of verification.

(4) Such nonfluid milk plant actually used an amount of skim milk or butterfat, respectively, equivalent to the total claimed as Class II (pursuant to § 918.41(b)(1)) by all handlers transferring or diverting milk from fluid milk plants to such nonfluid milk plant plus that priced in a comparable class under another order (issued pursuant to the Act) on the basis of utilization in such plant. Should the equivalent utilization in the nonfluid milk plant be less than the required total, a pro rata share of the excess shall be classified as Class I.

#### § 918.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids, except that when nonfat milk solids are added to producer milk in an amount, as shown by solids tests of individual batches, which does not increase the total solids-nonfat content of such milk beyond 8.5 percent by weight, the volume of water originally associated with such nonfat milk solids shall not be considered in determining the pounds of skim milk disposed of in such product.

#### § 918.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 918.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk computed pursuant to § 918.41(b)(5)(i);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the

pounds of skim milk received as other source milk not in the form of fluid milk products;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products except that to be subtracted pursuant to subparagraph (4) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s);

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Subtract from the remaining pounds of skim milk in each class the skim milk received from fluid milk plants of other handlers in the form of fluid milk products according to its classification as determined pursuant to § 918.44(b);

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

**MINIMUM PRICES**

**§ 918.50 Basic formula price.**

The highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section and § 918.51(b), rounded to the nearest whole cent, shall be known as the basic formula price.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

*Present Operator and Location*

- Borden Co., Mount Pleasant, Mich.
- Carnation Co., Sparta, Mich.
- Pet Milk Co., Wayland, Mich.
- Pet Milk Co., Coopersville, Mich.
- Borden Co., Orfordville, Wis.
- Borden Co., New London, Wis.
- Carnation Co., Richland Center, Wis.

- Carnation Co., Oconomowoc, Wis.
- Pet Milk Co., New Glarus, Wis.
- Pet Milk Co., Belleville, Wis.
- White House Milk Co., Manitowoc, Wis.
- White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the month by 0.6;

(b) The price computed by adding together any plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8;

(2) Deduct five cents from the simple average as computed by the market administrator of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, and multiply by 7.5.

(c) The price resulting from the following calculations:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars," f.o.b. Wisconsin assembly points, cars or truckloads) as reported by the U.S.D.A. during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.6.

**§ 918.51 Class prices.**

Subject to the provisions of § 918.52 and § 918.53, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add \$1.74 for each month;

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by three cents: *Provided*, That the price shall not be adjusted until the month after the net utilization percentage for each of three successive months is outside the base utilization, pursuant to subparagraph (3) of this paragraph, in the same direction;

(3) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk utilized by fluid milk plants and by cooperative associations which are handlers pursuant to § 918.10 (b) or (c) for the second and third preceding months into the pounds of producer milk for the same months, multiply by 100, round to the nearest whole percentage number and determine

the amount by which such number exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table.

| Pricing month  | Second and third preceding months | Base utilization range |
|----------------|-----------------------------------|------------------------|
| January.....   | October-November.....             | 107-113                |
| February.....  | November-December.....            | 108-114                |
| March.....     | December-January.....             | 105-111                |
| April.....     | January-February.....             | 105-111                |
| May.....       | February-March.....               | 106-112                |
| June.....      | March-April.....                  | 108-114                |
| July.....      | April-May.....                    | 109-115                |
| August.....    | May-June.....                     | 111-117                |
| September..... | June-July.....                    | 111-117                |
| October.....   | July-August.....                  | 109-115                |
| November.....  | August-September.....             | 110-116                |
| December.....  | September-October.....            | 109-115                |

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

*Present Operator and Location*

- Borden Co., Starkville, Miss.
- Carnation Co., Tupelo, Miss.
- Pet Milk Co., Mayfield, Ky.
- Pet Milk Co., Kosciusko, Miss.
- Kraft Foods Co., Corinth, Miss.
- Armour Creameries, New Albany, Miss.

To which 30 cents shall be added for each of the months of September, October, and November, and 20 cents for all other months.

**§ 918.52 Butterfat differential to handlers.**

For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 918.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11 for the months of April through June, and by 0.115 for all other months.

**§ 918.53 Location differentials to handlers.**

For that milk which is received at a fluid milk plant (from producers or from a cooperative association which is a handler pursuant to § 918.10(c)), located 50 miles or more from the city hall in Memphis, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred in the form of products designated as Class I milk in § 918.41 to another fluid milk plant and assigned to Class I pursuant to the calculation provided by the last paragraph of this section, or otherwise classified as Class I milk, the price specified in § 918.51(a) shall be adjusted at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received:

| Location of plant   | Rate per hundredweight            |
|---|-----------------------------------|
| In the State of Mississippi and 50 but less than 60 miles from the city hall in Memphis.      | Add 9 cents.                      |
| For each additional 10 miles in excess of 50 miles---   | Add an additional 1.5 cents.      |
| Outside the State of Mississippi and 50 but less than 60 miles from the city hall in Memphis. | Subtract 9 cents.                 |
| For each additional 10 miles in excess of 50 miles---   | Subtract an additional 1.5 cents. |

For purposes of calculating such location differential, fluid milk products which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the receiving plant after making the calculations prescribed in § 918.46(a) (1), (2), (3), (4), and (5), and the comparable steps in § 918.46(b) for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in producer milk at the receiving plant including receipts at such plant for which a cooperative association is the handler pursuant to § 918.10(c), such assignment to the transferring plant(s) to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

#### § 918.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

#### APPLICATION OF PROVISIONS

#### § 918.60 Producer-handlers.

Sections 918.40 through 918.46, 918.50 through 918.53, 918.70 through 918.72, 918.80 through 918.83, and 918.90 through 918.97 shall not apply to a producer-handler.

#### § 918.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, in lieu of the reports required pursuant to § 918.30, and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 918.7(a) which would be subject to the classification and pricing provisions of another order unless a greater volume of Class I milk was disposed of from such plant during the six-month period immediately preceding to retail or wholesale outlets (except fluid milk plants) in the Memphis, Tennessee, marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 918.7(b) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant was qualified as a fluid milk plant during each of the preceding months of September through December.

#### DETERMINATION OF UNIFORM PRICES

#### § 918.70 Net obligations of handlers.

The net obligation of each handler for skim milk and butterfat, in producer milk and in milk received from a cooperative association which is a handler pursuant to § 918.10(c), during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(e) Add an amount computed by multiplying by the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I price for the current month the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 918.46(a) (5) and the corresponding step of § 918.46(b); or

(2) The hundredweight of skim milk and butterfat remaining in Class II milk for the preceding month after the calculation pursuant to § 918.46(a) (6) and the corresponding step of § 918.46(b).

(f) In computing, for the purposes of § 918.71, the net obligation of a cooperative association which is a handler pursuant to § 918.10(c) the value of milk received by fluid milk plants of other handlers shall be the sum of the amounts assigned pursuant to § 918.71(c) with respect to such milk, adjusted at rates set forth in § 918.92 and § 918.93 for butterfat content and location of the fluid milk plant to which delivered.

#### § 918.71 Computation of uniform prices for handlers.

For each month the market administrator shall compute for each handler a uniform price with respect to his producer milk as follows:

(a) Add to the amount computed pursuant to § 918.70 the total of the location differential deductions applicable pursuant to § 918.93;

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk received by such handler from producers and from cooperative associations pursuant to § 918.10(c) is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and

multiplying the result by the total hundredweight of such milk;

(c) For each handler operating a fluid milk plant receiving milk for which a cooperative association is the handler pursuant to § 918.10(c), prorate the resulting amount between such milk and producer milk;

(d) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform prices for the preceding month;

(e) Divide the resulting amount by the total hundredweight of producer milk received by the handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content f.o.b. market.

#### § 918.72 Computation of the uniform price for base milk and for excess milk for handlers.

For each of the months of March through July, the market administrator shall compute for each handler with respect to his producer milk, a uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed pursuant to § 918.70 the total of the location differential deductions made pursuant to § 918.93;

(b) Add or subtract for each one-tenth percent that the average butterfat content of such milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of such milk;

(c) Subtract, for each of the months of March through July, any amounts resulting from the following computations for each cooperative association which is a handler pursuant to § 918.10(b) and from whose producers the handler receives milk:

(1) Compute the percentage which milk, received from member producers of such cooperative association and from such cooperative association which was a handler pursuant to § 918.10(c), was of total milk, received from producers and from cooperative associations which were handlers pursuant to § 918.10(c), during the preceding period of September through January;

(2) Compute the percentage which milk, received from member producers and from such cooperative association which was a handler pursuant to § 918.10(c), was of total milk received from producers and from cooperative associations which were handlers pursuant to § 918.10(c), during the month;

(3) Multiply any amount by which the percentage computed pursuant to subparagraph (1) of this paragraph exceeds the percentage computed pursuant to subparagraph (2) of this paragraph by the total hundredweight of Class I milk, allocated to milk from producers and from cooperative associations which were handlers pursuant to § 918.10(c), during the month; and

(4) Multiply this resultant quantity of milk by the difference between the Class

I price and the Class II price for the month and divide the resultant figure by the proportion of milk which was received from producers who were not members of such association and from other cooperative associations which were handlers pursuant to § 918.10(c). If the combined deductions so calculated for all handlers with respect to the milk of such cooperative association exceed an allowable credit calculated by multiplying the difference between the Class I and Class II prices by the total quantity of Class II milk allocated to all member producers of such cooperative association during the month, such deductions shall be reduced pro rata for each handler to equal such allowable credit;

(d) Add, for each cooperative association which is a handler, the sum of the deductions made for such cooperative association pursuant to paragraph (c) of this section;

(e) Subtract, for each handler operating a fluid milk plant receiving milk for which a cooperative association is the handler pursuant to § 918.10(c), the amount prorated to such milk pursuant to § 918.71(c);

(f) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for the preceding month;

(g) Subject to the conditions set forth in paragraph (h) of this section, compute the value of excess milk received by such handler by multiplying the quantity of such milk by the Class II price;

(h) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (g) of this section from the value obtained pursuant to paragraphs (a) through (f) of this section. If such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (g) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volumes of base milk and excess milk;

(i) Divide the value obtained pursuant to paragraph (h) of this section by the hundredweight of base milk received by such handler. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f.o.b. the market; and

(j) Divide the value obtained pursuant to paragraphs (g) and (h) of this section by the hundredweight of excess milk received by such handler. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content.

#### BASE RATING

#### § 918.80 Determination of daily base for each producer.

Subject to the rules set forth in § 918.82 the daily average base for each

producer shall be calculated by dividing the total pounds of milk received from such producer by handlers during the months of September through January immediately preceding, by the total number of days in such period beginning with the first day on which milk is received from such producer during such months, but not less than 120. In the case of a producer whose milk is received at a plant which becomes a fluid milk plant during or after the end of the base-forming period, and which has records of milk receipts satisfactory to the market administrator for the determination of a base, the producer's base shall be that which would have been calculated for such producer (exclusive of transfers) for the entire base-forming period if such plant had been a fluid milk plant during such period.

#### § 918.81 Determination of monthly base for each producer.

For each of the months of March through July of each year the monthly base of each producer shall be calculated as follows: Multiply the daily base of such producer by the number of day's production received from such producer by handlers during the month.

#### § 918.82 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 918.80 to each person for whose account producer milk was delivered during the months of September through January.

(b) If a producer ceases to deliver milk in his name between September 1 and the last day of January, but milk is delivered to a handler from the same dairy production facility in the name of another producer during the remainder of the base-forming period, the base earned by both producers shall be combined in the manner set forth in paragraph (c)(3) of this section if milk is delivered in the names of both producers during any of the immediately following months of March through July; and

(c) An entire base shall be transferred from a person holding such base to another person as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base holder or his heirs and by the person to whom such base is to be transferred subject to the following conditions:

(1) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders;

(2) An entire base or the proportionate share of a jointly held base may be transferred to another person if such person assumes the ownership or operation of the farm on which the base to be transferred was established; and

(3) If one or more bases are transferred to a producer already holding a base which was either earned by such producer or transferred to him, a new

base shall be computed by adding together the total producer milk deliveries during the base-forming period of all persons in whose names such bases were earned and dividing the total by the total number of days in such period beginning with the first day on which milk was received during the base-forming period from any of such persons, but not less than 120 days.

#### § 918.83 Announcement of daily bases.

On or before February 20 of each year, the market administrator shall notify each producer of his daily base.

#### PAYMENTS

#### § 918.90 Payments to market administrator.

(a) On or before the 25th day of each month each handler operating a fluid milk plant shall pay to the market administrator a sum of money calculated by multiplying the hundredweight of milk received from producers and from a cooperative association which is a handler pursuant to § 918.10(c), during the first 15 days of such month by the Class II price for the preceding month, less proper deductions authorized in writing by producers from whom such handler received milk;

(b) On or before the 12th day after the end of each month, each handler operating a fluid milk plant shall pay to the market administrator an amount of money equal to such handler's net obligation for such month as determined pursuant to § 918.70 less payments made pursuant to paragraph (a) of this section for such month and less proper deductions authorized in writing by producers from whom such handler received milk.

#### § 918.91 Payments to producers.

(a) On or before the last day of each month, the market administrator shall make payment to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments pursuant to § 918.90(a) have been received at not less than the Class II price per hundredweight for the preceding month;

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer or cooperative association during the month by each handler from whom the appropriate payments have been received pursuant to § 918.90(b), such payments by the market administrator to be at not less than the uniform price computed pursuant to § 918.71 for such handler for the months of August through February, and such payments to be for base and excess milk at not less than the uniform base and excess prices, respectively, computed pursuant to § 918.72 for such handler for other months, subject to the following adjustments:

(1) Butterfat and location differentials pursuant to § 918.92 and § 918.93;

(2) Less payments made pursuant to paragraph (a) of this section;

(3) Less marketing service deductions pursuant to § 918.96;

(4) Less proper deductions authorized in writing by the producer;

(5) Adjusted for any error in calculating payment to such individual producer for past months; and

(6) If the market administrator has not received full payment from any handler for such month, pursuant to § 918.90, he shall reduce uniformly per hundredweight his payments due for milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall make such balance of payment to such producers on or before the next date (for making payments pursuant to this paragraph) following that on which such balance of payment is received from such handler.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers;

(1) To a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, a total amount equal to, but not less than, the sum of the individual payments otherwise payable to such producers pursuant to this section with respect to milk received from such producers by other handlers; and

(2) To a cooperative association with respect to milk for which it is a handler pursuant to § 918.10(c) the sum of the aggregate values of the milk delivered to the fluid milk plant(s) of each handler at the amounts assigned pursuant to § 918.71(c) for such handler, adjusted pursuant to §§ 918.92 and 918.93 for butterfat content and location of the fluid milk plant to which delivered.

**§ 918.92 Butterfat differential to producers.**

The applicable uniform prices to be paid each producer pursuant to § 918.91 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate shown in the schedule below, according to the price range within which the Chicago butter price for the month falls:

| Butter price range (cents): | Rate (cents) |
|-----------------------------|--------------|
| Not more than 17.500-----   | 2            |
| 17.50-22.499-----           | 2½           |
| 22.50-27.499-----           | 3            |
| 27.50-32.499-----           | 3½           |
| 32.50-37.499-----           | 4            |
| 37.50-42.499-----           | 4½           |
| 42.50-47.499-----           | 5            |
| 47.50-52.499-----           | 5½           |
| 52.50-57.499-----           | 6            |
| 57.50-62.499-----           | 6½           |
| 62.50-67.499-----           | 7            |
| 67.50-72.499-----           | 7½           |
| 72.50-77.499-----           | 8            |
| 77.50-82.499-----           | 8½           |
| 82.50-87.499-----           | 9            |
| 87.50-92.499-----           | 9½           |
| 92.50 and over-----         | 10           |

**§ 918.93 Location differentials to producers.**

In making payment to producers pursuant to § 918.91, the applicable uniform prices to be paid for milk received at a fluid milk plant (from producers or from a cooperative association which is a handler pursuant to § 918.10(c)) shall be adjusted according to the location of the fluid milk plant where such milk was received at the rate provided pursuant to § 918.53.

**§ 918.94 Statement to producers.**

In making the payments pursuant to § 918.91, the market administrator shall furnish each producer or cooperative association with a statement, in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and the producer;

(b) The total pounds of milk received from the producer;

(c) The average butterfat content of the total pounds of milk received from the producer during the month;

(d) The minimum rates at which payment to the producer or cooperative association is required under the provisions of §§ 918.91, 918.92 and 918.93;

(e) The amount or rates per hundredweight of each deduction, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

**§ 918.95 Adjustment of accounts.**

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

**§ 918.96 Marketing services.**

(a) *Deductions.* The market administrator in making payments to producers pursuant to § 918.91 shall:

(1) Deduct 7 cents per hundredweight or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, with respect to milk (other than milk of a handler's own production) of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association; or

(2) If so requested in writing by a cooperative association, deduct such amount as may be authorized by the member producers of such association from the payment to be made to such producers for whom the cooperative is performing the services specified in paragraph (b) of this section and pay such amounts to the cooperative association on or before the date for making payment to producers.

(b) *Marketing services to be rendered.* The monies received by the market ad-

ministrator pursuant to paragraph (a) (1) of this section shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

**§ 918.97 Expense of administration.**

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, for such month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, as follows:

(a) By each handler pursuant to § 918.10(a) with respect to all:

(1) Receipts of milk from producers (including such handler's own production) and from cooperative associations which are handlers pursuant to § 918.10(c); and

(2) Other source milk received at a fluid milk plant classified as Class I milk; and

(b) By a cooperative association with respect to all:

(1) Milk for which such cooperative association is a handler pursuant to § 918.10(b); and

(2) Milk for which such cooperative association is accountable pursuant to § 918.10(c) in excess of that specified in paragraph (a) of this section.

