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FEDERAL REGISTER

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Rules and Regulations

Title 7—AGRICULTURE

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

[Amdt. 20]

PART 728—WHEAT

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

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and are for the purpose of (1) clarifying the provisions of the regulations relating to the issuance of marketing cards and certificates and (2) extending the interpretation provision that wheat delivered to the Secretary shall be free of all encumbrances to include all years subsequent to 1958.

With respect to the provisions relating to the issuance of marketing cards and certificates, a recent amendment to § 728.874(c) of the regulations (FEDERAL REGISTER of May 10, 1960, 25 F.R. 4130), provided that a producer who satisfies his proportionate share of the penalty on a farm marketing excess shall remain liable for the remainder of the penalty on the farm marketing excess, notwithstanding the apportionment of the penalty. The first two amendments are for the purpose of harmonizing §§ 728.867 (b) and (c) and 728.868(a) with the amendment to § 728.874(c).

The third amendment deleted the words "of the 1958 crop" from § 728.880(d) so that the provision will apply to 1958 and subsequent crop years as provided in § 728.850.

Since these amendments apply to the 1960 crop of wheat, it is important that they become effective as soon as possible. In addition, they are issued only for the purpose of clarifying certain provisions of the regulations. Accordingly, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary, impracticable, and contrary to the public interest. Therefore, these amendments shall become effective upon publication in the FEDERAL REGISTER.

1a. Section 728.867(b)(1) is amended to read as follows: "(1) if any producer on the farm owes any penalty for excess wheat for the current crop year or any preceding crop year,".

b. Section 728.867(b) is further amended by inserting the word "or" immediately preceding subparagraph (6) and by changing the comma after the word "operator" at the end of subparagraph (6) to a pediod and deleting the remainder of the sentence reading "or (7) if a producer's liability has been reduced to a proportionate share of the entire penalty.".

c. The second sentence of § 728.867 (c) is amended by inserting the word "and" immediately preceding subparagraph (2) and by changing the comma after the word "crop" at the end of subparagraph (2) to a period and deleting the remainder of the sentence reading "and (3) the producer's liability has not been reduced to a proportionate share of any such farm.".

2. The first sentence of § 728.868(a)(2) is amended to read as follows: "who has availed himself of the provisions of § 728.874(c),".

3. Section 728.880(d) is amended to read as follows:

(d) *Interpretation.* Any wheat delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess for any farm shall be free and clear of all encumbrances and particularly no wheat shall be accepted for such purpose if it is subject to storage charges or liens of any kind. Conveyance of the wheat to the Secretary shall be made by the execution and delivery of Form MQ–99—Wheat.

(Secs. 1, 55 Stat. 203, 375, 52 Stat. 66, as amended; 7 U.S.C. 1340, 1375)

Issued in Washington, D.C., this 20th day of July 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60–6925; Filed, July 25, 1960; 8:46 a.m.]

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

[Lemon Reg. 855, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.962 (Lemon Regulation 855; 25 F.R. 6744) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

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

Dated: July 21, 1960.

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

[F.R. Doc. 60–6923; Filed, July 25, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Fiber Content of Special Types of Products; Exclusions From the Act

On May 10, 1960, a notice of Proposed Rule Making was issued by the Commission and published in the FEDERAL REGISTER on May 11, 1960. Such notice stated that the Commission would on June 6, 1960, at its offices in the City of Washington, District of Columbia, give consideration to an amendment of § 303.10 and 303.45 (Rules 10 and 45) of Part 303 Rules and Regulations under the Textile Fiber Products Identification Act. Such notice provided that interested parties might participate by submitting in writing to the Commission on or before such date their views, arguments or other data and further provided that written rebuttal could be submitted until June 13, 1960. A draft of the proposed amendments was made a part of the notice.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments or other data in writing through June 6, 1960, and

opportunity was afforded for the submission of written rebuttal until June 13, 1960. All views, arguments and data presented have been made a part of the record.

After due consideration of the proposed amendments, suggested revisions, deletions and additions thereto, together with all views, arguments, and other data submitted, the following amendments to § 303.10 and 303.45 (Rules 10 and 45) of Part 303 Rules and Regulations under the Textile Fiber Products Identification Act (72 Stat. 1717, 15 U.S.C. 70) are hereby promulgated. Inasmuch as all of the amendments involve a relaxation of the previous requirements of such Rules, such amendments are hereby made effective upon publication in the FEDERAL REGISTER.

(Sec. 7, 72 Stat. 1717; 15 U.S.C. 70e)

The amendments are as follows:

1. An amendment of § 303.10 (Rule 10) under the authority of section 7(c) so as to incorporate present § 303.10 (Rule 10) into paragraph (a) of amended § 303.10 (Rule 10) and to make certain changes therein for the purpose of clarifying the meaning of the Rule and to add a new paragraph (b) to § 303.10 (Rule 10) relating to the disclosure of the required fiber content information of drapery or upholstery fabrics manufactured on hand-operated looms for a particular customer after the sale of such fabric has been consummated where the amount of such order does not exceed 100 yards of fabric.

Section 303.10 (Rule 10) shall hereafter read:

§ 303.10 Fiber content of special types of products.

(a)(1) Where a textile product is made wholly of elastic yarn or material, with minor parts of non-elastic material for structural purposes, it shall be identified as to the percentage of the elastomer, together with the percentage of all textile coverings of the elastomer and all other yarns or materials used therein. (2) Where a textile fiber product is made in part of elastic material and in part of other fabric, the fiber content of such fabric shall be set forth sectionally by percentages as in the case of other fabrics. In such cases the elastic material may be disclosed by describing the material as elastic followed by a listing in order of predominance by weight of the fibers used in such elastic, including the elastomer, where such fibers are present by more than five percentum with the designation "other fiber" or "other fibers" appearing last when fibers required to be so designated are present. An example of labeling under this paragraph is:

Front and back non-elastic sections: 50% Acetate, 50% Cotton.
Elastic: Rayon, Cotton, Nylon, Rubber.

(b) Where drapery or upholstery fabrics are manufactured on hand-operated looms for a particular customer after the sale of such fabric has been consummated, and the amount of the order does not exceed 100 yards of fabric, the required fiber content disclosure may be made by listing the fibers present in order of predominance by weight with any fiber or fibers required to be designated as "other fiber" or "other fibers" appearing last, as for example:

Rayon.
Wool.
Acetate.
Metallic.
Other fibers.

§ 303.45 [Amendment]

2. An amendment of subdivision (xv) of paragraph (a)(1) of § 303.45 (Rule 45), so as to exclude certain flags from the operation of the Act pursuant to section 12(b) of the Act and under the conditions prescribed by § 303.45 (Rule 45). Section 303.45(a)(1)(xv) (Rule 45) shall hereafter read:

(xv) Flags with heading or more than 216 square inches in size.

3. An amendment of paragraph (a) of § 303.45 (Rule 45) by adding another subparagraph thereto. Such paragraph shall follow subparagraph (7) of paragraph (a) of § 303.45 (Rule 45) and shall read:

(8) All textile fiber products in a form ready for the ultimate consumer procured by the military services of the United States which are bought according to specifications, but shall not include those textile fiber products sold and distributed through post exchanges, sales commissaries, or ship stores; provided, however, that if the military services sell textile fiber products for nongovernmental purposes the information with respect to the fiber content of such products shall be furnished to the purchaser thereof who shall label such products in conformity with the Act and regulations before such products are distributed for civilian use.

By direction of the Commission.

Issued: July 25, 1960.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-6937; Filed, July 25, 1960; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Deed of Trust Notes

§ 201.102 Deed of trust notes issued under military housing program as collateral for advances.

(a) The Board of Governors has been asked for an opinion whether certain "Deed of Trust Notes", issued under the provisions of Title VIII of the National Housing Act in connection with the military housing program, are eligible as collateral for advances to member banks under any of the provisions of section 13 of the Federal Reserve Act.

(b) It is understood that the "Deed of Trust Notes" are issued by so-called "Capehart Corporations" and that the financing institutions which advance the funds for the housing construction look to the Defense Department for payment pursuant to a so-called guaranty agreement executed by the Secretary of Defense or his designee under which the United States undertakes to make each periodic payment which becomes due on the note without prior demand for such payment.

(c) After careful consideration of the questions involved, the Board has concluded that (1) the notes would not be eligible as collateral for 15-day advances under the eighth paragraph of section 13 of the Federal Reserve Act since the "Deed of Trust Notes" are not "bonds, notes, certificates of indebtedness, or Treasury bills" as those words are used in the eighth paragraph; (2) the notes are not "such notes, drafts, bills of exchange, or bankers' acceptances" as are eligible for rediscount or for purchase by Federal Reserve Banks under the provisions of the Federal Reserve Act, and, accordingly, they are not eligible as collateral for 90-day advances under paragraph eight of section 13; and (3) the notes are not eligible for advances under the last paragraph of section 13 which authorizes 90-day advances to any individual, partnership, or corporation on promissory notes secured by direct obligations of the United States.

(d) Some comment seems desirable with respect to (3) above. Notwithstanding the fact that in a broad sense the Government's contract to make periodic payments on the notes without prior demand appears to be a direct obligation of the United States, it is the Board's view that the Government's contract does not constitute such an obligation within the meaning of the last paragraph of section 13. Under that paragraph, advances by Reserve Banks are authorized on such obligations subject to such "limitations, restrictions, and regulations" as the Board may prescribe. While the term "direct obligations of the United States" is not specifically defined in this Part 201, nevertheless in two places in paragraph (a) of § 201.3, the term is parenthetically defined as meaning only bonds, notes, Treasury bills, or certificates of indebtedness of the United States. Clearly this evidences an intent that the term shall have that meaning wherever it is used in Part 201.

(e) Of course, the "Deed of Trust Notes" are eligible for advances under section 10(b) of the Federal Reserve Act although at a rate of interest not less than one-half of one percent per annum higher than the highest rate applicable to discounts for member banks then in effect.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies sec. 13, 38 Stat. 263 as amended; 12 U.S.C. 347, 347c)

Dated at Washington, D.C., this 8th day of July 1960.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-6913; Filed, July 25, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methylene Chloride and 1,1,1-Trichloroethane; Exemptions From the Requirements of Tolerances

A petition was filed with the Food and Drug Administration by The Brogdex Company, Pomona, California, requesting the establishment of a zero tolerance for residues of methylene chloride and an exemption from the requirement of a tolerance for residues of 1,1,1-trichloroethane from use of a combination of these two pesticide chemicals in the postharvest treatment of citrus fruits.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purpose of which exemptions are being established.

After consideration of the data submitted in the petition and other relevant material which show that the exemptions from the requirement of a tolerance 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 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended in the following respects:

1. Section 120.170 is amended to read as follows:

§ 120.170 Exemption of methylene chloride from the requirement of a tolerance.

Methylene chloride is exempted from the requirement of a tolerance for residues:

(a) When used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

(b) When used in the postharvest fumigation of citrus fruits.

2. Part 120 is amended by adding the following new section:

§ 120.179 Exemption of 1,1,1-trichloroethane from the requirement of a tolerance.

1,1,1-Trichloroethane is exempted from the requirement of a tolerance for residues when used in the postharvest fumigation of citrus fruits.

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: July 19, 1960.

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

[F.R. Doc. 60-6932; Filed, July 25, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-389]

PART 608—RESTRICTED AREAS

Revocation

On November 11, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 9217) stating that the Federal Aviation Agency proposed to revoke the Sheboygan, Wis., Restricted Area (R-83c), (Milwaukee and Green Bay Charts).

As stated in the notice, the Federal Aviation Agency is currently reviewing the utilization of all existing restricted areas. This review is based upon all data available to the Federal Aviation Agency, including any received in response to Special Airspace Regulation No. 1 (24 F.R. 5898). Several comments were received in response to the notice, objecting to the proposal. The factual information contained in the comments are briefly outlined as follows:

The Adjutant General, State of Ohio, protested the revocation of Restricted Area (R-83c) on the basis that four tactical fighter squadrons of the Ohio Air National Guard utilized the Restricted Area (R-83) complex during the summer of 1959. He furnished no information as to the number of aircraft involved, time of use, type of aircraft or if Restricted Area (R-83c) was specifically used by his units.

The 131st Tactical Fighter Wing, St. Louis, Mo., of the Missouri Air National Guard objected to the proposal and requested action be deferred, but provided no data as to the number and type of aircraft that utilized Restricted Area (R-83c) nor the time of use.

The Commander of the District of Columbia Air National Guard objected to the proposal on the basis that his unit utilized the area during the summer of 1959, for an average of 42 weapons sorties per day for 11 days.