**§ 918.98 Termination of obligations.**

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market

administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of a handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

#### EFFECTIVE TIME, SUSPENSION, OR TERMINATION

##### § 918.100 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 918.101.

##### § 918.101 Suspension or termination.

The Secretary may suspend or terminate this part or any provision hereof whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

##### § 918.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

##### § 918.103 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall

be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

#### MISCELLANEOUS PROVISIONS

##### § 918.110 Agents.

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

##### § 918.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 28th day of March 1960, to be effective on and after the first day of April 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-2929; Filed, Mar. 30, 1960;  
8:49 a.m.]

[Milk Order 21]

## PART 921—MILK IN OZARKS MARKETING AREA

### Order Amending Order

#### § 921.0 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 of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *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 order regulating the handling of milk in the Ozarks 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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 10, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 24, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.).

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* The order is hereby amended as follows:

1. In § 921.51 delete present paragraph (a) and insert a new paragraph (a) to read as follows:

(a) *Class I milk.* For each of the months of July through March the Class I price shall be the Class I price announced at the 30-40 mile zone for such month under Part 903 of this chapter, regulating the handling of milk in the St. Louis marketing area, minus 11 cents, and for the months of April, May and June the Class I price shall be the Class I price announced at the 30-40 mile zone for such month under Part 903 of this chapter, regulating the handling of milk in the St. Louis marketing area, minus

four cents: *Provided*, That 25 cents shall be added to the price for Class I milk at pool plants located in Washington and Benton Counties, Arkansas.

2. In § 921.51(b)(3) delete present subparagraph (3) and insert a new subparagraph (3) to read as follows:

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents.

3. In § 921.71 renumber present paragraphs (b) to (d), (c) to (e), (d) to (f), (e) to (g), (f) to (h), and (g) to (i) and add new paragraphs (b) and (c) to read as follows:

(b) For each of the months of April, May, June and July subtract an amount equal to 10 cents per hundredweight on the total amount of producer milk included in these computations, to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (c) of this section;

(c) Add during each of the months of October, November, and December one-third of the total amount subtracted pursuant to paragraph (b) of this section;

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

Issued at Washington, D.C., this 28th day of March 1960 to be effective on and after the 1st day of April 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-2951; Filed, Mar. 30, 1960; 8:52 a.m.]

[Milk Order 28]

### PART 928—MILK IN NEOSHO VALLEY MARKETING AREA

#### Order Amending Order

#### § 928.0 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 of the previously issued amendments thereto; and all of the 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 order regulating the handling of milk in the Neosho Valley 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; and

(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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued March 7, 1960 and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 22, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* The order is hereby amended as follows:

In § 928.51 delete present paragraph (b) and insert a new paragraph (b) to read as follows:

(b) *Class II milk.* The price per hundredweight for Class II milk for the delivery periods of July through March shall be the basic formula price for the current delivery period, and for the delivery periods of April through June the higher of the prices computed pursuant

to subparagraphs (1) and (2) of this paragraph:

(1) The basic formula price for the current delivery period minus ten cents.

(2) The arithmetic average of the basic, or field prices reported to have been paid or to be paid per hundredweight for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the delivery period by the companies listed below:

Pet Milk Company, Neosho, Missouri.  
Borden Company, Fort Scott, Kansas.  
Carnation Company, Mount Vernon, Missouri.

Pet Milk Co., Iola, Kansas.

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

Issued at Washington, D.C., this 28th day of March 1960, to be effective on and after the 1st day of April 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-2930; Filed, Mar. 30, 1960; 8:49 a.m.]

[Milk Order 77]

### PART 977—MILK IN PADUCAH, KY., MARKETING AREA

#### Order Amending Order

#### § 977.0 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 of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *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 order regulating the handling of milk in the Paducah, Kentucky, 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.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to each hundredweight of skim milk and butterfat contained in (a) producer milk, (b) other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (c) the quantities of milk at plants of handlers operating nonpool plants as specified in § 977.62 (a) (2) or (b) (2).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1960.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 19, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order issued March 22, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who

during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* The order is hereby amended as follows:

1. Revise § 977.5 to read as follows:

§ 977.5 Paducah, Kentucky, marketing area.

The "Paducah, Kentucky, marketing area" hereinafter called the "marketing area" means all of the territory within the boundaries of the Kentucky counties of McCracken, Ballard, Marshall, Graves, Calloway, Livingston, Lyon, Caldwell, Trigg (except that portion contained in the Fort Campbell military reservation), Carlisle and Hickman.

§ 977.10 [Amendment]

2. In § 977.10 delete the word "or" preceding paragraph (c), change the period at the end of paragraph (c) to a colon, and add the following: "or (d) a cooperative association which chooses to report as a handler with respect to milk which is delivered to the pool plant(s) of another handler in a tank truck owned or operated by, or under contract to, such cooperative association for the account of such cooperative association. Milk handled under this paragraph (d) shall be allocated pro rata to each class in the proportion remaining after the computations made pursuant to § 977.45(a) (5) and the corresponding step of § 977.45(b).

Milk handled by a cooperative association pursuant to paragraph (c) of this section shall be deemed to have been received at a pool plant at a location identical with that from which diverted and that under paragraph (d) of this section at the pool plant to which delivered.

§ 977.11 [Amendment]

3. In § 977.11 delete the colon just preceding the "Provided" and insert the following: "(unless such nonpool plant is subject to the classification and pricing provisions of another order issued pursuant to the Act)";

§ 977.15 [Amendment]

4. In § 977.15(a) (1) delete the comma and insert the phrase "or from a cooperative association pursuant to § 977.10(d).";

§ 977.30 [Amendment]

5. In § 977.30(a) delete the phrase "and (3) other source milk," and substitute therefor the phrase "(3) milk received from cooperative associations pursuant to § 977.10(d), and (4) other source milk".

§ 977.40 [Amendment]

6. In § 977.40 delete the phrase "at a pool plant".

§ 977.43 [Amendment]

7. Revise § 977.43(c) to read as follows:

(c) As Class I milk if transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant:

(1) Unless utilization in a product specified in § 977.41(b) is indicated in writing to the market administrator by the operator of the pool plant on or before

the 6th day after the end of the month within which such transaction occurred,

(2) Unless the operator of the nonpool plant maintains books and records showing the utilization of all milk and milk products at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) To the extent of the quantity of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits or ratings to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remaining quantity of Class I milk, subtract, pro rata in proportion of total receipts from the transferor plant and from such sources, the skim milk and butterfat, respectively, received from (a) any plant which is classified as Class I pursuant to the classification and pricing provisions of another order issued pursuant to the Act, or (b) other pool plants under this order.

If any milk is transferred to a second nonpool plant under this paragraph (c), the same conditions of audit, classification, and allocation shall apply.

§ 977.51 [Amendment]

8. Revise § 977.51(a) to read as follows:

(a) *Class I price.* The price for Class I milk for the month shall be the basic formula price for the preceding month plus 90 cents in April, May, and June, \$1.20 in March and July, and \$1.50 in the other months.

§ 977.53 [Amendment]

9. In § 977.53 delete the phrase "in either Graves or McCracken Counties", and substitute therefor the phrase "in any of the counties included in the marketing area".

10. Revise § 977.62 to read as follows:

§ 977.62 Handlers operating nonpool plants.

In lieu of the payments required pursuant to §§ 977.80 through 977.86, each handler other than a producer-handler or one exempt pursuant to § 977.61, who operates during the month a nonpool plant, shall pay to the market administrator the amounts calculated pursuant to paragraph (b) of this section unless the handler elects, at the time of reporting pursuant to § 977.30, to pay the amounts computed pursuant to paragraph (a) of this section:

(a) The following amounts, at the times specified:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, an amount equal to the difference between the value of Class I milk disposed of to retail or wholesale outlets in the marketing area (including

[Milk Order 98]

**PART 998—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA****Order Amending Order****§ 998.0 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 of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *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 order regulating the handling of milk in the Corpus Christi, Texas, 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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1960.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order, was issued March 22, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after

its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

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

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

**§ 998.22 [Amendment]**

1. Delete § 998.22(i) (1) and substitute therefor the following:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 998.50(a), and the Class I butterfat differential computed pursuant to § 998.52(a), both for the current month, and the minimum prices for Class II and Class II-A milk computed pursuant to § 998.50(b) and the butterfat differential for Class II and Class II-A milk computed pursuant to § 998.52(b), both for the previous month; and

2. Amend § 998.41 to read as follows:

**§ 998.41 Classes of utilization.**

Subject to the conditions set forth in §§ 998.43 and 998.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers), and (2) not accounted for as Class II milk or Class II-A milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section or as Class II-A in paragraph (c) of this section;

(2) Disposed of and used for livestock feed;

deliveries by vendors and sales through plant stores) at the Class I price for the month and:

(i) During the months of April through July, the Class II price, or

(ii) For the months of August through March the uniform price; and

(2) On or before the 25th day after the end of the month, as his share of the expense of administration, the rate specified in § 977.88 with respect to Class I milk so disposed of in the marketing area.

(b) The following amounts, at the times specified:

(1) On or before the 25th day after the end of the month, for the producer settlement fund, any plus amount resulting from the following computation:

(i) Compute an amount equal to the value of milk which would be computed pursuant to § 977.70 for milk received from Grade A dairy farmers at such plant for such month if such plant had been a pool plant;

(ii) Deduct the payments per hundredweight of milk made by such handler to approved dairy farmers for milk received during such month: *Provided*, That if such handler has paid dairy farmers by more than one rate, the payments to approved dairy farmers shall be computed at the lowest rates paid for a volume of milk equal to the volume disposed of in the marketing area; and

(2) On or before the 25th day after the end of the month, as his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 977.88 had such plant been a pool plant.

**§ 977.80 [Amendment]**

11. In § 977.80 add a paragraph (d) as follows:

(d) On or before the 14th day of the following month each handler shall pay to a cooperative association, with respect to such milk as was received from the association in its capacity as a handler during the month not less than the value of such milk at the applicable class prices.

**§ 977.86 [Amendment]**

12. In § 977.86 delete the phrase "in either Graves or McCracken County" and substitute therefor the phrase "in any of the counties included in the marketing area".

**§ 977.88 [Amendment]**

13. Delete § 977.88(c) and substitute therefor the following:

(c) The quantities of milk at plants of handlers operating nonpool plants as specified in § 977.62 (a) (2) or (b) (2).

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

Issued at Washington, D.C., this 28th day of March 1960. To be effective on and after the 1st day of April 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-2931; Filed, Mar. 30, 1960; 8:49 a.m.]

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a)(1) of this section on hand at the end of the month;

(4) In skim milk dumped after prior notification to, and opportunity for verification by the market administrator; and

(5) In shrinkage, not to exceed 2 percent of skim milk and butterfat, respectively, in producer milk, and in other source milk received in the form of milk, skim milk or cream.

(c) *Class II-A milk.* Class II-A milk shall be all skim milk and butterfat used to produce Cheddar cheese.

§ 998.43 [Amendment]

3. Delete § 998.43(a) and substitute therefor the following:

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk or Class II-A milk; and

4. Amend § 998.44 to read as follows:

§ 998.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of products designated as Class I milk in § 998.41(a)(1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk or Class II-A milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 998.30; *Provided*, That the skim milk or butterfat so assigned to Class II milk or Class II-A milk shall be limited to the amount thereof remaining in Class II milk or Class II-A milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 998.46(a)(2) and the corresponding step of paragraph (b) of such section and any additional amounts of such skim milk or butterfat shall be classified as Class I milk; *And provided further*, That if either or both handlers have other source milk as defined pursuant to § 998.14 during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate to the producer milk of both handlers the greatest possible utilization first to Class I milk and secondly to Class II milk. In the case of skim milk and butterfat transferred from a plant as defined in § 998.7(b) to a plant as defined in § 998.7(a), the percentage of the total quantities of skim milk and butterfat, respectively, in products thus transferred and assigned to Class II milk shall not be greater than the percentage of skim milk and butterfat in producer milk classified as Class I milk in the plant of the transferee handler;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 998.41(a)(1);

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk

or cream in bulk to a nonfluid milk plant unless the following conditions are met:

(1) The transferring handler claims Class II or Class II-A utilization in a product specified in § 998.41 (b) or (c);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification, in which case skim milk and butterfat so transferred or diverted shall be allocated to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers which the market administrator determines constitute its regular source of supply for Class I milk.

§ 998.45 [Amendment]

5. In § 998.45 delete the phrase "Class I milk and Class II milk" and substitute therefor the following: "each class of milk."

6. Amend § 998.46 to read as follows:

§ 998.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 998.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 998.42;

(2) Subtract from the remaining pounds of skim milk in series beginning with the lowest priced class, the pounds of skim milk in other source milk as defined pursuant to § 998.14;

(3) Subtract from the remaining pounds of skim milk in Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 998.41(b)(3); *Provided*, That if the pounds of skim milk in such inventory are greater than the pounds of skim milk remaining in Class II milk, the difference should be subtracted from Class I.

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 998.41(a)(1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 998.44(a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest priced class. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure out-

lined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk allocated to Class I, Class II, and Class II-A milk.

§ 998.50 [Amendment]

7. After § 998.50(b) insert the following:

(c) *Class II—A milk price.* The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin primary markets ("Cheddars" f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month.

8. Amend § 998.52 to read as follows:

§ 998.52 Butterfat differentials to handlers.

For milk containing more or less than 4 percent butterfat, the class prices pursuant to § 998.50 (a), (b), and (c) shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120; and

(b) *Class II and Class II-A milk.* Multiply the Chicago butter price for the current month by 0.110.

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

Issued at Washington, D.C., this 28th day of March 1960 to be effective on and after the 1st day of April, 1960.

CLARENCE L. MILLER,  
Assistant Secretary.

[F.R. Doc. 60-2952; Filed, Mar. 30, 1960; 8:52 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7693 c.o.]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Main Line Distributors, Inc., et al.

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

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Main Line Distributors, Inc., et al., Philadelphia, Pa., Docket 7693, March 1, 1960]

*In the Matter of Main Line Distributors, Inc., a Corporation, and Haskell Golder, and Barry Golder, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an independent

Philadelphia distributor of phonograph records to retail outlets in the area of southern Pennsylvania, southern New Jersey, and Delaware, with disbursing concealed payments of money and other valuable consideration to disk jockeys of radio and television programs to induce "exposure"—playing of a record day after day and several times a day—and promotion of their records.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became, on March 1, the decision of the Commission.

The order to cease and desist is as follows:

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

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

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

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

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

*It is ordered*, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in

writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 1, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-2900; Filed, Mar. 30, 1960;  
8:45 a.m.]

[Docket 7581 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Micro-Lube Sales

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards*: § 13.85-35 *Government indorsement*. Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly*: § 13.330-90 *United States Government*; § 13.330-90(a) *Armed Services*.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Micro-Lube Sales, Dallas, Texas, Docket 7581, March 2, 1960]

*In the Matter of A. Plack Carr, an Individual Doing Business as Micro-Lube Sales*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Dallas, Tex., distributor of an oil and gas additive designated "Micro-Lube" to cease advertising falsely that the United States Air Force officially approved of, endorsed and recommended the product.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on March 2 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent A. Plack Carr, individually and doing business as Micro-Lube Sales, or under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oil and gasoline additives or any other products in commerce, as "commerce" is denied in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the United States Air Force, or any other agency or branch of the United States Government officially approves of, endorses, or recommends such products.

2. Nothing in paragraph one of this order shall prevent respondent from truthfully representing the use, if any, which the United States Air Force, or any other agency or branch of the United

States Government, makes of any ingredient of said products, provided that such representation does not violate the provisions of paragraph one herein.

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

*It is ordered*, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: March 2, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 60-2901; Filed, Mar. 30, 1960;  
8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

#### SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-210; Amdt. 58]

#### PART 608—RESTRICTED AREAS

#### Modification of Restricted Area/Military Climb Corridor

##### Correction

In F.R. Document 60-2570, appearing in the issue for Wednesday, March 23, 1960, at page 2418, make the following change in the paragraph "Designated altitudes": The reference to "15,000" should read "15,800".