The Departments of the Navy and Air Force objected to the proposal and requested the whole Central Lake Michigan Restricted Area Complex (R. 83 a, b and c) be studied by a Federal Aviation Agency Regional Special Use Airspace Team. The Federal Aviation Agency has reviewed the activities in these restricted areas and is of the opinion that a Special Use Airspace Team study is not necessary.

The Adjutant General and Governor of the State of Wisconsin objected to the proposal because Restricted Area (R-83c) is used by units of the Wisconsin Air National Guard and Reserve Units for training. However, the Wisconsin State Aeronautics Commission concurred in the proposal because the area as it is now designated prevents the use of a natural flyway between the cities of Manitowoc, Sheboygan, and Milwaukee, Wis., and also prevents the development of the proper instrument runway alignment for the Sheboygan County Airport.

The Department of the Army which is the controlling agency for Restricted Area (R-83c), declared the area excess to their needs and requested that the Federal Aviation Agency transfer control to the Wisconsin Air National Guard. No action has been taken on the Army's request by this agency as no justification has been received indicating a need for or planned use of the area. As a matter of interest, no report on the area as required by Special Airspace Regulation No. 1 (24 F.R. 5898) has been received to date for Restricted Area (R-83c).

In view of the absence of sufficient justification by any agency to support the continued designation of Restricted Area (R-83c), the Federal Aviation Agency is revoking this restricted area. The effective date of this action shall be September 22, 1960, so there will be no interruption to any training activities that The Department of the Air Force have scheduled in this area during the summer months of 1960.

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

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

In § 608.57 *Wisconsin*, the Sheboygan, Wis., Restricted Area (R-83c) (Milwaukee and Green Bay Charts) (24 F.R. 2234) is revoked.

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

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

Issued in Washington, D.C., on July 20, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6911; Filed, July 25, 1960; 8:46 a.m.]

[Reg. Docket No. 449; Amdt. 175]

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 low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR 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	
Hutchinson VOR	HUT-LFR	Direct	2800	T-dn	300–1	300–1	200–½
				C-dn	*400–1	500–1	500–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 2800′ within 10 mi. (nonstandard to avoid ICT traffic).
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 350°—2.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi, climb to 3000′ on N crs HUT-LFR within 20 mi, or when directed by ATC: (1) turn left and climb to 3000′ on W crs HUT-LFR within 20 mi.
CAUTION: 2340′ TV tower located 4.0 mi ESE of airport. Aircraft taking off to N, S, NE, or SE, climb to 2800′ prior to proceeding toward TV tower.
Major change: Deletes transition from North Fork RBn or marker.
* 500–1 required when necessary to circle the airport on the west side to effect a landing.

City, Hutchinson; State, Kans.; Airport Name, Hutchinson; Elev., 1542′; Fac. Class., SBMRLZ; Ident., HUT; Procedure No. 1, Amdt. 11; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 10; Dated, 22 Dec. 56

Piedmont FM	TYS LFR	Direct	2400	T-dn	300–1	300–1	200–½
TYS VOR	TYS LFR	Direct	2400	C-d	500–1	500–1	500–1½
				C-n	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn W side N crs, 354° Outbnd, 174° Inbnd, 3000′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 200°—2.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, turn right, climb to 3000′ on West crs TYS LFR within 20 mi.
Major change: Deletes transitions from Tallahassee FM and Inskip FM.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989′; Fac. Class., SBRAZ; Ident., TYS; Procedure No. 1, Amdt. 11; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 10; Dated, 19 Nov. 54

All directions				T-dn*	300–1	300–1	300–1
Shuttle East crs, 052° Outbnd, 232° Inbnd, 4000′ within 25 mi.				C-dn**	500–2	500–2	500–2
				S-dn-25	500–2	500–2	500–2
				A-dn	800–2	800–2	800–2

Procedure turn N side E crs, 052° Outbnd, 232° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 232°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles (Puffin Island FM), turn left. Climb to 4000′ on East (052°) crs within 20 miles.
CAUTION: *Proceed to Kodiak LFR immediately after takeoff from all runways. Takeoff from Runways 25 and 28 not authorized. **Maneuvering for approach to Runways 10, 25, 28, and 36 to be accomplished east of airport. Circling approach to Runways 7 and 10 not authorized. Terrain within 1.5 nautical miles—North 1182′, West 2488′, South 1000′.
NOTE: Airport closed to all civil air traffic except in an emergency or when given special authorization by U.S. Navy.

City, Kodiak; State, Alaska; Airport Name, Kodiak U.S. Naval Station; Elev., 77′; Fac. Class., SBRAZ; Ident., NHB; Procedure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 23 July 60

2. 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	
ATL VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
MDU VOR	LOM (final)	Direct	1700	C-dn	400–1	500–1	500–1½
Stone Mt. Int	LOM	Direct	2700	S-dn-33	400–1	400–1	400–1
Tucker Int	LOM	Direct	3000	A-dn	800–2	800–2	800–2
Fulton Int	LOM	Direct	3000				

Radar terminal transition altitudes: 0–360° within 25 mi, 3000′; 070°–290° within 15 mi, 2200′. All bearings are from radar site with sector azimuths progressing clockwise.
Procedure turn East side SE crs, 149° Outbnd, 329° Inbnd, 2200′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 329°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 mi of LOM, turn left, climb to 3000′ on crs of 268° from ATL LOM (Ident. AT) within 15 mi of ATL LOM.
CAUTION: 1182′ tank ¾ mi W of airport.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elv., 1024′; Fac. Class., LOM; Ident., AZ; Procedure No. 2, Amdt. Orig.; Eff. Date, 6 Aug. 60 or com. of facility

Cold Bay LFR	CD LOM	Direct	1600	T-dn	300–1	300–1	200–½
				C-dn-26 and 32	500–1	500–1½	500–1½
				C-d-8	800–2	800–2	800–2
				C-n-8	NA	NA	NA
				S-dn-14	500–1	500–1	500–1
				A-dn	1000–2	1000–2	1000–2

Procedure turn East side of crs, 322° Outbnd, 142° Inbnd, 1600′ within 10 mi. Nonstandard due to terrain 1700′ West of crs.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 142°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, turn left, climb to 2700′ on 322° crs of Cold Bay LOM within 20 miles or, when directed by ATC, turn left, climb to 2700′ on N crs (321°) CDB LFR.
CAUTION: Circling to Runways 26 and 32 will be accomplished East of airport. Mt. Simeon 960′ msl 2.4 miles West of airport.