[Reg. Docket No. 321; Amdt. 160]

#### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition                                  |                  |                     |                         | Ceiling and visibility minimums |                  |                    |  |
|---|------------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|--|
| From—                                       | To—              | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|   |                  |                     |                         |                                 | 65 knots or less | More than 65 knots |  |
| Charlotte LFR.....                          | LOM.....         | Direct.....         | 2100                    | T-dn.....                       | 300-1            | 300-1              | 200-1/2                                |
| Int N crs Charlotte LFR and SW crs ILS..... | LOM.....         | Direct.....         | 2200                    | C-dn.....                       | 400-1            | 500-1              | 500-1 1/2                              |
| Union Int.....                              | Clover Int*..... | Direct.....         | 2300                    | S-dn-5.....                     | 400-1            | 400-1              | 400-1                                  |
| Ft. Mill VOR.....                           | Clover Int*..... | Direct.....         | 2300                    | A-dn.....                       | 800-2            | 800-2              | 800-2                                  |
| Clover Int*.....                            | LOM (Final)..... | Direct.....         | 1500                    |                                 |                  |                    |  |
| York Int.....                               | Clover Int*..... | Direct.....         | 2200                    |                                 |                  |                    |  |
| Bradley Int.....                            | LOM.....         | Direct.....         | 2300                    |                                 |                  |                    |  |
| Mt. Holly Int.....                          | LOM.....         | Direct.....         | 2300                    |                                 |                  |                    |  |
| Weddington Int.....                         | LOM.....         | Direct.....         | 2100                    |                                 |                  |                    |  |
| Waco Int.....                               | LOM.....         | Direct.....         | 2900                    |                                 |                  |                    |  |

Procedure turn N side of SW crs, 229° Outbnd, 049° Inbnd, 2300' within 10 miles.  
 Minimum altitude over LOM inbnd final, 1500'.  
 Crs and distance, facility to airport, 049°—4.6 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi of LOM, climb to 2200' on crs of 049° from LOM within 20 miles or, when directed by ATC, turn left, climb to 3000' on FML-VOR R-006 to Mt. Holly Int or turn right, climb to 2100' on R-006 to FML-VOR.  
 \*Clover Int: Int R-328 FML-VOR and CLT-ILS SW crs. (To be shown on AL chart only.)  
 City, Charlotte; State, N.C.; Airport Name, Douglas; Elev., 748'; Fac. Class., LOM; Ident., CL; Procedure No. 1, Amdt. 14; Eff. Date, 16 Apr. 60; Sup. Amdt. No. 13; Dated, 2 Apr. 60

|  |          |             |      |             |           |           |           |
|--|----------|-------------|------|-------------|-----------|-----------|-----------|
| Duluth VOR.....                                    | LOM..... | Direct..... | 2700 | T-dn.....   | 300-1     | 300-1     | 200-1/2   |
| Duluth LFR.....                                    | LOM..... | Direct..... | 2700 | C-d.....    | 400-1     | 500-1     | 500-1     |
| Int VOR R-320 and 180° brng to LOM.....            | LOM..... | Direct..... | 2700 | C-n.....    | 400-1 1/2 | 500-1 1/2 | 500-1 1/2 |
| Int 142° brng to DLH-LFR and 180° brng to LOM..... | LOM..... | Direct..... | 2700 | S-dn-9..... | 400-1     | 400-1     | 400-1     |
| Int 226° brng to DLH-LFR and 268° brng to LOM..... | LOM..... | Direct..... | 3000 | A-dn.....   | 800-2     | 800-2     | 800-2     |

Procedure turn South side of crs, 268° Outbnd, 088° Inbnd, 2700' within 10 mi.  
 Minimum altitude over facility on final approach crs, 2000'.  
 Crs and distance, facility to airport, 088°—4.3 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi of LOM, climb to 3000' on 088° crs from LOM within 20 miles.  
 CAUTION: 2049' tower approximately 4.5 mi SE of Duluth Municipal Airport.  
 City, Duluth; State, Minn.; Airport Name, Duluth Municipal; Elev., 1430'; Fac. Class., LOM; Ident., DL; Procedure No. 1, Amdt. 2; Eff. Date, 16 Apr. 60; Sup. Amdt. No. 1; Dated 26 Mar. 60

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition         |                             |                     |                         | Ceiling and visibility minimums |                  |                    |  |
|--------------------|-----------------------------|---------------------|-------------------------|---------------------------------|------------------|--------------------|--|
| From—              | To—                         | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 66 knots |
|                    |                             |                     |                         |                                 | 65 knots or less | More than 65 knots |  |
| HSV-VOR.....       | Ballard Int* (Final)%.....  | Direct.....         | 2200                    | T-dn.....                       | 300-1            | 300-1              | 300-1                                  |
| Ballard Int.*..... | Chemical Int.# (Final)..... | Direct.....         | 1700                    | C-d.....                        | 400-1            | 500-1              | 500-1 1/2                              |
|                    |                             |                     |                         | C-n.....                        | 600-2            | 600-2              | 600-2                                  |
|                    |                             |                     |                         | A-dn**.....                     | 800-2            | 800-2              | 800-2                                  |

%H Ballard Int not received, descent below 2200' NA.  
 \*Ballard Int.: Int. HSV-VOR R-238 and HUA-VOR R-351.  
 #Chemical Int: Int. HSV-VOR R-238 and HUA-VOR R-275.  
 (HUA-VOR is on Redstone AAF.)  
 \*\*NOTE: Weather reporting facilities not available to general public, therefore authorized as an alternate only for Air Carriers; provided such Air Carriers have approval of their arrangement for communications and weather service at this airport.  
 Procedure turn N side of crs 058° Outbnd, 238° Inbnd, 3000' within 10 mi.  
 Minimum altitude over facility on final approach crs, 2500'.  
 Crs and distance, facility to airport, 238—17.9.  
 Minimum altitude over Ballard Int on final approach crs, 2200'.  
 Crs and distance, Ballard Int to airport, 238—14.2.  
 Minimum altitude over Chemical Int, 1700'.  
 Crs and distance, Chemical Int to airport, 238—4.7.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 17.9 mi of HSV-VOR, turn right and return to HSV-VOR on R-238 at 3000'.  
 City, Decatur; State, Ala.; Airport Name, Pryor Field; Elev., 593'; Fac. Class., M-BVOR; Ident., HSV; Procedure No. 1, Amdt. 3; Eff. Date, 16 Apr. 60; Sup. Amdt. No. 2; Dated, 27 Sept. 68

RULES AND REGULATIONS

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition |     |                     |                         | Ceiling and visibility minimums |                  |                    |  |
|------------|-----|---------------------|-------------------------|---------------------------------|------------------|--------------------|--|
| From—      | To— | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|            |     |                     |                         |                                 | 65 knots or less | More than 65 knots |  |
|            |     |                     |                         | T-dn.....                       | 300-1            |                    |  |
|            |     |                     |                         | C-d.....                        | 1000-1           |                    |  |
|            |     |                     |                         | C-n.....                        | 1000-2           |                    |  |
|            |     |                     |                         | A-dn.....                       | 1000-2           |                    |  |

Procedure turn South side of crs, 269° Outbnd, 089° Inbnd, 3600' within 10 miles.  
 Minimum altitude over facility on final approach crs, 3000'.  
 Crs and distance, facility to airport, 089°—2.5 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles, turn left and climb to 3400' on R-050 within 20 miles.  
 NOTE: Airport suitable for aircraft with stall speed of 65 K or less only.

City, Philip; State, S. Dak.; Airport Name, Philip; Elev., 2210'; Fac. Class., L-BVOR; Ident., PHP; Procedure No. 1, Amdt. 2; Eff. Date, 16 Apr. 60; Sup. Amdt. No. 1; Dated, 26 Dec. 56

|                                       |                      |             |      |              |       |       |        |
|---------------------------------------|----------------------|-------------|------|--------------|-------|-------|--------|
| Springfield LFR.....                  | SPI-VOR.....         | Direct..... | 2000 | T-dn.....    | 300-1 | 300-1 | 200-1½ |
| Int R-156 PIA VOR and R-036 SPI VOR.. | SPI-VOR.....         | Direct..... | 1900 | C-dn.....    | 400-1 | 500-1 | 500-1½ |
| Int R-156 PIA VOR and R-036 SPI VOR.. | SPI-VOR (Final)..... | Direct..... | 1400 | S-dn-22..... | 400-1 | 400-1 | 400-1  |
|                                       |                      |             |      | A-dn.....    | 800-2 | 800-2 | 800-2  |

Procedure turn N side of crs, 036° Outbnd, 216° Inbnd, 1900' within 10 miles.  
 Minimum altitude over facility on final approach crs, 1400'.  
 Crs and distance, facility to airport, 216—3.2.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, make right turn, climb to 2000', proceed to SPI VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593'; Fac. Class., BVOR; Ident., SPI; Procedure No. 1, Amdt. 6; Eff. Date, 16 Apr. 60; Sup. Amdt. No. 5; Dated, 26 July 58

3. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition |     |                     |                         | Ceiling and visibility minimums |                  |                    |  |
|------------|-----|---------------------|-------------------------|---------------------------------|------------------|--------------------|--|
| From—      | To— | Course and distance | Minimum altitude (feet) | Condition                       | 2-engine or less |                    | More than 2-engine, more than 65 knots |
|            |     |                     |                         |                                 | 65 knots or less | More than 65 knots |  |
|            |     |                     |                         | T-dn.....                       | 300-1            | 300-1              | 200-1½                                 |
|            |     |                     |                         | C-dn.....                       | 500-1            | 500-1              | 500-1½                                 |
|            |     |                     |                         | S-dn-31.....                    | 400-1            | 400-1              | 400-1                                  |
|            |     |                     |                         | A-dn.....                       | 800-2            | 800-2              | 800-2                                  |

Procedure turn East side of crs, 144° Outbnd, 324° Inbnd, 1400' within 8 miles. Beyond 8 miles NA.  
 Minimum altitude over facility on final approach crs, 600'.  
 Crs and distance, breakoff point to Rnwy 31, 304°—0.7 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of ALI-VOR, turn left, climb to 1600' on R-261 within 10 miles of VOR.

CAUTION: 550' MSL radio tower 5.5 mi WNW on crs 282° and 580' MSL radio tower 5.5 mi NW on crs 318° from airport.

City, Alice; State, Tex.; Airport Name, Municipal; Elev., 178'; Fac. Class., BVOR; Ident., ALI; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 16 Apr. 60

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition                             |              | Course and distance | Minimum altitude (feet) | Condition | Ceiling and visibility minimums |                    |  |
|--|--------------|---------------------|-------------------------|-----------|---------------------------------|--------------------|--|
| From—                                  | To—          |                     |                         |           | 2-engine or less                |                    | More than 2-engine, more than 65 knots |
|  |              |                     |                         |           | 65 knots or less                | More than 65 knots |  |
| Charlotte LFR                          | LOM          | Direct              | 2100                    | T-dn      | 300-1                           | 300-1              | 200-1/2                                |
| Int N crs Charlotte LFR and SW crs ILS | LOM          | Direct              | 2200                    | C-dn      | 400-1                           | 500-1              | 500-1 1/2                              |
| Ft. Mill VOR                           | Clover Int** | Direct              | 2300                    | S-dn-5*   | 200-1/2                         | 200-1/2            | 200-1/2                                |
| Clover Int**                           | LOM (Final)  | Direct              | 2300                    | A-dn      | 600-2                           | 600-2              | 600-2                                  |
| Union Int                              | Clover Int** | Direct              | 2300                    |           |                                 |                    |  |
| York Int                               | Clover Int** | Direct              | 2200                    |           |                                 |                    |  |
| Bradley Int                            | LOM          | Direct              | 2900                    |           |                                 |                    |  |
| Mt. Holly Int                          | LOM          | Direct              | 2300                    |           |                                 |                    |  |
| Weddington Int                         | LOM          | Direct              | 2100                    |           |                                 |                    |  |
| Waco Int                               | LOM          | Direct              | 2900                    |           |                                 |                    |  |
| Bethany Int                            | LOM          | Direct              | 2300                    |           |                                 |                    |  |
| Ft. Mill VOR                           | LOM          | Direct              | 2300                    |           |                                 |                    |  |
| High Rock Int                          | LOM          | Direct              | 2900                    |           |                                 |                    |  |

Procedure turn N side of SW crs, 229° Outbnd, 049° Inbnd, 2300' within 10 miles.  
 Minimum altitude at Glide Slope int inbnd, 2300'.  
 Altitude of G.S. and distance to appr end of rny at OM 2290-4.6, at MM 950-0.5.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200' on NE crs ILS within 20 miles or, when directed by ATC, turn left, climb to 3000' on FML-VOR R-006 to Mt. Holly Int or turn right, climb to 2100' on R-006 to FML-VOR.  
 \*400-3/4 required when glide slope not utilized.  
 \*\*Clover Int: Int R-328 FML-VOR and CLT-ILS SW crs. (To be shown on AL chart only.)

City, Charlotte; State, N.C.; Airport Name, Douglas; Elev., 748'; Fac. Class., ILS; Ident., I-CLT; Procedure No. ILS-5, Amdt. 14; Eff. Date, 16 Apr. 60; Sup. Amdt. No. 13; Dated, 2 Apr. 60

|   |     |        |      |        |           |           |           |
|---|-----|--------|------|--------|-----------|-----------|-----------|
| Duluth VOR                                  | LOM | Direct | 2700 | T-dn   | 300-1     | 300-1     | 200-1/2   |
| Duluth LFR                                  | LOM | Direct | 2700 | C-d    | 400-1     | 500-1     | 500-1     |
| Int VOR R-320 and 180 brg to LOM            | LOM | Direct | 2700 | C-n    | 400-1 1/2 | 500-1 1/2 | 500-1 1/2 |
| Int 142° brg to DLH-LFR and 180° brg to LOM | LOM | Direct | 2700 | S-dn-9 | 200-1/2   | 200-1/2   | 200-1/2   |
| Int 226° brg to DLH-LFR and 268° brg to LOM | LOM | Direct | 3000 | A-dn   | 600-2     | 600-2     | 600-2     |

Procedure turn S side of final approach crs, 268° Outbnd, 088° Inbnd, 2700' within 10 miles.  
 Minimum altitude at Glide Slope interception inbound, 2700'.  
 Altitude of glide slope and distance to approach end of runway at LOM, 2700'-4.3; at MM, 1630'-0.7.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' on 088° crs from LOM within 20 miles.  
 CAUTION: 2049' tower approximately 4.5 miles SE of Duluth Municipal Airport.

City, Duluth; State, Minn.; Airport Name, Duluth Municipal; Elev., 1430'; Fac. Class., ILS; Ident., I-DLH; Procedure No. ILS-9, Amdt. 2; Eff. Date, 16 Apr. 60; Sup. Amdt. No. 1; Dated, 26 Mar. 60

|                          |                      |        |      |         |       |       |           |
|--------------------------|----------------------|--------|------|---------|-------|-------|-----------|
| MSY VOR                  | Kenner Int*          | Direct | 1400 | T-dn    | 300-1 | 300-1 | 200-1/2   |
| MSY LOM                  | Kenner Int*          | Direct | 1500 | C-dn    | 400-1 | 500-1 | 500-1 1/2 |
| Radar Vectoring Position | Bridge Int** (Final) | Direct | 1500 | S-dn-28 | 400-1 | 400-1 | 400-1     |
| Bridge Int**             | Kenner Int* (Final)  | Direct | 700  | A-dn    | 600-2 | 600-2 | 600-2     |

Radar Terminal transition altitude 1500' within 25 miles. Radar control must provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3-t 5-mile (inclusive) radius of 978' TV tower 16 miles E of airport. Radar may be used to position aircraft for a final approach within 5 miles of Kenner Int\*, with the elimination of a procedure turn.

Teardrop procedure turn S side of crs, 117° Outbnd, 279° Inbnd, 2000' within 10 miles of Kenner Int. Nonstandard due to ATC requirements.  
 Minimum altitude over Bridge Int\*\*, 1500'; over Kenner Int\*, 700'.  
 Crs and distance, Bridge Int\*\* to airport, 279°-4.7 mi; Kenner Int\* to airport, 279°-2.9 mi.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing Kenner Int, climb to 1400' on W crs ILS or when directed by MSY Approach Control, (1) Turn left, climb to 1500' on R-220 MSY-VOR, or (2) Turn right, climb to 1400' on R-320 MSY-VOR, all within 20 miles.  
 \*Kenner Int: Int E crs ILS localizer and MSY-VOR R-195.  
 \*\*Bridge Int: Int E crs ILS localizer and MSY-VOR R-165.

City, New Orleans; State, La.; Airport Name, Moisant Int'l; Elev., 3'; Fac. Class., ILS; Ident., I-MSY; Procedure No. ILS-28, Amdt. Orig.; Eff. Date, 16 Apr. 60

|  |                    |        |      |        |         |         |           |
|--|--------------------|--------|------|--------|---------|---------|-----------|
| SPI-LFR  | LOM                | Direct | 2000 | T-dn   | 300-1   | 300-1   | 200-1/2   |
| SPI-VOR  | LOM                | Direct | 2000 | C-dn   | 400-1   | 500-1   | 500-1 1/2 |
| Int R-209 SPI-VOR and/or SW crs SPI-LFR and R-312 VLA-VOR (via crs 015°) | SW crs ILS (Final) | Direct | 2000 | S-dn-4 | 200-1/2 | 200-1/2 | 200-1/2   |
| Int R-097 SPI-VOR and 250°-270° Brg SPI LOM                              | LOM                | Direct | 2600 | A-d    | 600-2   | 600-2   | 2600-2    |
| Int R-265 SPI VOR and 125°-305° Brg SPI LOM                              | LOM                | Direct | 2000 |        |         |         |           |

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 2000' within 10 miles.  
 Minimum altitude at Glide Slope interception inbound, 2000'.  
 Altitude of G.S. and distance to appr end of rny at OM 2077-5.1, at MM 797-0.6.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' and proceed to SPI-VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593'; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-4, Amdt. 4; Eff. Date, 16 Apr. 60; Sup. Amdt. No. 3, (ILS portion of Comb. ILS-ADF); Dated, 24 May 58

## 5. The radar procedures prescribed in § 609.500 are amended to read in part:

## RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition                               |            |                             |                         | Ceiling and visibility minimums |                    |                    |  |
|--|------------|-----------------------------|-------------------------|---------------------------------|--------------------|--------------------|--|
| From—                                    | To—        | Course and distance         | Minimum altitude (feet) | Condition                       | 2-engine or less   |                    | More than 2-engine, more than 65 knots     |
|  |            |                             |                         |                                 | 65 knots or less   | More than 65 knots |  |
| All directions<br>E of NE-SW crs LGA-LFR | Radar Site | Within:<br>25 mi.<br>15 mi. | 2500                    | Precision Approach              | Precision Approach |                    | 200-½<br>500-1½<br>200-½<br>600-2<br>800-2 |
|  | Radar Site |                             | 1500                    |                                 | T-dn*              | 300-1              |  |
|  |            |                             |                         | C-dn                            | 500-1              | 500-1              |  |
|  |            |                             |                         | S-dn-4R*                        | 200-½              | 200-½              |  |
|  |            |                             |                         | A-dn-4R*                        | 600-2              | 600-2              |  |
|  |            |                             |                         | A-dn-All                        | 800-2              | 800-2              |  |

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500' on heading of 043°, make a climbing right turn to 1500' and proceed to Lido MHW and hold SW.

Contact Idlewild approach control for further instructions.

CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.1 statute miles SSE of Runway 4R and 165' airport control tower. \*Runway Visual Range 2600' also authorized for takeoff and landing on Runway 4R provided that all components of the PAR, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 212' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., Idlewild; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 16 Apr. 60

PROCEDURE CANCELLED, EFFECTIVE 17 FEBRUARY 1960.

City, New York; State, N.Y.; Airport Name, International; Elev., 12'; Fac. Class., Idlewild; Ident., Radar; Procedure No. 1 (Rwy 4L), Amdt. 11; Eff. Date, 20 June 59; Sup. Amdt. No. 10; Dated, 25 Jan. 58

These procedures shall become effective on the dates indicated on the procedures.

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

Issued in Washington, D.C., on March 21, 1960.

OSCAR BAKKE,  
Director, Bureau of Flight Standards.

[F.R. Doc. 60-2741; Filed, Mar. 30, 1960; 8:45 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 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Tolerances for Residues of 2,4,5,4'-Tetrachlorodiphenyl Sulfone

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, requesting the establishment of tolerances for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone at 8 parts per million in or on apricots, cherries, nectarines, and peaches and at 5 parts per million in or on apples, crabapples, grapes, pears, plums, prunes, and quinces.

The data before the Commissioner shows that this pesticide chemical, when included in the feed of animals, would result in residues in meat and milk. There is no basis for fixing a tolerance for the pesticide in these commodities at a level higher than zero.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (25 F.R. 242) are amended by changing § 120.174 to read as follows:

##### § 120.174 Tolerances for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone.

Tolerances for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on raw agricultural commodities are established as follows:

(a) 5 parts per million in or on apples, apricots, cherries, crabapples, grapes, nectarines, peaches, pears, plums (fresh prunes), quinces.

(b) 2 parts per million in or on citrus citron, grapefruit, limes, oranges, tangelos, tangerines.

(c) Zero part per million in meat and milk.

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 order, specify with particularity 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. A hearing will be granted if the objections are 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 be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 21, 1960.

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

[F.R. Doc. 60-2911; Filed, Mar. 30, 1960; 8:46 a.m.]

**Title 25—INDIANS**

Chapter I—Bureau of Indian Affairs,  
Department of the Interior

**PART 221—OPERATION AND  
MAINTENANCE CHARGES**

Salt River Indian Irrigation Project,  
Arizona

On page 388 of the FEDERAL REGISTER of January 16, 1960, there was published a notice and text of a proposed amendment to § 221.120 and addition of § 221.123 to Title 25—Indians, of the Code of Federal Regulations. The purpose of this amendment and addition is to increase the basic operation and maintenance charge from \$5.50 to \$7.35 per acre per annum and to provide for the establishment of a charge of \$8.00 per acre-foot for excess water on the Salt River Indian Irrigation Project, Arizona.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment.

One communication was received within the specified period. It was given careful consideration but was not accepted because the purpose of the amendment and addition would be defeated thereby.

The proposed amendment and addition to the regulations are hereby adopted as set forth below.

1. Section 221.120 is amended to read as follows:

**§ 221.120 Basic assessment.**

The basic operation and maintenance assessment against the lands under the Salt River Irrigation Project in Arizona to which water can be delivered through the irrigation project works is hereby fixed at \$7.35 per acre for the year 1960 and subsequent years until further notice. The payment of the per acre assessment shall entitle the land for which payment is made to receive three acre-feet of water per annum or such lesser amount as represents the proportionate share of the available supply of water.

2. A new § 221.123 is added to read as follows:

**§ 221.123 Excess water.**

Additional water in excess of the basic apportionment of three acre-feet per acre per annum may be purchased if and when the water is available at the rate of \$8.00 per acre-foot or fraction thereof, measured at the farm delivery point. Payment shall be made in advance of delivery.

FRED A. SEATON,  
Secretary of the Interior.

MARCH 24, 1960.

[F.R. Doc. 60-2914; Filed, Mar. 30, 1960;  
8:47 a.m.]

**Title 43—PUBLIC LANDS:  
INTERIOR**

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

**APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 2072]

[1687375]

**WASHINGTON**

**Partially Revoking Executive Order  
No. 1032 of February 25, 1909,  
Which Withdrew Certain Lands for  
Protection of Native Birds**

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 1032 of February 25, 1909, so far as it reserved parts of T. 35 N., Rs. 24 and 25 E., Willamette Meridian, Washington, comprising the Conconully Reservation, as segregated by the broken lines upon diagrams which were attached to the order, for use of the Department of Agriculture as a preserve and breeding ground for native birds, the name of which was changed to Conconully National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked.

All the lands, except approximately 70 acres, are under first form reclamation withdrawal or have been patented without a reservation of minerals to the United States.

Lot 6, sec. 1, T. 35 N., R. 24 E., and lots 4 and 11, sec. 7, T. 35 N., R. 25 E., are vacant public domain.

The 70 acres of lands released from withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, but with a six-month preference right period for filing application by the State of Washington to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851-2), and the regulations in 43 CFR, all applications to be made subject to any from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

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

ROGER ERNST,  
Assistant Secretary of the Interior.

MARCH 24, 1960.

[F.R. Doc. 60-2921; Filed, Mar. 30, 1960;  
8:47 a.m.]

**Title 47—TELECOMMUNICATION**

Chapter I—Federal Communications  
Commission

[FCC 60-280]

**PART 1—PRACTICE AND  
PROCEDURE**

**Miscellaneous Amendments**

1. On April 8, 1959, the Commission adopted changes in its rules to implement the new "cut-off" procedure for the processing of standard broadcast applications. Section 1.354(h) of the rules was amended to read, in part, as follows:

(1) A new file number will be assigned to an application for a new station or for major changes in the facilities of authorized stations when it is amended to change its engineering proposal other than with respect to the type of equipment specified.

2. The adoption of the rule became necessary because a multiplicity of amendments to applications required our reprocessing the applications and precluded our taking action to grant or designate them for hearing. As pointed out in our said Report and Order adopting the change, "it appears that for several months the Commission's staff has been engaged in the constant reprocessing of the same 400 or so applications, which either have been taken from the top of the processing line or have been grouped for study with the older applications because of conflicts, with little or no hope that the various groups of conflicting applications may be designated for hearing so long as amendments continue to be filed." It was pointed out further that during one 30-day period more than 300 applications were at least partially processed by the engineering staff to determine the effect of amendments or new filings on interference conditions and that during the same period only 33 applications were placed on the Commission's agenda. More significantly, although not a single application was removed from the top of the processing line, the number of applications under study increased because of the necessity of grouping additional applications with those already under study. A major problem also then facing the Commission was that of concluding study on several large groups of conflicting applications involving, for example, 28, 31, 33, 44 and 59 each.

3. Since the amendment of § 1.354 (h) (1), the Commission has been able to conclude study on and dispose of, insofar as the processing line is concerned, more than 550 applications. In particular, the problem of moving from the processing line the large groups of applications has been reduced greatly, and it appears that few, if any, such group obtain on which our study has not been virtually completed. Thus, the restrictions in § 1.354(h) (1) on amendments without the assignment of new file numbers can now be changed to permit certain types of amendments without

adversely affecting the processing of standard broadcast applications. In fact, certain types of engineering amendments would, in some cases, facilitate the processing of applications as well as the final disposition thereof by eliminating conflicts which would otherwise result in a chain reaction involving other proposals. For example, reduced power, or a change from unlimited time to daytime only would, in some cases, eliminate conflicts and reduce the Commission's work load. We also find that some applicants must select new transmitter sites due to circumstances beyond their control, and that the new sites specified would not affect appreciably the staff's study. In the type of case in which the antenna system does not meet the minimum efficiency requirements of the rules, we believe that a modification should be permitted to achieve minimum required radiation. Also, it would be possible in some instances for applicants to make minor changes in the proposed directional pattern and eliminate interference problems without involving additional applications or existing stations.

4. The changes in § 1.354(h) (1) as set forth below would permit, without the assignment of a new file number, the amendment of an application to make changes in the type of equipment specified, to decrease power, or to decrease the hours of operation. In addition, a new file number would not be assigned because an application was amended to change transmitter site, to change from non-directional to directional antenna, to increase or decrease radiation of a non-directional antenna without increasing power or to make changes in a directional antenna, provided, however, that such amendments do not involve new or increased interference problems.

5. The provisions of § 1.354(h) (1), as set forth below, are not only procedural in nature, but also more liberal than those suggested by the Federal Communications Bar Association (FCBA) and the Association of Federal Communications Consulting Engineers (AFCCE) in their petitions of May 8 and 11, 1959, respectively, for reconsideration of the Commission's action in amending § 1.354(h) (1) as indicated above.<sup>1</sup> Thus, we believe that our asking for comments on the changes here proposed, even if otherwise appropriate, would serve no useful purpose and would only delay the implementation of procedural advantages which would serve the public interest and substantially relieve applicants of the present restrictions and limitations on their opportunities to file engineering amendments. Therefore, prior publication of Notice of Proposed Rule Making is unnecessary, and the amendment may become effective immediately.

6. Since the effective date in May, 1959, of the last previous amendment of § 1.354(h) of the rules, it appears that many applicants have tended to withhold engineering amendments to their applications until after designation for

hearing in order to avoid the risk of having a new file number assigned. It was not and is not the intention of the rules implementing the cut-off procedure for standard broadcast applications to shift the burden of engineering amendments from the processing line to the hearing stage. In short, the fact that engineering amendments on the processing line were restricted was not intended to afford a basis for a finding of good cause for an amendment after designation for hearing. Accordingly, in order to correct the erroneous construction of the effect of the cut-off procedure on engineering amendments during the hearing stage, we are amending § 1.311(b) of the rules to make it plain that with respect to such amendments good cause will be found to exist only if, in addition to the usual good cause considerations, the amendment is necessitated by events which the applicant could not reasonably have foreseen, e.g., the recent notification of a new foreign station, or the loss of transmitter site by condemnation or imposition of zoning restrictions. In addition, it must appear that the amendment could not reasonably have been made prior to designation for hearing, and that it does not require an enlargement of issues or the addition of new parties to the proceeding. This amendment is based upon the premise that there can be little or no excuse for an applicant's failure to crystallize his engineering proposal before his application is designated for hearing. In view of the simultaneous amendment of § 1.354(h) (1) of the rules, there will be even less excuse in the future.

7. At this time we are also making editorial changes in § 1.311 by including a cross-reference to § 1.354(h) in paragraph (a), and by making the provisions as to affidavits of consideration in present paragraph (b) a new and separate paragraph (d). In addition, the provisions as to requests for leave to amend and removal from hearing docket are being deleted from § 1.354(g) and, with editorial changes, become new § 1.311(c).

8. It is also appropriate to amend § 1.354(g) to make clear the meaning and policy of the subsection in its relation to § 1.354(h). This amendment does not represent a change in policy, but merely codifies the existing interpretation and policy of the subsection.

9. The amendment to § 1.311(a) and the addition of new paragraphs (c) and (d) are editorial in nature. The amendments to §§ 1.311(b) and 1.354(g) are interpretive in nature and merely state and codify existing policy. Hence, compliance with the notice requirements of section 4 of the Administrative Procedure Act is unnecessary and these amendments may become effective immediately.

10. The amendments adopted herein are adopted pursuant to the authority of sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

11. Accordingly, it is ordered, This 24th day of March 1960, that §§ 1.311, 1.354 (g) and (h) (1) of the Commission's rules are amended, effective April 1, 1960, as set forth below.

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

Released: March 28, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

1. § 1.311 of the Commission's rules is amended to read as follows:

§ 1.311 Amendment of applications.

(a) Any application may be amended as a matter of right prior to the adoption date of the order designating such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed in accordance with § 1.303. However, see § 1.354(h) for the effect of certain amendments to standard broadcast applications.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record in accordance with § 1.56, and will be granted only for good cause shown. In the case of requests to amend the engineering proposal in standard broadcast applications (other than to make changes with respect to the type of equipment specified), good cause will be considered to have been shown only if, in addition to the usual good cause considerations, it is demonstrated that (1) the amendment is necessitated by events which the applicant could not reasonably have foreseen (e.g., notification of a new foreign station or loss of transmitter site by condemnation); (2) the amendment could not reasonably have been made prior to designation for hearing; and (3) the amendment does not require an enlargement of issues or the addition of new parties to the proceeding.

(c) Notwithstanding the provisions of paragraph (b) of this section, a petition for leave to amend may be granted provided it is requested that the application as amended be removed from the hearing docket and returned to the processing line. See § 1.354(g).

(d) If the granting of a petition for leave to amend would permit a grant of the amended application or an application theretofore in conflict with the amended application, such petition must be accompanied by an affidavit as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. The affidavit of consideration shall be executed by:

- (1) The applicant, if an individual;
- (2) A partner of applicant, if a partnership; or
- (3) An officer of applicant having personal knowledge of the facts, if a corporation or association.

<sup>2</sup> Statement of Commissioner Bartley filed as part of the original document.

<sup>1</sup> Denied by the Commission on May 13, and 15, 1959; see 26 FCC 530, 18 Pike & Fischer R.R. 1568(h); 26 FCC 553, 18 Pike & Fischer R.R. 1568(m).

2. Paragraphs (g) and (h)(1) of § 1.354 are amended to read as follows:

**§ 1.354 Processing of standard broadcast applications.**

\* \* \* \* \*  
(g) When an application which has been designated for hearing has been removed from the hearing docket, the application will be returned to its proper position (as determined by the file number) in the processing line. Whether or not a new file number will be assigned will be determined pursuant to paragraph (h) of this section after the application has been removed from the hearing docket.

(h) (1) A new file number will be assigned to an application for a new station, or for major changes in the facilities of authorized stations, when it is amended to change frequency, to in-

crease power, to increase hours of operation, or to change station location. Any other amendment modifying the engineering proposal, except an amendment respecting the type of equipment specified, will also result in the assignment of a new file number unless such amendment is accompanied by a complete engineering study showing that the amendment would not involve new or increased interference problems with existing stations or other applications pending at the time the amendment is filed. If, after submission and acceptance of such an engineering amendment, subsequent examination indicates new or increased interference problems with either existing stations or other applications pending at the time the amendment was received in the Commission, the application will then be assigned a new file number and placed in the processing line according to the

numerical sequence of the new file number.

[F.R. Doc. 60-2945; Filed, Mar. 30, 1960; 8:51 a.m.]

**Title 50—WILDLIFE**

**Chapter I—Fish and Wildlife Service,  
Department of the Interior**

**SUBCHAPTER C—MANAGEMENT OF WILDLIFE  
CONSERVATION AREAS**

**PART 17—LIST OF AREAS**

**National Wildlife Refuges**

CROSS REFERENCE: For order affecting certain lands reserved as part of the Conconully National Wildlife Refuge (§ 17.3), see Public Land Order 2072 in the Appendix to Title 43, Chapter I, *supra*.

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 1 ]

[SR-412B]

[Reg. Docket No. 323; Draft Release 60-5]

### AIRCRAFT NATIONALITY AND REGISTRATION MARKS

#### Notice of Proposed Rule Making

Pursuant to the authority granted to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 1 of the Civil Air Regulations and to rescind Special Civil Air Regulation No. SR-412B.

Interested persons may participate in the making of the proposed rule by submitting written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before May 31, 1960, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

Part 1 requires all aircraft to be identified in accordance with certain marking standards, which cover among other things the type, size, and location of the marks. For fixed-wing airplanes the requirements are in general as follows: (a) on wings, identification marks, at least 20 inches high, must be displayed on the right half of the upper surface and on the left half of the lower surface; and (b) on the vertical tail, identification marks, at least 2 inches high, must be displayed on the upper half of the surface on both sides, or in the case of multivertical tail surfaces on the outer sides. (Where there are no vertical tail surfaces, identification markings must be on each side of the fuselage.)

Several years ago, Special Civil Air Regulation No. SR-412 was promulgated to evaluate an alternate type marking system from that prescribed by Part 1. Subsequently SR-412A and SR-412B were adopted which extended the effective dates for the use of the alternate system. Essentially SR-412B permits the omission of wing marks provided that the 2-inch tail marks are replaced by 12-inch marks displayed either on the vertical tail or on the sides of the fuselage.

The Federal Aviation Agency considers it appropriate to propose at this time a uniform method for the display of identification marks on fixed-wing aircraft,

based upon the experience which has been gained in observing aircraft with identification marks displayed in accordance with Part 1 and special regulations SR-412, SR-412A, and SR-412B.