City, Cold Bay; State, Alaska; Airport Name, Cold Bay; Elev., 93′; Fac. Class., LOM; Ident., CD; Prodecure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 9 July 60

All directions	Hood RBn	Direct	MEA	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	9 800–2

Procedure turn West side of crs, 164° Outbnd, 344° Inbnd, 2500′ within 7 mi. Beyond 7 mi NA.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 344°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles or over Hood FM, turn right, climb to 2500′ and proceed to Hood RBn.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac. Class., MHW; Ident., HLR; Prodceure No. 1, Amdt. Orig.; Eff. Date, 6 Aug. 60

MXF LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
MGM VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Benton Int	LOM (final)	Direct	1700	S-dn-9	400–1	400–1	400–1
Calhoun Int	LOM	Direct	1500	A-dn	800–2	800–2	800–2
Swift Creek Int	LOM	Direct	1500				
Sellers Int	LOM	Direct	2500				
Radar terminal area transition altitudes		Within 15 mi	2000				
		Within 30 mi	3000				

Procedure turn S. side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 093° —5.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 mi after passing LOM, climb to 2000′ on crs of 093° from LOM within 15 mi or, when directed by ATC, climb to 1800′ on R-127 MGM-VOR within 20 mi.
CAUTION: Tower 987′ MSL, 8 mi East.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class., LOM; Ident., MG; Procedure No. 1, Amdt. 2; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 1, Dated, 30 May 59

Coronado RBn	LPT RBn	Direct	1500	T-dn#	300–1	300–1	200–½
Oceanside RBn	LPT RBn	Direct	2500	C-dn	800–2	800–2	800–2
Miramar RBn	LPT RBn	Direct	3000	S-dn-9	600–1	600–1	600–1
Jamul RBn	LPT RBn	Direct	4500	A-dn	800–2	800–2	800–2
Sargo Int	LPT RBn (final)	Direct	700				

Procedure turn South side of crs, 280° Outbnd, 100° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 100°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 mi, turn right, climb to 2000′ to Coronado RBn/FM or, when directed by ATC, if visual contact not established over Loma Portal RBn, make left climbing turn, climb to 1500′ on a 280° crs from LPT RBn within 10 mi. or if visual contact not established within 1.0 mi after passing RBn, make left climbing turn to 2500′ on crs of 328° to Oceanside RBn.
#300–1 required on all runways except Rwy. 27.

City, San Diego; State, Calif.; Airport Name, Lindbergh Field; Elev., 15′; Fac. Class., MH; Ident., LPT; Procedure No. 1, Amdt. 2; Eff Date, 6 Aug. 60; Sup. Amdt. No. 1; Dated, 7 Nov. 59

3. 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 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1		
				C-dn	600–1		
				A-dn	NA		

Procedure turn South side of crs, 287° Outbnd, 107° Inbnd, 1200′ within 10 miles. Beyond 10 miles NA.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 107°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make a left climbing turn and return to the Franklin VOR at 1200′. Hold on R–107, right turns, within 10 miles.
NOTE: Instrument takeoff not authorized from Runway 22. Right turn after takeoff from Runway 14 not authorized.
CAUTION: 277′ smoke stacks 0.9 mile SW of airport.

City, Franklin; State, Va.; Airport Name, Franklin Municipal; Elev., 37′; Fac. Class., BVOR; Ident., FKN; Procedure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 14 May 60

Harrisburg LFR	HAR-VOR	Direct	2800	T-d	500–1	500–1	500–1
Harrisburg LOM	HAR-VOR	Direct	2800	T-n	500–2	500–2	500–2
				C-dn	1200–2	1200–2	1200–2
				A-dn	1200–2	1200–2	1200–2

Takeoff minimums of 300–1 authorized for Runways 8–26 only.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 2800′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 108°—7.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing Harrisburg VOR, climb to 3000′ on HAR VOR R–115 to Middletown Int.* Hold East one-minute left turns.
AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1500′ or better.
NOTE: Take-off on Runway 20 not authorized.
*Int R–115 HAR VOR and R–208 TWC VOR.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., BVORTAC; Ident., HAR; Procedure No. 1, Amdt. 4; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 3; Dated, 7 Dec. 58

Hutchinson LFR	HUT-VOR	Direct	2700	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-3	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 212° Outbnd, 032° Inbnd, 2700′ within 10 mi. (nonstandard to avoid Hutchinson NAS traffic).
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 032°—5.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 mi, climb to 2800′ on R–015 within 20 mi.
CAUTION: 2340 MSL TV tower located 3.5 mi E of airport. Aircraft taking off to N, S, NE, SE, climb to 2800′ prior to proceeding toward TV tower.
Major change: Deletes transition from North Fork RBn.

City, Hutchinson; State, Kans.; Airport Name, Hutchinson; Elev., 1542′; Fac. Class., BVORTAC; Ident., HUT; Procedure No. 1, Amdt. 6; Eff. Date, 6 Aug. 60; Sup. Amdt No. 5; Dated, 9 July 54

All directions	VOR	Direct	MEA	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 163° Outbnd, 343° Inbnd, 2500′ within 7 mi. Beyond 7 mi NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles or over Hood FM turn right, climb to 2500′ and proceed direct to Hood VOR.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 343°—4.0 mi.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.: Airport Name, Fort Hood AAF; Elev., 923′; Fac. Class., TVOR; Ident., HLR; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 Aug. 60

Stanford FM	LWT-VOR	Direct	6000	T-dn	300–1	300–1	300–1
Lewistown LFR	LWT-VOR	Direct	6000	C-dn	700–2	700–2	700–2
				S-dn-rny 7	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn S side crs, 271° Outbnd, 091° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, facility to airport, 072°—5.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, turn right, climb to 6000′ on R–271 within 20 miles.

City, Lewistown; State, Mont.; Airport Name, Lewistown; Elev., 4197′; Fac. Class., BVOR; Ident., LWT; Procedure No. 1, Amdt. 3; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 2; Dated, 2 May 59

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	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-14	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 130°—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi. after passing MFD–VOR, climb to 2500′ on R–130 within 10 miles.

City, Mansfield; State, Ohio; Airport Name, Mansfield; Elev., 1296′; Fac. Class., BVORTAC; Ident., MFD; Procedure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 20 Sept. 58

St. Louis LFR	STL–VOR	Direct	1900	T-dn	300–1	300–1	200–½
Maryland Hgts VOR	STL–VOR	Direct	1900	C-d	500–1	500–1½	500–1½
				C-n	500–2	500–2	500–2
				S-d-12	500–1	500–1	500–1
				S-n-12	500–2	500–2	500–2
				A-dn	800–2	800–2	800–2
				If aircraft dual omni or DMET equipped and *St. Charles Int received, the following minimums apply:			
				S-dn-12	400–1	400–1	400–1

Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 1900 within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 137°—8.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.0 miles, make right turn climb to 2000′ direct to MTS–VOR.
*St. Charles Int: Int R–137 STL–VOR and R–040 MTS–VOR or 3 mi. DMET fix on R–137 STL.

City, St. Louis; State, Mo.; Airport Name, Lambert-St. Louis Municipal; Elev., 568′; Fac. Class., BVORTAC; Ident., STL; Procedure No. 1, Amdt. 7; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 6; Dated, 15 Nov. 58

4. 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	
Int R–209 RBS VOR and R–325 CMI VORTAC.	CMI VORTAC	Direct	2200	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-4	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 230° Outbnd, 050° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1252′.
Crs and distance, breakoff point to Runway 4, 038°—0.75 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CMI VORTAC, make right turn, climb to 1800′ on R–120 CMI VORTAC within 10 miles.
CAUTION: Tower 1703′ MSL 9 mi NW of airport. Tower 1146′ MSL 2.1 mi NNE of airport.

City, Champaign; State, Ill.; Airport Name, University of Illinois; Elev., 753′; Fac. Class., BVORTAC; Ident., CMI; Procedure No. TerVOR–4, Amdt. Orig.; Eff. Date, 6 Aug 60

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR–DME 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	

PROCEDURE CANCELLED, EFFECTIVE AUGUST 6, 1960.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 820′; Fac. Class. and Ident., BVOR–DME–ATL; Procedure No. VOR–DME–8, Amdt. Orig.; Eff. Date, 3 Sept. 55

6. 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				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	
ABI-VOR	LOM	Direct	3800	T-dn	300-1	300-1	200-½
ABI-LFR	LOM	Direct	3800	C-dn	400-1	500-1	500-1½
				S-dn-35*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side of S crs, 170° outbnd, 350° inbnd, 3800′ within 10 miles. Beyond 10 miles NA.
Minimum altitude at glide slope interception inbnd, 3800′.
Altitude of glide slope and distance to appr end of Rnwy at OM, 3753′—6.0 mi; at MM, 2007′—0.55 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3100′ on N crs of ILS within 20 miles or, when directed by ATC, turn right, climb to 3200′ on R-085 of ABI-VOR.
CAUTION: Towers 2685′ msl 8.7 mi SSE, 2778′ msl 7.9 mi SSW, 2032′ msl 2.6 mi WNW, 2115′ msl 5.2 mi NW, 2067′ msl 6.8 mi NW.
*400-1 required when glide slope not utilized. 3° glide slope.

City, Abilene; State, Tex.; Airport Name, Municipal; Elev., 1778′; Fac. Class., ILS; Ident., I-ABI; Procedure No. ILS-35, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 23 July 60

Atlanta LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Atlanta VOR	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Fulton Int	LOM	Direct	2300	S-dn-9	#*200-½	#*200-½	#*200-½
Chattahoochee Int	LOM (final)	Direct	2300	A-dn	600-2	600-2	600-2
Raymond Int	LOM	Direct	2100				

Radar terminal area transition altitudes: 0-360° within 25 mi, 3000′; 070°-290° within 15 mi, 2200′.
All bearings are from radar site with sector azimuths progressing clockwise.
Procedure turn S side W crs, 268° Outbnd, 088° Inbnd. 2300′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2300′.
Altitude of G.S. and distance to appr end of Rnwy at OM, 2324′—4.1 mi; at MM, 1236′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200′ on E crs ILS within 20 miles.
CAUTION: 1182′ tower ¾ miles W of airport.
#Runway visual range 2600′ also authorized for takeoff and landing on Rnwy 9; provided, that all components of the ILS, 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 1224′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
*400-¾ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-ATL; Procedure No. ILS-9, Amdt. 20; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 19; Dated, 20 Feb. 60

ATL-VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
MDU-VOR	LOM (final)	Direct	2300	C-dn	400-1	500-1	500-1½
Stone Mt. Int	LOM	Direct	2700	S-dn-33*	200-½	200-½	200-½
Tucker Int	LOM	Direct	3000	A-dn	600-2	600-2	600-2
Fulton Int	LOM	Direct	3000				

Radar terminal transition altitudes: 0-360° within 25 mi, 3000′; 070°-290° within 15 mi, 2200′. All bearings are from radar site with sector azimuths progressing clockwise.
Procedure turn E side SE crs, 149° Outbnd, 329° Inbnd, 2300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 2300′.
Altitude of glide slope and distance to approach end of Runway at OM, 2257′—4.5 mi; at MM, 1173′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 3000′ and proceed to Chattahoochee Int or, when directed by ATC, climb to 4000′ and proceed to Fulton Int.
CAUTION: 1182′ tank ¾ mi W of airport.
*400-¾ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024′; Fac. Class., ILS; Ident., I-AZA; Procedure No. ILS-33, Amdt. Orig.; Eff. Date, 6 Aug. 60 or com. of facility

Harrisburg LFR	LOM	Direct	2700	T-d	500-1	500-1	500-1
Harrisburg VOR	LOM	Direct	2700	T-n	500-2	500-2	500-2
New Kingstown FM	LOM	Direct	2700	S-d-8	600-1½	600-1½	600-1½
				S-n-8	600-2	600-2	600-2
				C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Takeoff minimums of 300-1 authorized for Runways 8-26 only.
Procedure turn S side W crs, 259° Outbnd, 079° Inbnd, 2700′ within 10 miles.
Minimum altitude over LOM 2700′. No glide slope. Distance to appr end of rny at OM 7.1, at MM 1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing LOM, climb to 3000′ on Harrisburg VOR R-115 to Middletown Int.* Hold East hold East one-minute left turns.
AIR CARRIER NOTES: Landing on Rnwy 2 authorized only during daylight hrs with ceiling 1500′ or better.
NOTE: Take-off on Rnwy 20 not authorized. ADF approach not authorized.
CAUTION: Circling minimums do not provide standard clearance over 1136′ ridge and tower 1.6 mi S of airport. Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.
*Int R-115 HAR VOR and R-208 TWC VOR.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., ILS; Ident., HAR; Procedure No. 1, Amdt. 5; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 4; Dated, 22 Aug. 59