The Agency proposes to rescind special regulation SR-412B and to amend Part 1 of the Civil Air Regulations to require the following: (1) Identification marks not less than 12 inches high on each side of the fuselage; and (2) identification marks not less than 20 inches high on the left half of the lower surface of the wing structures. Under this proposal identification marks would not be displayed on the tail surfaces or on the upper surface of the wing. Experience indicates that marks so located are not as useful for identification purposes as marks located on the sides of the fuselage and on the lower surface of the wing. The Agency believes the display proposed to be the most effective for the purpose of visual ground-to-air and air-to-air identification of fixed-wing aircraft.

In order to allow sufficient time for operators to modify the current display of markings on their aircraft to conform with the new system, compliance with the proposed amendment to Part 1 would not be required until approximately one year after its effective date. On and after that date all fixed-wing aircraft would be required to be marked in accordance with the amendment.

In consideration of the foregoing, it is proposed to rescind Special Civil Air Regulation No. SR-412B and simultaneously to amend Part 1 of the Civil Air Regulations (14 CFR Part 1) as follows:

1. Amend § 1.102 *Location of identification marks* as follows:

a. Delete from the introductory sentence to paragraph (a) the words "through (3)" and substitute therefor the words "and (2)".

b. Delete from the first sentence of paragraph (a)(1) the words "the right half of the upper surface and".

c. Amend paragraph (a)(2) to read as follows:

(2) *Fuselage surfaces.* Identification marks shall be displayed horizontally on each side of the fuselage between the trailing edge of the wing and the leading edge of the horizontal stabilizer. If engine pods or other appurtenances are located in this area and are an integral part of the fuselage side surfaces, the markings may be placed on such pods or appurtenances.

d. Delete paragraph (a)(3).

2. In § 1.103 *Measurement of identification marks*, amend paragraph (a)(1) and (2) to read as follows:

(1) *Wing surfaces.* The required identification marks on the wing shall be of equal height of not less than 20 inches.

(2) *Fuselage surfaces.* The required identification marks on the fuselage

shall be of equal height of not less than 12 inches.

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

Issued in Washington, D.C., on March 24, 1960.

OSCAR BAKKE,  
Director,  
Bureau of Flight Standards.

[F.R. Doc. 60-2899; Filed, Mar. 30, 1960; 8:45 a.m.]

[ 14 CFR Parts 40, 41, 42 ]

[Reg. Docket No. 326; Draft Release No. 60-6]

### INSTALLATION OF FLIGHT RECORDERS IN TURBINE-POWERED AIRPLANES

#### Notice of Proposed Rule Making

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

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by May 3, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comment received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

On September 9, 1957, Parts 40, 41, and 42 were amended to require the installation and use of flight recorders which record time, airspeed, altitude, vertical acceleration, and heading on air carrier airplanes of more than 12,500 pounds maximum certificated takeoff weight which were certificated for flight operations above 25,000 feet. At the time these rules were adopted it was contemplated that the flight recorder would be installed on those newer types of airplanes which would be operating at greater speeds and certificated for operations at those higher altitudes concerning which there was no substantial amount of civil operating experience. Thus the rules would have applied to all of the new turbine-powered airplanes, both turbojet and turbo-propeller, which, it was believed, would be certificated to

operate above 25,000 feet. However, since the adoption of the rules, certain types of turbine-powered airplanes have been certificated to operate at or below 25,000 feet and have not been required to have the flight recorder installed. Experience indicates that turbine-powered airplanes certificated for operations below 25,000 feet when operating at high speeds are frequently subjected to forces which are substantially the same as those encountered by aircraft certificated and operated above 25,000 feet.

There have been a number of accidents and other hazardous occurrences in flight which involved turbine-powered airplanes. In the investigation of these accidents and occurrences, it was clear that the information derived from flight recorders was invaluable in determining the cause thereof. It was also very clear in those instances where the recorder was not installed, that essential and pertinent information was lacking. Further, the investigation of these accidents and occurrences has shown that destruction of essential evidence can be expected when such high-speed airplanes are involved in accidents, and that evidence essential to accurate cause determination can best be preserved or obtained by means of an automatic recording device operating at the time of the accident. Public interest, and public safety, demand that this type of information be made available whenever possible.

Accordingly, in order to assist the Civil Aeronautics Board and the Administrator in the proper discharge of their responsibilities under the Federal Aviation Act of 1958, the Federal Aviation Agency is of the firm opinion that the Civil Air Regulations should be amended at the earliest practicable date to require that all turbine-powered airplanes operated by air carriers be equipped with a flight recorder. In view of the availability and urgent need for flight recorders, it is proposed to require their installation and use on all large turbine-powered airplanes by September 1, 1960. This proposal will require the operation of the recorder during flight, but not during taxi operation to and from the runway. The Agency believes that this date will provide all air carriers subject to this proposal ample time in which to comply, provided such operators undertake the acquisition and installation of such recorders immediately following the adoption date of this proposal.

In consideration of the foregoing, it is proposed to amend the appropriate sections of Parts 40, 41, and 42 of the Civil Air Regulations with an effective date of September 1, 1960, to read as follows:

**Flight recorders.** (a) An approved flight recorder which records at least time, airspeed, altitude, vertical acceleration, and heading shall be installed on all turbine-powered airplanes of more than 12,500 pounds maximum certificated takeoff weight, and on all other airplanes of more than 12,500 pounds maximum certificated takeoff weight which are certificated for operations above 25,000 feet altitude.

(b) Flight recorders required by this section shall be installed and operating continuously during flight.

(c) Recorded information shall be retained by the air carrier for a period of at least 60 days. For a particular flight or series of flights, the information shall be retained for a longer period if requested by an authorized representative of the Administrator or the Civil Aeronautics Board.

These amendments are proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424).

Issued in Washington, D.C., on March 28, 1960.

B. PUTNAM,  
Acting Director,  
Bureau of Flight Standards.

[F.R. Doc. 60-2976; Filed, Mar. 30, 1960; 8:53 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

In re: Notice of filing of petition for issuance of a regulation to provide for propylene glycol alginate in nonstandardized foods.

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)), the following notice is issued:

A petition has been filed by the Kelco Company, 8225 Aero Drive, San Diego 11, California, proposing the issuance of a regulation to provide for the use of propylene glycol alginate as a stabilizer in nonstandardized foods.

Dated: March 24, 1960.

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

[F.R. Doc. 60-2912; Filed, Mar. 30, 1960; 8:46 a.m.]

[ 21 CFR Part 121 ]

#### FOOD ADDITIVES

##### Notice of Filing of Petition

In re: Notice of filing of petition for issuance of tolerance for butylated hydroxyanisole and/or butylated hydroxytoluene in potato granules.

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)), the following notice is issued:

A petition has been filed by The Instant Potato Granules Manufacturers Association, in care of American Potato Company, P.O. Box 599, Vacaville, California, proposing the issuance of a tolerance of 10 parts per million (0.001 percent) of total antioxidants, to include butylated hydroxyanisole and/or bu-

tylated hydroxytoluene for the purpose of preventing oxidative deterioration of the potato fat in potato granules.

Dated: March 24, 1960.

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

[F.R. Doc. 60-2913; Filed, Mar. 30, 1960; 8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 8 ]

[Docket No. 13447; FCC 60-285]

### SHIP-SHORE RADIOTELEPHONE COMMUNICATION

#### Notice of Proposed Rule Making

In the matter of amendment of Part 8 of the Commission's rules concerning ship-shore radiotelephone communication on the frequencies 2003 kc, 156.6 Mc and 156.7 Mc in the Great Lakes area; Docket No. 13447.

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

2. The rule amendments herein proposed concern the use of the above-captioned frequencies by non-government ship stations for communication with government coast stations in the Great Lakes area.

3. The attached proposed rules would conform the existing rules in Part 8 to the frequency usage agreed to by the United States and Canada pursuant to discussions held in 1957 in anticipation of the 1958 use of a portion of the St. Lawrence Seaway which would then open for navigation. In accordance with this agreement, the following additional uses in the Great Lakes area are proposed for the frequencies 2003 kc, 156.7 Mc, and 156.6 Mc:

2003 kc (in addition to intership): Until January 1, 1961, for use by ship stations for communication with government coast stations concerning passage of vessels on the St. Lawrence Seaway and on St. Mary's River.

156.7 Mc (in addition to intership): Communication with government coast stations concerning passage of vessels through government controlled locks and government controlled waterways.

156.6 Mc (in addition to intership and for communication with government stations concerning passage of vessels through locks): For communication with government coast stations concerning passage of vessels through government controlled waterways.

The frequency 2003 kc would be made available to ship stations on the St. Lawrence Seaway and on the St. Mary's River for the communication indicated above on a non-interference basis to intership communication as indicated below. The very high frequencies 156.7 Mc and 156.6 Mc would be available on condition that while a vessel is transiting the St. Lawrence Seaway such communication is limited to government coast stations designated by the United States St. Lawrence Seaway Development Corporation or the St. Lawrence

Seaway Authority of Canada and, further, on condition that the handling of public correspondence on these frequencies is not authorized for ship stations in United States waters.

4. As indicated in the attached proposed rules, the use of the frequency 2003 kc would be terminated January 1, 1961. Termination of this use of 2003 kc at an early date is believed highly desirable in view of the interference potentialities to intership use of 2003 kc on the Great Lakes (2003 kc is the intership frequency with which all vessels subject to the Great Lakes Agreement must be equipped). Moreover, since the ship-shore range requirements of vessels transiting the Seaway or the St. Mary's River are within VHF capability, it is desirable that that order of frequencies be used at an early date.

5. This proposal is issued under the authority contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before May 2, 1960, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

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

Adopted: March 24, 1960.

Released: March 28, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

Part 8 is amended as follows:

1. In § 8.358 a new paragraph (b) is added to read as follows:

**§ 8.358 Frequencies below 3000 kc for safety purposes.**

(b) Until January 1, 1961, the carrier frequency 2003 kc is authorized for use by ship stations for communication with government coast stations concerning passage of vessels through the respective areas as follows:

(1) On the St. Lawrence Seaway on condition that harmful interference will not be caused to any ship-to-ship communications authorized in paragraph (a) of this section.

(2) On the St. Mary's River on condition that harmful interference will not be caused to ship-to-ship safety communication authorized in paragraph (a) of this section.

2. In § 8.359, the entry for 156.7 Mc in the table in paragraph (a), and para-

graphs (b) and (f) (2) are amended to read as follows:

**§ 8.359 Frequencies above 156 Mc for safety purposes.**

(a) \* \* \*  
156.7 Mc: In areas other than the Great Lakes—primarily for communication with limited coast stations for the exchange of information essential to the maritime radio-location service; in the Great Lakes area—for intership (ship-to-ship) communication and communication with government coast stations concerning passage of vessels through government controlled locks and government controlled waterways.

(b) Carrier frequencies 156.7 and 157.0 Mc are assignable to ship stations and marine utility stations on board ship only when such stations are capable of and are authorized to transmit on 156.3 Mc. The requirements of this paragraph shall not apply to marine utility stations when the ship station on board the same vessel complies therewith.

(2) In the Great Lakes area only, the frequency 156.7 Mc may be used by stations on board any class of vessel for ship-to-ship safety, operational, and business communications. In addition in this area, this frequency may be used by any class of vessel for communication with government coast stations concerning passage of vessels through government controlled locks and government controlled waterways: *Provided*, That, while vessels are transiting the St. Lawrence Seaway, such communication is limited to government coast stations designated by the United States St. Lawrence Seaway Development Corporation or the St. Lawrence Seaway Authority of Canada: *And further provided*, That for such transit the handling of public correspondence on this frequency is not authorized for ship stations in United States waters.

3. In § 8.360, the entry for 156.6 Mc in the table in paragraph (a), and paragraph (d) (4) are amended to read as follows:

**§ 8.360 Frequencies above 156 Mc for business and operational purposes.**

(a) \* \* \*  
156.6 Mc: All areas; <sup>1</sup> except that on Great Lakes limited to intership and communication with government coast stations concerning passage of vessels through government controlled locks and government controlled waterways.

(4) For assignment to ship stations on board any class of vessel for communication between tugboats and between tugboats and other vessels concerning the maneuvering of ships and docking operations primarily in harbor or port areas and for communication with government coast stations concerning the passage of vessels through government controlled locks and government controlled waterways: *Provided*, That, while vessels are transiting the St. Lawrence Seaway, such

communication is limited to government coast stations designated by the United States St. Lawrence Seaway Development Corporation or the St. Lawrence Seaway Authority of Canada: *And further provided*, That, for such transit, the handling of public correspondence on this frequency is not authorized for ship stations in United States waters;

156.6 Mc

[F.R. Doc. 60-2947; Filed, Mar. 30, 1960;  
8:51 a.m.]

**[ 47 CFR Part 14 ]**

[Docket No. 11535; FCC 60-287]

**ALASKA AREA**

**Intership Use of Certain Frequencies**

In the matter of amendment of Part 14 of the Commission's rules with respect to intership use of the frequencies 1622 kc and 2382 kc in the Alaska area; Docket No. 11535.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of March 1960;

The Commission having under consideration the above-captioned matter; and It appearing that a Notice of Proposed Rule Making was published in the FEDERAL REGISTER on November 16, 1955 (20 F.R. 8502) proposing to amend § 14.259 (a) (2) of the Commission's rules to authorize ship stations on board ocean-going tugboats of any gross tonnage to communicate with other vessels in the Alaska area either on 1622 kc or 2382 kc as circumstances may require; and

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

It further appearing that the only comment filed in the proceeding was that of Alaska Steamship Company who objected to that portion of the proposed amendment which would permit the use of 2382 kc by ocean-going tugs of less than 500 gross tons on the ground that such expanded use would cause overcrowding of the frequency; and

It further appearing that in the absence of any supporting comments, and in view of the fact that since the issuance of the subject proposal, which was instituted on the Commission's own motion, no instances have been called to the Commission's attention which would indicate that the present frequency allocations are inadequate, the proposed rules are not necessary and the public interest would not be served by their adoption;

*It is ordered*, That the subject Notice of Proposed Rule Making is hereby withdrawn and the proceedings in this docket are hereby terminated.

Released: March 28, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-2946; Filed, Mar. 30, 1960;  
8:51 a.m.]

# FEDERAL RESERVE SYSTEM

[ 12 CFR Part 220 ]

[Reg. T]

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

### Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System is considering an amendment to paragraph (d) of § 220.4 of Part 220 (Regulation T), concerning the extension of credit for the purpose of effecting arbitrage transactions, and a conforming amendment to subparagraph (3) of paragraph (d) of § 220.3. There appears to be some doubt as to the situations in which credit may be extended under paragraph (d) of § 220.4 outside the margin restrictions of § 220.3 *General accounts*, as well as with respect to the scope of the exception prescribed by subparagraph (3) of paragraph (d) of § 220.3. In order to clarify the Board's position in this matter and provide more explicit standards in the application of these provisions, it is proposed to substitute a 90-day period for the present "reasonable time" standard.

1. The proposed amendment would change paragraph (d) of § 220.4 to read as follows:

#### § 220.4 Special accounts.

(d) *Special arbitrage account.* In a special arbitrage account, a member of a national securities exchange may effect and finance for any customer bona fide arbitrage transactions in securities. For the purposes of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities.

2. The proposed amendment would change subparagraph (3) of paragraph (d) of § 220.3 to read as follows:

#### § 220.3 General Accounts.

(d) *Adjusted debit balance.*

(3) The current market value of any securities (other than unissued securities) sold short in the account plus, for each such security (other than an exempted security), such amount as the Board shall prescribe from time to time in § 220.8 as the margin required for such short sales, except that such amount so prescribed in § 220.8 need not be included when there are held in the account securities exchangeable or convertible within 90 calendar days, without restriction other than the payment of money, into such securities sold short;

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

To aid in the consideration of the foregoing matters the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district, which will forward it to the Board for consideration. All such material should be submitted in writing to be received not later than April 29, 1960.

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

[F.R. Doc. 60-2960; Filed, Mar. 30, 1960;  
8:53 a.m.]

### [ 12 CFR Part 221 ]

[Reg. U]

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

### Notice of Proposed Rule Making

The Board of Governors of the Federal Reserve System is considering an amendment to paragraph (j) of § 221.2 of Part 221 (Regulation U) concerning the extension of credit by banks for the purpose of effecting arbitrage transactions.

The purpose of the proposed amendment is to define the term "arbitrage" for this purpose, and thereby to provide a more definite statement of the situations in which credit may be extended, in connection with arbitrage transactions, outside the margin restrictions of § 221.1 *General rule*.

The proposed amendment would change paragraph (j) of § 221.2 to read as follows:

#### § 221.2 Exceptions to general rule.

(j) Any loan to a member of a national securities exchange for the purpose of financing his or his customers' bona fide arbitrage transactions in securities. For the purposes of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities.

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

To aid in the consideration of the foregoing matters the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district, which will forward it to the Board for consideration. All such material should be submitted in writing to be received not later than April 29, 1960.