ILS 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	
Maxwell LFR	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Montgomery VOR	LOM	Direct	1500	C-dn	400–1	500–1	500–1½
Catona Int	LOM	Direct	1700	S-dn-9*	200–½	200–½	200–½
Benton Int	LOM (final)	Direct	1700	A-dn	600–2	600–2	600–2
Calhoun Int	LOM	Direct	1500				
Swift Creek Int	LOM	Direct	1500				
Sellers Int	LOM	Direct	2500				
Radar terminal area transition altitudes		Within 15 mi	2000				
		Within 30 mi	3000				

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope int inbnd, 1700′.
Altitude of glide slope and distance to appr end of Rny at OM, 1700′—5.1; at MM, 435′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 1800′ and proceed to MGM VOR or, when directed by ATC, climb to 2000′ on E crs ILS within 20 miles.
CAUTION: Tower 987′ MSL, 8 mi East.
*400–¾ required when Glide Slope not used.

City, Montgomery; State, Ala.; Airport Name, Dannelly Field; Elev., 221′; Fac. Class ILS; Ident., I-MGM; Procedure No. ILS-9, Amdt. 7; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 6; Dated, 8 Aug. 59

SBA VOR	LMM	Direct	5000	T-dn	300–1	300–1	#300–¾
El Capitan FM	ILS W crs	Direct	**2500	C-dn	700–2	700–2	700–2
GVO VOR	ILS W crs	R-163	**3000	S-dn-7##	300–¾	300–¾	300–¾
Int E crs ILS and SBA VOR R-107	LMM	Direct	5000	A-dn	800–2	800–2	800–2

Procedure turn S side W crs, 253° Outbnd, 073° Inbnd, 3000′ within 10 mi of Naples Int.
Minimum altitude at glide slope int inbnd *2000′.
No outer marker. Altitude of glide slope at El Capitan FM, 2674′; at Naples Int, 1400′; at MM, 195′.
Distance to appr end of Rnwy from El Capitan FM, 10.0 mi; from Naples Int, 5.2 mi; from MM, 0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 800′, make climbing right turn and climb to 3000′ on crs of 165° from SBA LMM or on SBA VOR R-170 within 15 mi.
CAUTION: All maneuvering must be accomplished South of localizer course. High terrain to the North.
NOTE: Simultaneous use of VOR and ILS required for this procedure.
Naples Int: Int W crs ILS and GVOR VOR R-117 or SBA VOR R-225.
Major change: Deletes transition from SBA LFR.
**Straight-in approach authorized on the localizer course from El Capitan FM or Intersection of GVO VOR R-163.
300–1 required on runways 3 L-R, 7 and 33 L-R.
500–1 required with glide slope inoperative.

City, Santa Barbara; State, Calif.; Airport Name, Municipal; Elev., 14′; Fac. Class., ILS; Ident., SBA; Procedure No. ILS-7, Amdt. 6; Eff. Date, 6 Aug. 60; Sup. Amdt. No. 5; Dated, 26 Mar. 60

7. 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	Radar site	Within 20 mi	2500	Precision approach			
				T-dn-33	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2500′ and proceed direct to Hood VOR or Hood RBn.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac. Class., Fort Hood AAF; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 6 Aug. 60; Sup. Amdt. No. Orig.; Dated, 16 July 60

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 July 13, 1960.

OSCAR BAKKE,
Director, Bureau of Flight Standards.

[F.R. Doc. 60–6725; Filed, July 25, 1960; 11:01 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPERS AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO

Subpart N—Taxes on Cigarette Papers and Tubes

SUPERSEDURE OF SUBPART

CROSS REFERENCE: For supersedure of regulations in this subpart, see preamble to Part 285 of 26 (1954) CFR, Chapter I, *infra*.

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 285—CIGARETTE PAPERS AND TUBES—MANUFACTURERS AND IMPORTERS

On May 20, 1960, a notice of proposed rule making with respect to regulations designated as Part 285 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (25 F.R. 4466). The proposed regulations supersede 26 CFR (1939) Part 140, Subpart N, "Taxes on Cigarette Papers and Tubes," and are promulgated to implement the Internal Revenue Code of 1954, as amended by section 202 of the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275).

In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No written comments or suggestions were received within the 30-day period prescribed in the notice and the regulations as published in the FEDERAL REGISTER are hereby adopted, subject to the following change: The preamble is amended by adding a new paragraph 3.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 20, 1960.

DAVID A. LINDSAY,
Acting Secretary of the Treasury.

Preamble. 1. These regulations, 26 CFR Part 285, "Cigarette Papers and Tubes—Manufacturers and Importers," are promulgated to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275), and supersede 26 CFR (1939) Part 140, Subpart N, "Taxes on Cigarette Papers and Tubes."

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

Subpart B—Definitions

Subpart C—Taxes

Subpart D—General

Subpart E—Qualification Requirements for Manufacturers

Subpart F—Changes Subsequent to Original Qualification of Manufacturers

Subpart G—Bonds and Extensions of Coverage of Bonds

Subpart H—Operations by Manufacturers

INVENTORIES

RECORDS

REPORTS

PACKAGES

MISCELLANEOUS PROVISIONS

Subpart I—Discontinuance of Operations by Manufacturers

Subpart J—Operations by Importers

PACKAGES

EXEMPTIONS FROM TAX

Subpart K—Claims

GENERAL

LOST OR DESTROYED

WITHDRAWN FROM THE MARKET

AUTHORITY: §§ 285.1 to 285.193 issued under sec. 7805, I.R.C., (68A Stat. 917; 26 U.S.C. 7805). Statutory provisions interpreted or applied are cited to text in parentheses.

Subpart A—Scope of Regulations

§ 285.1 Cigarette papers and tubes—manufacturers and importers.

This part contains the regulations governing the manufacture, importation, and removal of cigarette papers and tubes.

§ 285.2 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

Subpart B—Definitions

§ 285.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alco-

hol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Determined or determination. When used with respect to the tax on cigarette papers and tubes, shall mean that the number of books or sets of cigarette papers of each different numerical content or the number of cigarette tubes to be removed subject to tax has been established as prescribed by this chapter so that the tax payable with respect thereto may be calculated.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Export warehouse. A bonded internal revenue warehouse for the storage of tobacco products and cigarette papers and tubes, upon which the internal revenue tax has not been paid, for subsequent shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

Export warehouse proprietor. Any person who operates an export warehouse.

Factory. The premises of a manufacturer of cigarette papers and tubes in which he carries on such business.

Importer. Any person in the United States to whom nontaxpaid cigarette papers or tubes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned, and any person who smuggles or otherwise unlawfully brings cigarette papers or tubes into the United States.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An officer or employee of the Treasury Department duly authorized to perform any function relating to the administration or enforcement of this part.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of cigarettes. Any person who manufactures cigarettes, except for his own personal consumption.

Manufacturer of tobacco. Any person who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a person who in any manner prepares tobacco solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this subchapter.

Package. The container in which cigarette papers or tubes are put up and in which, or directly from which, such papers or tubes are offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

Regional commissioner. The regional commissioner of internal revenue of an internal revenue region.

Removal or remove. The removal of cigarette papers or tubes from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Subpart C—Taxes

§ 285.21 Cigarette papers.

On each book or set of cigarette papers containing more than 25 papers, manufactured in or imported into the United States, the law imposes a tax of ½ cent for each 50 papers or fractional part thereof; except that, if cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 285.22 Cigarette tubes.

On cigarette tubes, manufactured in or imported into the United States, the law imposes a tax of one cent for each 50 tubes or fractional part thereof; except that, if cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 285.23 Persons liable for tax.

The manufacturer or importer of cigarette papers and tubes shall be liable for the taxes imposed thereon by section 5701, I.R.C.: *Provided,* That when cigarette papers and tubes are transferred, without payment of tax, pursuant to section 5704, I.R.C., to the bonded premises of another such manufacturer, a manufacturer of cigarettes, a manufacturer of tobacco, or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such papers and tubes and the transferor shall thereupon be relieved of his liability for such tax. When cigarette papers and tubes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of such papers and tubes, a manufacturer of cigarettes, or a manufacturer of tobacco, the transferee shall become liable for the tax on the papers and tubes upon release from customs custody and the importer shall thereupon be relieved of his liability for such tax. Any person who possesses cigarette papers and tubes in violation of section 5751 (a)(1) or (a)(2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 285.24 Determination of tax and method of payment.

Except for removals without payment of tax and transfers in bond, as authorized by law, no cigarette papers and tubes shall be removed until the tax thereon imposed by section 5701, I.R.C., has been determined. The payment of taxes on cigarette papers and tubes which are removed on determination of tax shall be made by return in accordance with the provisions of this part.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 285.25 Return of manufacturer.

Every manufacturer of cigarette papers and tubes shall file, for each of his factories, a tax return on Form 2137, in triplicate, with remittance, with the district director of the internal revenue district in which the factory is located on or before the 10th day of each month, showing the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes which were removed subject to tax during the preceding month: *Provided,* That when the last day for filing a tax return with remittance falls on Saturday or Sunday, or on a legal holiday of the District of Columbia, or on a Statewide legal holiday of the particular State where the return is required to be filed, the filing of such return with remittance shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday. Such return shall be filed regardless of whether cigarette papers and tubes are removed subject to tax or whether tax is due for that particular month. The district director shall return a receipted copy of each tax return to the manufacturer, which copy shall be retained by such manufacturer.

(72 Stat. 1417, 68A Stat. 896; 26 U.S.C. 5703, 7503)

§ 285.26 Adjustments in the return of manufacturer.

Adjustments may be made in Schedules A and B of the manufacturer's monthly

tax return, Form 2137, as provided in this section. Schedule A of the return will be used where an unintentional error in a previous return resulted in an underpayment of tax. Schedule B of the return will be used where an unintentional error in a previous return resulted in an overpayment of tax, or where notice has been received from the assistant regional commissioner that a claim for allowance of tax has been approved. In the case of an overpayment, the manufacturer shall have the option of filing a claim (on Form 843) for refund or taking credit in Schedule B of the return. Any adjustment made in a return must be fully explained in the appropriate schedule or in a statement attached to and made a part of the return in which such adjustment is made.

(72 Stat. 1417, 68A Stat. 791; 26 U.S.C. 5703, 6402)

§ 285.27 Return of importer.

Except for releases in bond as provided in § 285.132, where cigarette papers and tubes are imported into the United States the importer shall pay the tax thereon prior to removal. The importer shall file a tax return on Form 2139, in triplicate, with the district director, for, and prior to, each removal of cigarette papers and tubes from customs custody. The importer shall secure from the district director a copy of the tax return bearing acknowledgment of receipt of the remittance, which copy shall be presented to the appropriate customs officer, with the customs' entry, before such papers and tubes are released from customs custody. When the papers and tubes are so released, the customs officer shall endorse the copy of Form 2139 to show release of the articles and return this copy to the importer, which copy shall be retained by such importer.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 285.28 Assessment.

Whenever any person required by law to pay tax on cigarette papers and tubes fails to pay such tax in accordance with the provisions of this part, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart D—General

§ 285.31 Retention of records, returns, reports, and inventories.

Any record or any copy of a return, report, or inventory required to be kept under this part shall be retained by the manufacturer or importer for three years following the close of the year in which filed or made, as the case may be, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423, 68A Stat. 901; 26 U.S.C. 5741, 7602)

§ 285.32 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where cigarette papers and tubes are produced or kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such cigarette papers and tubes shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 285.33 Interference with administration.

Whoever, corruptly or by force or threats or force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 285.34 Disposal of forfeited, condemned, and abandoned cigarette papers and tubes.

When in the opinion of any Federal, State, or local officer having custody of forfeited, condemned, or abandoned cigarette papers or tubes, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such papers and tubes for consumption in the United States. Where the cigarette papers and tubes are not sold, the officer may deliver them to a Federal or State hospital or institution, or cause their destruction. Where such papers and tubes are sold, they shall not be released by the officer having custody thereof until they are properly packaged and taxpaid, which tax shall be considered as a portion of the sales price. The tax on such papers and tubes shall be evidenced by the presentation, to the officer having custody of the papers and tubes, of a receipt from the district director showing such payment. In the case of such papers and tubes held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(72 Stat. 1425; 26 U.S.C. 5753)

§ 285.35 Variations from requirements.

The Director may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and are not contrary to any provision of law. Any person, subject to the provisions of this part, who proposes to employ methods of operation other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. The assistant regional commissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, together with a report of his findings and his recommendation. Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the person granted the variations shall thereupon fully comply with the prescribed requirements of the regulations from which the variations were authorized.