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

[F.R. Doc. 60-2961; Filed, Mar. 30, 1960;  
8:53 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[342.5]

### CULTURED PEARLS

#### Change of Tariff Classification of Certain Manufactured Articles

MARCH 25, 1960.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated November 26, 1959, that there was under review the practice of assessing duty on manufactured articles in chief value of cultured pearls, not enumerated in the tariff act, on the basis of component material in chief value at the rate of 5 percent ad valorem, the rate applicable under paragraph 1528, Tariff Act of 1930, as modified, to pearls, drilled or undrilled, but not set or strung. The Bureau by its letter to the collector of customs, New York, New York, dated March 25, 1960, ruled that manufactured novelty articles in chief value of cultured pearls, not enumerated in the tariff act and not similar in use to any article enumerated in the tariff act are properly classifiable under paragraph 1558 as manufactured articles, not specially provided for, and dutiable at the rate of 10 percent ad valorem under that paragraph, as modified. The Bureau also ruled that paper weights in chief value of cultured pearls are properly dutiable by virtue of the similitude clause in paragraph 1559(a), as amended, at the rate applicable under paragraph 218(f), as modified, to glass household articles, not cut or engraved, and not bubble glass, which rate is 50 cents each but not less than 30 nor more than 50 percent ad valorem.

As this ruling will result in the assessment of duty at a higher rate than has heretofore been assessed under a uniform and established practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,  
Commissioner of Customs.

[F.R. Doc. 60-2949; Filed, Mar. 30, 1960;  
8:51 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 11062]

### PURDUE AERONAUTICS CORP.

#### Notice of Hearing

In the matter of the application of Purdue Aeronautics Corporation for a temporary certificate of public convenience and necessity authorizing supple-

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mental air service to transport persons and property between points within the continental United States.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 12, 1960, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D.C., March 25, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-2936; Filed, Mar. 30, 1960;  
8:50 a.m.]

[Docket 10094]

### OZARK AIR LINES, INC.

#### Temporary Intermediate Points

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a prehearing conference in the above-entitled proceeding is assigned to be held on April 12, 1960, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., March 28, 1960.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 60-2937; Filed, Mar. 30, 1960;  
8:50 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13308 etc.; FCC 60M-552]

### BELOIT BROADCASTERS, INC., (WBEL) ET AL.

#### Order Continuing Hearing Conference

In re applications of Beloit Broadcasters, Incorporated (WBEL) South Beloit, Illinois, Docket No. 13308, File No. BP-12101; Samuel A. Burk and Ralph J. Bitzer, d/b as Washington County Broadcasting Company Washington, Iowa, Docket No. 13309, File No. BP-12118; Lloyd C. McKenney, tr/as Iola Broadcasting Company, Iola, Kansas, Docket No. 13311, File No. BP-12785; Heart of America Broadcasters, Inc. (KUDL), Kansas City, Missouri, Docket No. 13312, File No. BP-12879; Washington Home and Farm Radio, Inc., Washington, Iowa, Docket No. 13314, File No. BP-13159; for construction permits.

It is ordered, This 24th day of March 1960, that the further prehearing conference now scheduled for 2:00 p.m. on

March 25, 1960, is continued to 2:00 p.m. on Friday, April 1, 1960.

Released: March 25, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-2938; Filed, Mar. 30, 1960;  
8:50 a.m.]

[Docket No. 13429; FCC 60M-529]

### INDEPENDENT BROADCASTING CO. (KTTS)

#### Order Scheduling Hearing

In re application of Independent Broadcasting Company (KTTS), Springfield, Missouri, Docket No. 13429, File No. BP-12158; for construction permit.

It is ordered, This 22d day of March 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 31, 1960, in Washington, D.C.

Released: March 23, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-2939; Filed, Mar. 30, 1960;  
8:50 a.m.]

[Docket No. 13433]

### MARTIN HUMPHRIES

#### Order To Show Cause

In the matter of Martin Humphries, 2720 Atkinson Avenue, Youngstown 5, Ohio, Docket No. 13433; order to show cause why there should not be revoked the license for Citizens Radio Station 19W4436.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the licensee on November 25, 1959, alleging that on November 12, 1959, at approximately 4:36 p.m., e.s.t., and again at approximately 4:50 p.m., e.s.t., the subject radio station was observed operating with excessive frequency deviation from the frequency 27005 kc in violation of § 19.33 of the Commission's rules;

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated January 22, 1960, and sent by Certified Mail, Return Receipt Re-

quested (No. 212663), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, Martin Humphries, on January 25, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 25th day of March 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing<sup>1</sup> to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Cer-

tified Mail, Return Receipt Requested to the said licensee.

Released: March 28, 1960.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-2940; Filed, Mar. 30, 1960;  
8:50 a.m.]

[Docket No. 13441]

**JOSEPH L. MENARD**

**Order To Show Cause**

In the matter of Joseph L. Menard, Box 101, Patterson, Louisiana, Docket No. 13441; order to show cause why there should not be revoked the license for Radio Station WC-5307 aboard the vessel "El Rancho."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed to the above-named licensee on November 30, 1959, alleging that on November 17, 1959, the above-entitled radio station violated the provisions of § 8.178 of the Commission's rules in that said station engaged in superfluous radiocommunication;

It further appearing that the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated January 19, 1960, and sent by Certified Mail—Return Receipt Requested (No. 268730), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Mrs. Joseph L. Menard, on January 23, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 24th day of March 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of

the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing<sup>1</sup> to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: March 28, 1960.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-2941; Filed, Mar. 30, 1960;  
8:50 a.m.]

[Docket No. 12878; FCC 60M-555]

**PINE TREE TELECASTING CORP.**

(WPTT)

**Order Continuing Hearing**

In re application of Pine Tree Telecasting Corporation (WPTT) Augusta, Maine, Docket No. 12878, File No. BMPCT-4662; for modification of construction permit.

The above-entitled applicant on March 24, 1960, filed a petition requesting the dismissal of its application without prejudice. This petition, if granted, will eliminate the necessity of the evidentiary hearing now scheduled to begin on Monday, March 28, 1960.

It is ordered, This the 25th day of March 1960, that in order to provide time within which to act on said petition to dismiss, the evidentiary hearing now scheduled to begin on Monday, March 28, 1960, is continued to Monday, April 18, 1960.

Released: March 28, 1960.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 60-2942; Filed, Mar. 30, 1960;  
8:50 a.m.]

[Docket No. 13252; FCC 60M-548]

**TRI-STATE BROADCASTING CO.**

(WGTA)

**Order Continuing Hearing**

In re application of Tri-State Broadcasting Company (WGTA) Summerville, Georgia, Docket No. 13252, File No. BP-12296; for construction permit.

The Hearing Examiner having under consideration a petition, filed by Tri-State Broadcasting Company on March 24, 1960, requesting continuance of hearing;

It appearing that counsel for all parties have consented to a continuance of the hearing; that good cause has been shown for the continuance; and that the public interest, in the orderly and expeditious dispatch of the Commission's

<sup>1</sup>Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

business, requires immediate consideration;

*It is ordered.* This 25th day of March 1960, that the above petition for continuance is granted; and the hearing, presently scheduled for March 28, 1960, is continued until May 17, 1960.

Released: March 25, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
*Secretary,*

[F.R. Doc. 60-2943; Filed, Mar. 30, 1960;  
8:50 a.m.]

[Docket No. 13353; FCC 60M-554]

**JOHN VELLA**

### Order Cancelling Hearing

In the matter of John Vella, 2042 Stockton Street, San Francisco, California, Docket No. 13353; order to show cause why there should not be revoked the license for Radio Station WD-6772 aboard the Vessel "Kathrine M."

The Hearing Examiner having under consideration a "Motion to Cancel Hearing and Issue Initial Decision and Revocation Order" filed in the above-entitled proceeding on February 26, 1960, by the Chief, Safety and Special Services Bureau, Federal Communications Commission; and

It appearing that the respondent has submitted written statements in justification or mitigation of the violations charged in the Order to Show Cause herein and has also specifically waived the right to a hearing in the instant proceeding in one of these statements (i.e., letter dated February 6, 1960); and

It further appearing that no opposition has been filed by the respondent directed against the aforementioned request for cancellation of the hearing; and

It further appearing that further consideration of the statements filed by the respondent is required before a determination can be made on the request in the instant motion for issuance of an initial decision and revocation order;

*Accordingly, it is ordered.* That said motion is granted insofar as it requests cancellation of the hearing, and the hearing heretofore scheduled in this proceeding for March 30, 1960, is hereby cancelled.

*It is further ordered.* That action on the request in said motion for issuance of an initial decision and revocation order is deferred pending further consideration of the statements submitted by respondent.

Dated: March 25, 1960.

Released: March 25, 1960.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F.R. Doc. 60-2944; Filed, Mar. 30, 1960;  
8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI60-206]

**CHARM OIL CO.**

### Order Providing for Hearing on and Suspension of Proposed Increased Rates

MARCH 24, 1960.

Charm Oil Company (Charm) on February 23, 1960, tendered for filing a proposed change in its presently effective rate schedule<sup>1</sup> for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description. Notice of change, dated February 8, 1960.

Purchaser and producing area. El Paso Natural Gas Company (Lea County, New Mexico).

Rate schedule designation. Supplement No. 5 to Charm's FPC Gas Rate Schedule No. 2.

Effective date. March 25, 1960 (stated effective date is the first day after expiration of the required thirty days' notice).

Rate in effect. 13.34802 cents per Mcf.

Proposed increased rate. 15.5 cents per Mcf.

Pressure base. 14.65 psia.

In support of the proposed renegotiated rate increase, Charm states that the proposed rate is less than the going price for gas in the area and cites the producer prices for sales to Transwestern Pipe Line Company, certificated by Commission Opinion No. 328.

The rate and charge contained in Supplement No. 5 to Charm's FPC Gas Rate Schedule No. 2 may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rate and charge contained in Supplement No. 5 to Charm's FPC Gas Rate Schedule No. 2, and that such supplement be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Charm's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Charm's FPC Gas Rate Schedule No. 2 is hereby suspended and the use thereof deferred until August 25, 1960, and

<sup>1</sup> Present rate previously suspended and is in effect subject to refund in Docket No. G-19491.

thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 9, 1960.

By the Commission.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 60-2902; Filed, Mar. 30, 1960;  
8:45 a.m.]

[Docket No. G-20569]

## MICHIGAN WISCONSIN PIPELINE

### Notice of Application and Date of Hearing

MARCH 23, 1960.

Take notice that Michigan Wisconsin Pipe Line Company (Applicant), a Delaware corporation with a principal office in Detroit, Michigan, filed an application on December 30, 1959, and a supplement thereto on January 11, 1960, in Docket No. G-20569 pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate facilities to expand average day sales to its authorized customers by 100,000 Mcf per average day, which additional gas will come from the Laverne Field in Oklahoma, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) About 341.8 miles of 24-inch main line loop between existing compressor Station No. 1 in Kansas and compressor Station No. 10 in Illinois.

(2) A total of 6,000 Bhp in existing compressor stations divided 4,000 Bhp in Station No. 1 and 2,000 Bhp in Station No. 5 in Kansas.

(3) About 188.3 miles of 30-inch loop lines between Station No. 10 and Woolfolk Station which is in Applicant's storage area in Michigan. Of this, 65.4 miles of 30-inch is in lieu of a like mileage of 24-inch loop between these points authorized in Docket No. G-18316 and is requested only if the Docket No. G-18316 project ultimately goes forward.

(4) About 36.8 miles of 12 $\frac{3}{4}$ , 8 $\frac{1}{2}$ , and 6 $\frac{1}{2}$ -inch loops on existing market lines in Wisconsin.

Applicant states the estimated cost of the facilities is \$49,439,000 and that construction of these facilities will make it unnecessary to build a portion of the facilities previously authorized in Docket No. G-18316, which portion is estimated to cost \$5,763,000.

Applicant states its expanding markets need increasing volumes of gas both annually and on peak days.

Applicant further states it has had dedicated to it gas producible from substantial acreage in the Laverne Field and is continuing to contract for more gas in that area, and that as drilling proceeds, more gas is being found. Accordingly Applicant states it is becoming obligated to take more gas from this area than it presently has main line facilities to transport in addition to other supplies it is contractually obligated to take. Applicant desires additional main line capacity not only to enable it to take presently known quantities but also quantities expected to become available in the future as development continues.

The application recites the estimated recoverable dry gas reserves in the dedicated acreage of the Laverne Field are 979,513,000 Mcf at 14.73 psia as of January 1, 1960, based on data to October 1, 1959. Applicant estimates that this is sufficient to support average daily deliveries from the area of 122,900 Mcf per day through 1975 or 42,900 Mcf per day above presently authorized main line capacity from this source.

Applicant further states its proposed 1960 and 1961 construction program will involve the expenditure of approximately \$77,500,000 of which \$74,300,000 will be spent during 1960. In addition to Docket No. G-20569 this program includes the construction of the facilities authorized in Docket No. G-18316, and in other dockets on file with the Commission. To finance this program Applicant expects in 1960 to obtain \$35,000,000 on one-year notes from banks, \$30,000,000 of First Mortgage bonds and \$6,000,000 from the sale of common stock. The \$35,000,000 in one-year notes are to be refinanced in 1961 with \$31,000,000 of ten-year promissory notes. The balance of the funds are to be obtained from internal sources.

Michigan Wisconsin proposes a change in rate form which would obligate it to supply annually 185 times the maximum daily contract quantity of each customer utility, in lieu of 180 times such quantity proposed in Docket No. G-18316. The proposed tariff also increases the billing demand for the summer months from 40 to 45 percent of the maximum daily contract quantity for each customer utility.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 2, 1960, at 10:00 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application and supplement.

Protests or petitions to intervene may be filed with the Federal Power Commission,

Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 18, 1960.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-2903; Filed, Mar. 30, 1960;  
8:46 a.m.]

[Docket No. CP60-27]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application and Date of Hearing

MARCH 25, 1960.

Take notice that on February 8, 1960, supplemented on February 23, 1960, Natural Gas Pipeline Company of America (Natural) filed in Docket No. CP60-27 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas on an interruptible basis to Michigan Wisconsin Pipeline Company (Michigan Wisconsin) during the period from April 1, 1960 to October 31, 1960, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural alleges that its presently contracted gas supply is in excess of requirements for its presently certificated capacity and that it therefore has surplus gas which it proposes to sell on an interruptible basis to Michigan Wisconsin during the period from April 1, 1960 to October 31, 1960 at two existing points of interconnection, near Woodstock, Illinois and Princeton, Illinois. Natural proposes to sell approximately 9,000,000 Mcf of natural gas to Michigan Wisconsin during the period of this sale, with daily volumes limited to a maximum of 100,000 Mcf. Michigan Wisconsin proposes to use the gas to alleviate an expected deficiency in its storage volumes next winter.

Natural states that the proposed sale and delivery to Michigan Wisconsin would not impair firm deliveries to its existing customers.

The proposed sale would be made under Natural's Rate Schedule I-2 on file with the Commission, as revised to effectuate the proposed sale, and pursuant to the service agreement between the two companies dated February 2, 1960.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 31, 1960 at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1960.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-2904; Filed, Mar. 30, 1960;  
8:46 a.m.]

[Docket No. RP60-5]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Order Providing for Hearing on and Suspension of Proposed Revised Tariff Sheets

MARCH 23, 1960.

On February 23, 1960, Natural Gas Pipeline Company of America (Natural) tendered for filing Third Revised Sheets Nos. 7-B, 7-C and 7-E and Ninth Revised Sheets Nos. 5 and 6 to its FPC Gas Tariff, First Revised Volume No. 1, proposing an annual increase in rates to its wholesale customers of \$1,248,000, or 1.5 percent,<sup>1</sup> based on claimed costs which will be incurred as the result of an increase filed by one of its suppliers, Lone Star Gas Company (Lone Star) whose increased rates are suspended concurrently this date until July 1, 1960, in Docket No. RP60-4.

In support of its proposed rate increase, Natural submitted costs for the year 1958, with adjustments. The claimed costs are the same as those originally submitted by Natural in support of its general rate increase in Docket No. G-18148 with adjustments to reflect the increased costs incident to Lone Star's increase and the reduced costs resulting from reduced rates filed by Colorado Interstate Gas Company as a result of the proceedings in Docket No. G-13541.

The principal issues involved in Natural's rate proceedings in Docket No. G-18148, are: (1) a claimed 6¾ percent rate of return, (2) appreciation of production plant by the amount of a claimed discrepancy between book balance and "true original cost," (3) retention by Natural of the tax benefits related to percentage depletion of its production, (4) rate tilt, and (5) purchased gas costs.

To date, comments have been received from four customer companies and one State Commission either requesting rejection or suspension of the proposed increase, or indicating an intention to intervene in the proceeding.

Since, the claimed increase in the cost of purchased gas is based entirely on an increase which is under suspension, the claimed increased cost is not supported and should be further investigated. In addition, the present filing includes the rates suspended and in effect subject to refund in Docket No. G-18148.

The rate, charges, classifications, and services contained in the above-designated revised tariff sheets tendered by

<sup>1</sup> The proposed filings would increase rates presently in effect subject to refund in Docket No. G-18148.

Natural on February 23, 1960, may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Third Revised Sheets Nos. 7-B, 7-C and 7-E and Ninth Revised Sheets Nos. 5 and 6, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

**The Commission orders:**

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by the foregoing tendered revised tariff sheets.

(B) Pending such hearing and decision thereon Natural's Third Revised Sheets Nos. 7-B, 7-C and 7-E and Ninth Revised Sheets Nos. 5 and 6 to Natural's FPC Gas Tariff, First Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until July 1, 1960, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 6, 1960.

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-2905; Filed, Mar. 30, 1960;  
8:46 a.m.]

[Docket No. CP60-21]

**NORTHERN NATURAL GAS CO.**

**Notice of Application and Date of Hearing**

MARCH 24, 1960.

Take notice that Northern Natural Gas Company (Applicant) a Delaware corporation with a principal office in Omaha, Nebraska, filed an application on February 2, 1960, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing applicant to construct and operate tap and measuring facilities on its Dodge City, Kansas, 8-inch line near the community of Copeland, Kansas, and to sell and deliver natural gas to a new customer, Wheatland Natural Gas Company for resale on an interruptible basis to ir-

rigation customers, and small volumes of natural gas on a firm basis for resale to domestic customers in Gray and Haskell Counties, Kansas. The foregoing is more fully described in an application on file with the Commission and open to public inspection.

Northern estimates annual sales to Wheatland as follows during the first three years of operation of the proposed facilities:

|                                 | Mcf at 14.73 psia |         |         |
|---------------------------------|-------------------|---------|---------|
|                                 | 1                 | 2       | 3       |
| Firm.....                       | 1,745             | 1,745   | 1,745   |
| Interruptible - Irrigation..... | 82,000            | 102,500 | 133,250 |
| Total.....                      | 83,745            | 104,245 | 134,995 |

The interruptible volumes will be required only for the period from March through October, when the gas would be used in the operation of irrigation pumps. The firm peak day requirement is estimated to be 20 Mcf.

Applicant states Wheatland has entered into a contract with Northern dated January 12, 1960, wherein it agrees to buy up to 2,000 Mcf of interruptible gas per day at 25 cents per Mcf, and up to 25 Mcf of firm gas per day at 40 cents per Mcf.

The application recites the estimated cost of the facilities required for the delivery of gas to Wheatland is \$3,905, which will be financed from cash on hand. Wheatland will pay Northern \$500 as a connection charge. Northern estimates net revenues, after taxes and operating expenses, of \$10,238 for the first year of operation.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 28, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure

in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-2906; Filed, Mar. 30, 1960;  
8:46 a.m.]

[Docket No. CP60-20]

**OHIO FUEL GAS CO.**

**Notice of Application and Date of Hearing**

MARCH 24, 1960.

Take notice that on February 1, 1960, The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business in Columbus, Ohio, filed an application as supplemented on February 10, 1960, pursuant to Section 7 of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing applicant to replace sections of its existing pipelines in Ohio with a total of 20.8 miles of 4½ to 24-inch O.D. pipelines and (2) to abandon the sections to be replaced with the pipelines proposed to be constructed. Authority is also requested to initiate retail gas service in the Town of North Robinson, Ohio.

Applicant proposes six separate projects on various parts of its transmission system as described hereinafter, and states that these projects are necessary to assure adequate and economical service to existing markets during the winter of 1960-1961 and thereafter. The foregoing are more fully described in the application on file with the Commission and open to public inspection.

(1) Applicant proposes to construct and operate approximately 6.3 miles of 20-inch O.D. transmission line in Medina County, Ohio, replacing 6.8 miles of existing 12¾-inch O.D. Line L-920 north of the Medina Storage Field, serving the Parma area.

The estimated cost of construction is \$400,000.

The application recites the existing L-920 line cannot deliver the estimated increased requirements of the Parma area because of the poor condition of the pipeline. The maximum peak day requirement of the area in 1961 is estimated to be 50,000 Mcf while the existing facilities are stated to be able to deliver only 35,000 Mcf.

Applicant proposes to construct the above facilities in order to serve the increasing market requirements and to provide adequate outlet for gas available from Medina Storage Field.

(2) Applicant proposes to construct and operate approximately 3.9 miles of 12¾-inch O.D. transmission line in Fairfield and Perry Counties, Ohio, replacing an equal length of existing 8½-inch O.D. Line "H" between Crawford Compressor Station and Zanesville. Line "H" was constructed in 1898 and extended in 1912.

The estimated cost of proposed construction is \$172,000.

Applicant states that because of the limited operating pressure of Line H, it proposes to construct the facilities to

complete the replacement of this line between Crawford Station and Line H-86.

With this proposed replacement, Applicant states it will be able to meet the estimated future market requirements of Bremen, New Lexington, Crooksville, Zanesville and other markets en route.

(3) Applicant proposes to construct and operate approximately one mile of 4½-inch O.D. transmission line in Pickaway County, Ohio, replacing an equal length of existing 2¾-inch O.D. Line Z-3 serving Williamsport.

The estimated cost of construction is \$14,000.

The present condition of the line, which was constructed in 1908, is stated to be such as to prohibit the making of safe and satisfactory leak repairs.

The increase in pipe size will permit operation at reduced line pressure with correspondingly reduced problems of maintenance.

Applicant proposes to construct and operate approximately 1.6 miles of 5½-inch O.D. transmission line in Clark County, Ohio, replacing an equal length of existing 3½-inch O.D. Line Z-11 serving New Carlisle.

The estimated cost of construction is \$29,000. Applicant states it cannot transport the future market requirements for New Carlisle through its existing facilities because of the poor condition of the line and low operating pressure. By replacing the present line with a larger pipe size, Applicant will have the capacity to transport the requirements of the New Carlisle market well in the future.

(5) Applicant proposes to construct and operate approximately 8 miles of 24-inch O.D. transmission line in Montgomery and Warren Counties, Ohio, replacing an equal length of existing 18-inch O.D. Line A-75 near Dayton.

The estimated total cost of construction is \$610,000.

Line A-75 was constructed in 1948 with used pipe.

Applicant states the proposed replacement of Line A-75 will provide the increased capacity needed to transport gas from interconnections with Texas Eastern Transmission Corporation and Texas Gas Transmission Corporation to the Dayton-Troy-Sidney area.

This replacement will permit Line A-75 to operate at higher pressure and provide flexibility under changing conditions of load and supply.

(6) Applicant proposes to construct and operate approximately 50 feet of 2¾-inch O.D. transmission line in Crawford County, Ohio, to connect a proposed tap on Line O-345 to a distribution regulator station for initial retail service in the Town of North Robinson.

The estimated cost of the proposed tap is \$250.

Applicant states that no transmission cost estimates have been prepared because of the minor nature of the proposed construction.

Applicant will also construct and operate a distribution system in the town.

The distribution facilities will consist of approximately 8,900 feet of 2-inch and 1¼-inch pipe, regulators, service connections, house meters and miscellaneous equipment.

Peak day requirements of North Robinson are estimated at approximately 160 Mcf per day in the third year.

Applicant estimates the total cost of construction of the proposed facilities at \$1,225,250 with a credit to fixed capital of \$403,100. The estimated cost of retiring the various pipelines is \$74,600 with a salvage value of \$92,700.

The application recites that The Columbia Gas System, Inc., will provide the necessary funds for the proposed projects which are part of Applicant's 1960 construction program amounting to \$14,000,000. Applicant proposes to obtain this amount by issuing and selling to Columbia \$10,000,000 of twenty-five year Installment Promissory Notes and 88,889 shares of its Common Stock (\$45 per share).

Applicant states the pipe to be retired in Projects 1, 2, 5, and part of the pipe in 4 will be removed and salvaged. The pipe in Projects 3 and part of 4 is to be abandoned in place, as estimated cost of removal would exceed the estimated salvage value.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 26, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 60-2907; Filed, May 30, 1960; 8:46 a.m.]

[Docket No. RI60-207]

**PAN AMERICAN PETROLEUM CORP.**  
**Order Providing for Suspension of**  
**and Hearing on Proposed Increased**  
**Rate**

MARCH 24, 1960.

On February 23, 1960, Pan American Petroleum Corporation (Pan American) tendered for filing an initial service rate

schedule, a ratification and adoption dated December 2, 1958, of a contract dated June 6, 1955, and amendments thereto between Texas Eastern Production Corporation (Texas Production) and Texas Eastern Transmission Corporation (Texas Eastern) and a billing statement for a rate of 14.8 cents per Mcf for sales of natural gas, subject to the jurisdiction of the Commission. The said filing is designated as follows:

Rate schedule designation. Supplement Nos. 1 to 5, inclusive, to Pan American's FPC Gas Rate Schedule No. 272.

Producing area. Cherokee Lake Field, Rusk, Gregg, and Harrison Counties, Texas.

Effective date. March 25, 1960 (stated effective date is the first day after expiration of the required thirty days' notice.)

The basic contract (dated June 6, 1955) embodied in Pan American's subject rate schedule is between Texas Production, as "seller," and Texas Eastern, as "buyer." Subsequent to the execution of the basic contract, Texas Production was merged into Texas Eastern, and by order dated December 1, 1955, in Docket No. G-9635, the Commission issued temporary authority to Texas Eastern pursuant to section 7 of the Natural Gas Act to acquire and operate all of the facilities of Texas Production. By order issued October 15, 1956, the Commission issued a permanent certificate for the aforesaid acquisition by Texas Eastern of Texas Production's facilities. The Commission further ordered the substitution of W. H. Bryant, et al. as the applicants in Docket No. G-9023 in lieu of Texas Production. Neither Texas Production nor Bryant specifically covered Pan American in the rate filing since Pan American was a non-signatory interest owner. When Pan American executed its own separate agreement of December 2, 1958, it should have made a rate schedule filing at that time to cover its interest. W. H. Bryant, et al.'s effective rate at that time was 12.477975 cents per Mcf, and its present effective rate is 14.6 cents per Mcf. Thus, Pan American's subject tender for a rate of 14.8 cents per Mcf is considered as an increased rate.

The proposed rate may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement Nos. 1 through 5, inclusive, and Pan American's FPC Gas Rate Schedule No. 272 be suspended and the use thereof be deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning Supplement Nos. 1 through 5, inclusive, and Pan American's FPC Gas Rate Schedule No. 272.

(B) Pending such hearing and decision thereon, said supplements and rate schedule be, and they are hereby suspended and the use thereof deferred until August 25, 1960 and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedule nor the supplements thereto shall be changed until this proceeding has been disposed of or until the period of suspension has expired unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 29, 1960.

By the Commission.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 60-2908; Filed, Mar. 30, 1960;  
8:46 a.m.]

[Docket No. 13369 etc.]

### SCHERMERHORN OIL CORP. ET AL.

#### Notice of Severance

MARCH 24, 1960.

Schermerhorn Oil Corporation, et al., Docket No. G-13369 etc.; Estate of Lyda Bunker Hunt, Deceased, Docket No. G-14451; Valley Gas Transmission, Inc., Docket No. G-19618; Texkan Oil Company, Operator, Docket No. G-19619; Texkan Oil Company, Operator, Docket No. G-19620; Texkan Oil Company, Operator, Docket No. G-19621; Texkan Oil Company, Docket No. G-19622; Clark Fuel Producing Company, Docket No. G-19623; Bridwell Oil Company, Docket No. G-19624; Hillcrest Oil Company, Docket No. G-19625; John R. Rhodes, Operator, Docket No. G-19626; Russell Maguire, Trustee and Operator, Docket No. G-19627; Morgan Minerals Corporation, Operator, Docket No. G-19628; Morgan Minerals Corporation, Operator, Docket No. G-19629; Morgan Minerals Corporation, Operator, Docket No. G-19630; Valley Gas Production, Inc., Operator, Docket No. G-19631.

Notice is hereby given that the applications in Docket Nos. G-14451 and G-19618 through G-19631 inclusive are severed from the above-entitled consolidated proceedings now scheduled for hearing on April 12, 1960, for such disposition as may hereafter be determined appropriate by the Commission.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 60-2909; Filed, Mar. 30, 1960;  
8:46 a.m.]

[Project No. 1991]

### VILLAGE OF BONNERS FERRY

#### Notice of Application for Amendment of License

MARCH 24, 1960.

Public notice is hereby given that Village of Bonners Ferry, of Boundary

County, Idaho, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for amendment of the license for water-power Project No. 1991, located on the Moyie River in Boundary County, Idaho, and affecting lands of the United States within the Kaniksu National Forest, for authorization to activate a former power plant not now included in Project No. 1991 by installing a new 600 horsepower turbine designed to operate under a net head of 168 feet with the turbine connected to the existing 475 Kva generator; and authorization to construct a 36-inch diameter steel penstock 50 feet long connected to the existing penstock and an electrical connection to the existing buss bar of Project No. 1991.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 28, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
*Secretary.*

[F.R. Doc. 60-2910; Filed, Mar. 30, 1960;  
8:46 a.m.]

## HOUSING AND HOME FINANCE AGENCY

Office of the Administrator  
DEPUTY URBAN RENEWAL  
COMMISSIONER ET AL.

#### Designation and Order of Precedence To Act as Urban Renewal Commissioner

The officers appointed to the following listed positions in the Urban Renewal Administration of the Housing and Home Finance Agency (excluding persons designated to serve in an acting capacity) are hereby designated to act in the place and stead of the Urban Renewal Commissioner, with the title of "Acting Urban Renewal Commissioner" and with all the powers, rights, and duties assigned to the Commissioner, in the event the Commissioner is unable to act by reason of his absence, illness, or other cause, provided that no officer shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Deputy Urban Renewal Commissioner;
2. Assistant Commissioner for Re-development;
3. Chief Counsel;
4. Assistant Commissioner for Program Planning and Development;
5. Assistant Commissioner for Technical Standards.

This order supersedes the order effective October 7, 1959 (24 F.R. 8124, Oct. 7, 1959) respecting this same subject.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 31st day of March 1960.

[SEAL] NORMAN P. MASON,  
*Housing and Home Finance  
Administrator.*

[F.R. Doc. 60-2948; Filed, Mar. 30, 1960;  
8:51 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3865]

### SKIATRON ELECTRONICS AND TELEVISION CORP.

#### Order Summarily Suspending Trading

MARCH 25, 1960.

In the matter of trading on the American Stock Exchange in the common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation; File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

*It is ordered,* Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, March 27, 1960, to April 5, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
*Secretary.*

[F.R. Doc. 60-2924; Filed, Mar. 30, 1960;  
8:48 a.m.]

[File No. 24NY-4862]

### DEADLY GAME CO.

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

MARCH 25, 1960.

I. Wilkes-Manchester Productions and Emil Coleman as "The Deadly Game

Company" (issuer), a limited partnership organized under the laws of the State of New York, filed with the Commission on April 8, 1959 a notification on Form 1-A and an offering circular relating to a proposed public offering of pre-formation limited partnership interests in units of \$2,000 for an aggregate amount of \$100,000 with the provision for an involuntary overcall of 10 percent for an additional amount of \$10,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A as required by Rule 260 of Regulation A.

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 be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-2926; Filed, Mar. 30, 1960; 8:48 a.m.]

[File No. 24D-2342]

**WESTERN INTERNATIONAL LIFE CO.  
Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing**

MARCH 25, 1960.

I. Western International Life Company (issuer), a Colorado corporation, 314 First National Bank Building, Colorado Springs, Colorado, filed with the Commission on November 28, 1958, a notification on Form 1-A and an offering circular relating to a proposed offering of 300,000 shares of its 35-cent par value common stock at \$1 per share for an aggregate of \$300,000 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 the issuer has failed to file a revised offering circular as required by Rule 256(e).

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances in which they are made, not misleading, particularly with respect to:

1. The failure to disclose changes in the issuer's officers and directors as set forth in the offering circular.

2. The failure to disclose in the offering circular negotiations between the issuer and certain other companies relative to a proposed merger.

3. The failure to adequately and accurately disclose payments made by the issuer to the underwriter.

C. The offering would be and is being 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 herefrom; 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; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 60-2925; Filed, Mar. 30, 1960; 8:48 a.m.]

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management  
ALASKA**

**Notice of Proposed Withdrawal and Reservation of Land; Amendment**

MARCH 24, 1960.

The notice of the proposed withdrawal and reservation of land for the Federal Aviation Agency (A. 042420) in the

Anchorage Land District, Alaska, was published in the FEDERAL REGISTER on January 21, 1960 in Volume 25, Number 14 on page 519. The description of the lands involved should be amended to read:

T. 26 N., R. 4 W., S.M.  
Sec. 30: Lot 5, SESW, SWSE;  
Sec. 31: Lots 1, 2, 3, E½NW, W½NWNE, N½NESW.

Containing 347.81 acres.

L. T. MAIN,  
Operations Supervisor.

[F.R. Doc. 60-2915; Filed, Mar. 30, 1960; 8:47 a.m.]

**ALASKA**

**Notice of Proposed Transfer of Jurisdiction**

MARCH 24, 1960.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 039696, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U.S.C. 486e), in the following described land, to be used for the Kenai Health Center:

SEWARD MERIDIAN

T. 5 N., R. 11 W.,  
Section 5: E½SW¼NW¼SE¼NW¼, E½W½SW¼NW¼SE¼NW¼, portion of Lot 12.

Containing 1.875 acres.

The purpose of this notice is to give persons having bona fide objections to the transfer, the opportunity to file with the Manager, Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

IRVING W. ANDERSON,  
Manager.

[F.R. Doc. 60-2916; Filed, Mar. 30, 1960; 8:47 a.m.]

**CALIFORNIA**

**Notice of Proposed Withdrawal and Reservation of Lands**

MARCH 24, 1960.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 052859 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for use as a recreation area to be known as the Lower Twin Lakes Forest Camp.

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.

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, CALIFORNIA**

T. 4 N., R. 24 E.,  
Sec. 32: Lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 33: Lots 3, 4, 5, 6, 7, 8.

The areas described aggregate 269.36 acres in the Toiyabe National Forest.

WALTER E. BECK,  
Manager, Land Office,  
Sacramento.

[F.R. Doc. 60-2917; Filed, Mar. 30, 1960;  
8:47 a.m.]

**CALIFORNIA**

**Notice of Proposed Withdrawal and Reservation of Lands**

MARCH 24, 1960.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050012 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for use as recreation areas and a roadside zone.

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,

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, CALIFORNIA**

**CRAGS RESORT RECREATION AREA**

T. 4 N., R. 24 E.,  
Sec. 28: SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

**SNOWSHOE SPRINGS RECREATION AREA**

T. 11 N., R. 19 E.,  
Sec. 31: N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

**UPPER TWIN LAKES RECREATION AREA**

T. 3 N., R. 24 E.,  
Sec. 6: Lots 17, 18, 19, 20.

**BARNEY PEELER RECREATION AREA**

T. 4 N., R. 23 E.,  
Sec. 36: S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ .

**TWIN LAKES FOREST DEVELOPMENT ROAD NO. 209, ROADSIDE ZONE**

A strip of land 200 feet on each side of Forest Development Road No. 209 through the following legal subdivisions:

T. 3 N., R. 24 E.,  
Sec. 4: N $\frac{1}{2}$  of Lot 4;  
Sec. 5: N $\frac{1}{2}$  of Lots 1, 4;  
Sec. 6: Lots 1, 13, 14, 14 $\frac{1}{2}$ , 15, 15 $\frac{1}{2}$ .

The areas described aggregate approximately 637 acres in the Toiyabe National Forest.

WALTER E. BECK,  
Manager, Land Office,  
Sacramento.

[F.R. Doc. 60-2918; Filed, Mar. 30, 1960;  
8:47 a.m.]

[84398]

**FLORIDA**

**Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands**

MARCH 25, 1960.

The Plat of Survey of the lands described below will be officially filed in the Eastern States Land Office, effective 10:00 a.m. on May 2, 1960.

**TALLAHASSEE MERIDIAN**

**BIG ISLAND**

T. 29 S., R. 17 E.,  
Sec. 31, Lot 1, 9.30 acres;  
T. 30 S., R. 17 E.,  
Sec. 6, Lot 1, 35.20 acres.

This survey was undertaken as an administrative measure to identify an island omitted in the original survey.

The survey is of that portion of the island considered to be above the mean high tide line of Tampa Bay. The line is not easily discernible due to the gradual rise of the island out of the bay and was determined for the most part along the average line of red and black mangrove. There is a heavy growth of tidal red mangrove around the island, 1 to 2 chains in width, and irregular tidal areas invade its interior portions. The island, as surveyed, does not resemble too closely its over-all configuration because of the tidal areas.

As determined from its examination by the surveyor, the island is of sandy loam character with considerable organic matter therein. It has an average elevation rising gradually to 12 inches above mean high tide, except for the NW point which is 2 to 3 feet high. The island supports a heavy growth of black mangrove, locust and sea grape, with a rank growth of grasses and cacti on the NW point. No information could be obtained from local persons or county officials relative to the present or past ownership of an abandoned house on the NW point. The surveyed portions of the island in Secs. 6 and 31, are over 50 percent swamp within the meaning of the Act of September 28, 1850 (9 Stat. 519).

Upon the effective date hereof, the land recited herein will become subject to the operation of/and disposition under the applicable existing public land laws. The island will be subject to selection by the State of Florida under the Swamp Land Grant Act of September 28, 1850 (9 Stat. 519); the filing of applications by individuals based upon prior, valid, existing and maintained settlement rights; preference rights conferred by existing law; and equitable claims subject to allowance and confirmation.

All inquiries relating to the land 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. 60-2919; Filed, Mar. 30, 1960;  
8:47 a.m.]

**MONTANA**

**Notice of Proposed Withdrawal and Reservation of Lands**

MARCH 24, 1960.

The Corps of Army Engineers, U.S. Army has filed an application, Serial No. MONTANA 034596, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws.

The applicant desires the land for use as a communication facility in support of existing Air Force Radar Station adjacent thereto.

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, 1245 North 29th Street, Billings, Montana.

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:

**PRINCIPAL MERIDIAN, MONTANA**

A parcel in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 20, Township 17 North, Range 20 East, more particularly described as follows:

Beginning at a point north 44°22'00" east 5986.83 feet from the southwest corner of said Section 20; thence north 8°16'30" west 298.00 feet; thence north 81°43'30" east 796.00 feet; thence south 8°16'30" east 320.00 feet; thence south 81°43'30" west 496.60 feet; thence south 8°16'30" east 100.00 feet; thence south 81°43'30" west 300.00 feet; thence north 8°16'30" west 122.00 feet to the point of beginning, containing 6.54 acres, more or less.

J. R. PENNY,  
State Supervisor.

[F.R. Doc. 60-2920; Filed, Mar. 30, 1960;  
8:47 a.m.]

[84088]

**FLORIDA**

**Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands**

MARCH 25, 1960.

The Plat of Survey of the land described below will be officially filed in the Eastern States Land Office, effective 10:00 A.M. on May 2, 1960.

**TALLAHASSEE MERIDIAN**

**GARDEN ISLAND**

T. 27 S., R. 15 E.,  
Sec. 26, Lot 4, 0.93 acres;  
Sec. 27, Lot 2, 11.42 acres.

The survey represented by the plat was undertaken as an administrative measure following correspondence with interested parties.

As determined from its examination by the Surveyor, the island is of sandy formation with considerable organic matter therein. Except for the hammock areas on the west and south sides, it rises very gradually out of the surrounding waters with an interior elevation of 6 to 8 inches above Mean High Tide. The line of mean high tide is not easily discernible due to this gradual rise and was determined, for the most part, along the average line of red and black mangrove. There is a heavy ground cover of pickle grass. The surrounding waters of the Gulf of Mexico are shallow. On the hammock areas there is a rank growth of palmetto, scrub oak and cactus. On the westerly hammock there are also small pines and on the larger hammock there are 2 pines, and a palm trunk 12 and 14 inches respectively in diameter. There is an old concrete foundation and some old building timbers lying on the ground on the larger hammock. The person responsible therefor could not be identified by local residents. Since the apparent formation of the island was subsequent to the year 1850, it is not considered subject to selection within the meaning of the Act of September 28, 1850 (9 Stat. 519).

Upon the effective date hereof, the land recited herein will become subject to the operation of and disposition under the public land laws.

No application may be allowed for the land under the homestead or small tract or any of the other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any such application that is filed will be considered on its merit. The land will not be subject to occupancy or disposition until it has been classified.

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

1. 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.

2. All valid applications and selections under the non-mineral public land laws, other than those coming under paragraph (1) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., May 2, 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.

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. 60-2935; Filed, Mar. 30, 1960;  
8:49 a.m.]

### Bureau of Mines

[Helium Activity Administrative Order No. 6,  
Amdt. 2]

### HELIUM ACTIVITY

#### Delegation of Authority To Execute Contracts

Pursuant to the authority delegated in subparagraph 205.2.4A, Bureau of Mines Manual, the Assistant Chief, Division of Administration, Helium Activity, is authorized to approve purchases not in excess of \$200.00, subject to the reservations contained in Paragraph 6.1, 6.2, and 6.3 of Helium Activity Administrative Order No. 6 as amended.

The authority contained herein may not be redelegated without the approval of the Assistant Director—Helium.

HENRY P. WHEELER, Jr.,  
Assistant Director—Helium.

[F.R. Doc. 60-2922; Filed, Mar. 30, 1960;  
8:48 a.m.]

### Office of the Secretary MINNESOTA

#### Notice of Establishment of Grand Portage National Monument

Whereas an order of the Secretary of the Interior of September 15, 1951 (16 F.R. 9666), issued pursuant to the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C., secs. 461 et seq.), designated an area described therein as the Grand Portage National Historic Site, and

Whereas the Act of September 2, 1958 (72 Stat. 1751), authorized establishment of essentially the area referred to above as the Grand Portage National Monument to be effective when title to included lands and interests in lands held in trust by the United States of America for the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, is relinquished to the Secretary of the Interior for administration as a part of such monument, and

Whereas in accordance with the authorization contained in said act, resolutions have been executed by the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota, wherein title to included lands and interests in lands held in trust for them was relinquished to the United States; and

Whereas the Secretary of the Interior, pursuant to authority contained in section 2 of the aforesaid act, on January 27, 1960, accepted the said relinquish-

ments executed in his favor by the Minnesota Chippewa Tribe and the Grand Portage Band of Chippewa Indians, Minnesota; and

Whereas according to said Act of September 2, 1958, such acceptance operates as a transfer of the custody, control and administration of the relinquished properties for administration and as a part of the Grand Portage National Monument:

Now therefore the aforesaid Designation Order of February 15, 1951, is hereby revoked and notice is hereby given, pursuant to said Act of September 2, 1958, that the following described lands were, subject to valid existing rights, established as the Grand Portage National Monument on January 27, 1960:

#### NORTHWEST COMPANY AREA

Tract numbered 1 beginning at a point about 28 feet from the water line of Lake Superior and on the east boundary of the southwest quarter of the southeast quarter of section 4, said point marked by a brass plug numbered I; thence northerly along said boundary line a distance of 273.70 feet to a point marked by a brass plug numbered II; thence in a westerly direction parallel to the south one-sixteenth line of section 4 a distance of 1,320 feet to the intersection of said line with the north-south quarter line of section 4, said point of intersection being in the bed of a stream and witnessed by an iron pipe located 60 feet southerly from said point and on the north-south quarter line, and on the west bank of said stream; thence southerly along said north-south quarter line a distance of 120 feet to the point of intersection of said north-south quarter line and the south one-sixteenth line of section 4 marked by an iron pipe set in concrete; thence westerly along said one-sixteenth line a distance of 120 feet to a point in path marked by brass plug numbered IV; thence southerly in a direction parallel to the north-south quarter line of section 4 a distance of 660 feet to an iron bolt in road intersection; thence westerly parallel to the south one-sixteenth line of section 4 a distance of 1,200 feet to the point of intersection of said line with the west one-sixteenth line of said section 4 and marked by a brass plug numbered VI; thence southerly along said west one-sixteenth line a distance of 1,760 feet to a point marked by a brass plug numbered VII; thence easterly along a line parallel to the north section line of section 9 a distance of 486.21 feet to a point marked by an inclined iron pipe, said point being the point where the said iron pipe enters the concrete; thence along the said line extended a distance of approximately 39 feet to the water's edge; thence along the shore line of Lake Superior to the point where said shore line intersects the east one-sixteenth line of section 4 extended; thence northerly along said one-sixteenth line to place of beginning, all being located in sections 4 and 9, township 63 north, range 6 east, in Grand Portage Indian Reservation, State of Minnesota. Right-of-way for existing Bureau of Indian Affairs roads within the above described parcel of land is excluded therefrom.

#### NORTHWEST COMPANY AREA

Tract numbered 2 beginning at the point on the west one-sixteenth line of section 9 marked by brass plug numbered VII referred to in the description of tract numbered 1 above, thence westerly along a line parallel to the north section line of section 9 a distance of 275 feet to a point marked by an iron pipe; thence northerly along a line parallel to the west one-sixteenth line of section 9 a distance of 443.63 feet to a point marked by

an iron pipe; thence easterly along a line parallel to the north section line of section 9 to the point of intersection of west one-sixteenth line of section 9; thence southerly along said one-sixteenth line to point of beginning; all lying in section 9 of township 63 north, range 6 east, in the Grand Portage Indian Reservation, State of Minnesota.

#### FORT CHARLOTTE AREA

The northeast quarter, section 29, township 64 north, range 5 east, or such lands within this quarter section as the Secretary of the Interior shall determine to be necessary for the protection and interpretation of the site of Fort Charlotte.

#### GRAND PORTAGE TRAIL SECTION

A strip of land 100 feet wide centering along the old Portage Trail beginning at the point where the trail intersects the present road to Grand Portage School, and continuing to the proposed United States Highway 61 right-of-way relocation in the northeast quarter of the northwest quarter, section 4, township 63 north, range 6 east, a strip of land 600 feet wide centering along the old Portage Trail as delineated on original General Land Office survey maps, from the north side of the proposed right-of-way to lands described at the Fort Charlotte site.

The administration, protection and development of the Grand Portage National Monument shall be exercised by the National Park Service in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. secs. 1-4), and acts supplemental thereto and amendatory thereof.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of this monument and not to settle upon any of the Federal lands therein.

In witness whereof I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed in the City of Washington, D.C., this 25th day of March 1960.

[SEAL] FRED A. SEATON,  
Secretary of the Interior.

[F.R. Doc. 60-2923; Filed, Mar. 30, 1960;  
8:48 a.m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 259]

### FLORIDA

#### Declaration of Disaster Area

Whereas it has been reported that during the month of February 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Florida;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following County (including any areas adjacent to said County) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

County: Columbia (tornado occurring on or about February 25, 1960).

Offices: Small Business Administration Regional Office, 90 Fairlie Street N.W., Atlanta 3, Ga. Small Business Administration Branch Office, Huntington Building, Room 301, 168 Southeast First Street, Miami 32, Fla.

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 September 30, 1960.

Dated: March 18, 1960.

PHILIP MCCALLUM,  
Administrator.

[F.R. Doc. 60-2927; Filed, Mar. 30, 1960;  
8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 28, 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. 36099: *Scrap paper—Southern territory to Illinois territory points.* Filed by O. W. South, Jr., Agent (SFA No. A3925), for interested rail carriers. Rates on scrap or waste paper, in carloads from points in southern territory to East St. Louis, Alton, Federal, Ill., and St. Louis, Mo.

Grounds for relief: Short-line distance formula, grouping, and operation through higher-rated intermediate points.

Tariff: Supplement 51 to Illinois Freight Association tariff I.C.C. 919.

FSA No. 36100: *Less carload class rates between Illinois, Kansas, and Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B-7756), for interested rail carriers. Rates on various commodities, rated less-than-carload in uniform freight classification, (1) between specified points in Illinois and Missouri, on the one hand, and points in Missouri, on the other, (2) between specified points in Kansas, and points in Missouri, and (3) between specified points in Illinois, on the one hand, and specified points in Kansas, on the other.

Grounds for relief: Short-line distance formula, grouping, and same and different bases at higher-rated intermediate points.

Tariff: Supplement 5 to Southwestern Freight Bureau tariff I.C.C. 4305.

FSA No. 36101: *Starch and dextrine—Cedar Rapids, Iowa to Zee, La.* Filed by Western Trunk Line Committee, Agent (No. A-2119), for interested rail carriers. Rates on starch and dextrine, in carloads from Cedar Rapids, Iowa to Zee, La.

Grounds for relief: Market competition.

Tariff: Supplement 145 to Western Trunk Line Committee tariff I.C.C. A-4171.

FSA No. 36102: *Soda ash—Westvaco, Wyo., to Knoxville, Tenn.* Filed by Western Trunk Line Committee, Agent (No. A-2115), for interested rail carriers. Rates on soda ash, in carloads from Westvaco, Wyo., to Knoxville, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 145 to Western Trunk Line Committee tariff I.C.C. A-4171.

FSA No. 36103: *Barite and celestite, ore—Southwest to Galveston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7759), for interested rail carriers. Rates on barite (barytes), ground or not ground, and celestite ore, in carloads from points in southwestern territory, also Kansas, Louisiana (east of the Mississippi River), Natchez and Vicksburg, Miss., and Memphis, Tenn., to Galveston, Tex.

Grounds for relief: Port competition.

Tariff: Supplement 28 to Southwestern Freight Bureau, tariff I.C.C. 4304.

FSA No. 36104: *Molasses—North Atlantic Ports to Cincinnati, Ohio, and Covington, Ky.* Filed by Traffic-Executive Association-Eastern Railroads, Agent (ER No. 2532), for interested rail carriers. Rates on Molasses, in tank-car loads, as described in the application from North Atlantic ports and points grouped therewith, as described in the application to Cincinnati, Ohio and Covington, Ky.

Grounds for relief: Port equalization with New Orleans, La., and maintenance of port relationships.

Tariffs: Supplement 135 to Trunk Line Territory Tariff Bureau tariff I.C.C. A-1116. Supplement 14 to R. B. LeGrande, Agent, tariff I.C.C. 260.

FSA No. 36105: *Coal—Ala., Ky., Tenn., and Va., mines to South Carolina.* Filed by O. W. South, Jr., Agent (SFA No. A3927), for interested rail carriers. Rates on coal, in carloads from Alabama, Kentucky, Tennessee, and Virginia mine groups, as described in the application to specified points in South Carolina.

Grounds for relief: Rate relationship with Pelzer, S.C.

Tariffs: Supplement 16 to Southern Freight Association tariff I.C.C. S-62. Supplement 11 to Southern Freight Association tariff I.C.C. S-64. Supplement 35 to Southern Railway Company tariff I.C.C. A-11352.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 60-2932; Filed, Mar. 30, 1960;  
8:49 a.m.]

[Notice 287]

**MOTOR CARRIER TRANSFER PROCEEDINGS**

MARCH 28, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the

date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63076. By order of March 23, 1960, the Transfer Board approved the transfer to Raymond E. Coffman, Mountain Grove, Mo., of Certificate No. MC 9539 issued March 28, 1958, in the name of Norman Orr, doing business as Orr Moving and Storage, Mountain

Grove, Mo., authorizing the transportation of household goods, as defined by the Commission, and emigrant movables, over irregular routes, between points in Wright and Douglas Counties, Mo., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Oklahoma, Kansas, and Nebraska. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., for applicants.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 60-2933; Filed, Mar. 30, 1960; 8:49 a.m.]

**CUMULATIVE CODIFICATION GUIDE—MARCH**

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