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

§ 285.36 Penalties and forfeitures.

Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

Subpart E—Qualification Requirements for Manufacturers

§ 285.41 Persons required to qualify.

Every person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption, shall first qualify as a manufacturer of cigarette papers and tubes in accordance with the provisions of this part.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.42 Bond.

Every person, before commencing business as a manufacturer of cigarette papers and tubes, shall file a bond on Form 2102, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I.R.C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection there-

with for which he may become liable to the United States.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.43 Power of attorney.

If the bond or any other document required under this part is signed by an attorney in fact for an individual, partnership, association, company, or corporation, by one of the partners for a partnership, or by one of the members of an association, power of attorney on Form 1534 shall be furnished to the assistant regional commissioner. If such bond or other document is signed on behalf of a corporation by an officer thereof, it must be supported by duly authenticated extracts of the stockholders' meeting, by-laws, or directors' meeting authorizing such officer to execute such document for the corporation. Form 1534 or support of authority does not have to be filed again with an assistant regional commissioner where such form or support has previously been submitted to that assistant regional commissioner and is still in effect.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.44 Notice of approval of bond.

If the bond required under this part is approved by the assistant regional commissioner, he will assign a number to the factory of the manufacturer of cigarette papers and tubes for internal revenue purposes. The assistant regional commissioner will immediately notify the manufacturer, in writing, of the approval of his bond, in order that he may commence operations.

(72 Stat. 1421; 26 U.S.C. 5711)

Subpart F—Changes Subsequent to Original Qualification of Manufacturers

§ 285.61 Change in name.

Where there is a change in the individual, trade, or corporate name of a manufacturer of cigarette papers and tubes, the manufacturer shall, within 30 days of the change, file an extension of coverage of his bond, in accordance with the provisions of § 285.76.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.62 Change in proprietorship.

Where there is to be any change in proprietorship (including a change in the identity of the members of a partnership or association, but excluding any change in stock ownership in a corporation) of the business of a manufacturer of cigarette papers and tubes, the proposed successor shall, before commencing operations, qualify as a manufacturer of cigarette papers and tubes, in accordance with Subpart E of this part: *Provided*, That qualification as a manufacturer of cigarette papers and tubes will not be required where an administrator, executor, receiver, trustee, assignee, or other fiduciary successor intends to liquidate the business, if he promptly files with the assistant regional commissioner a statement to that effect, and furnishes certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such administrator, executor, receiver, trustee, assignee, or other fiduciary, together with an extension of coverage of the predecessor's bond executed by the administrator, executor, receiver, trustee, assignee, or other fiduciary and the surety, in accordance with the provisions of § 285.76. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively, and the successor shall make an opening inventory, in accordance with the provisions of § 285.92.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5721, 5722)

§ 285.63 Change in location within same region.

Whenever a manufacturer of cigarette papers and tubes contemplates a change in the location of his factory within the same region, the manufacturer shall, before commencing operations at the new location, file an extension of coverage of his bond, in accordance with the provisions of § 285.76.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.64 Change in location to another region.

Whenever a manufacturer of cigarette papers and tubes contemplates changing the location of his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part, and make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5721, 5722)

Subpart G—Bonds and Extensions of Coverage of Bonds

§ 285.71 Corporate surety.

Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(72 Stat. 1421, 61 Stat. 648; 26 U.S.C. 5711, 6 U.S.C. 6)

§ 285.72 Deposit of bonds, notes, or obligations in lieu of corporate surety.

Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the manufacturer of cigarette papers and tubes as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

§ 285.73 Amount of bond.

The amount of the bond of a manufacturer of cigarette papers and tubes shall be not less than the maximum amount of the tax liability on the cigarette papers and tubes manufactured in his factory, received without payment of tax from other factories, and released to him without payment of tax from customs custody during any month. In the case of a manufacturer commencing business, the production, receipts from other factories, and releases to him from customs custody, without payment of tax, shall be estimated for the purpose of this section. The amount of any such bond (or the total amount where strengthening bonds are filed) shall not exceed $20,000 nor be less than $1,000.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.74 Strengthening bond.

Where the assistant regional commissioner determines that the amount of the bond, under which a manufacturer of cigarette papers and tubes is currently carrying on such business, no longer adequately protects the revenue, the assistant regional commissioner may require the manufacturer to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 285.73. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.75 Superseding bond.

A manufacturer of cigarette papers and tubes shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.76 Extension of coverage of bond.

An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the manufacturer of cigarette papers and tubes and by the surety on the bond with the same for-

mality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.77 Approval of bond and extension of coverage of bond.

No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part. Upon receipt of an approved bond or extension of coverage of bond from the assistant regional commissioner, such bond or extension of coverage of bond shall be retained by the manufacturer of cigarette papers and tubes in his factory and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.78 Termination of liability of surety under bond.

The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the effective date of a superseding bond, or the date of approval of the discontinuance of operations by the manufacturer of cigarette papers and tubes, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 285.79 Release of bonds, notes, and obligations.

Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of the security, the assistant regional commissioner may, for proper cause, extend the date of release of the security for such additional length of time as in his judgment may be appropriate.

(72 Stat. 1421, 61 Stat. 650; 26 U.S.C. 5711, 6 U.S.C. 15)

Subpart H—Operations by Manufacturers

INVENTORIES

§ 285.91 General.

Every manufacturer of cigarette papers and tubes shall make a true and accurate inventory on Form 2132, to the assistant regional commissioner, of the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes held by him at the times specified in this subpart, which inventory shall be subject to verification by an internal revenue officer. A copy of each inventory shall be retained by the manufacturer.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.92 Opening.

An opening inventory shall be made by the manufacturer of cigarette papers and tubes at the time of first commencing business.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.93 Special.

A special inventory shall be made by the manufacturer of cigarette papers and tubes when required by any internal revenue officer.

(72 Stat. 1422; 26 U.S.C. 5721)

§ 285.94 Closing.

A closing inventory shall be made by the manufacturer of cigarette papers and tubes when a change in proprietorship occurs, or he changes his location to another region, or concludes business. Where a change in proprietorship occurs, the closing inventory shall be made as of the day preceding the date of the opening inventory of the successor.

(72 Stat. 1422; 26 U.S.C. 5721)

RECORDS

§ 285.101 Records.

Every manufacturer of cigarette papers and tubes shall keep records of his daily operations and transactions, which shall reflect the date and number of books or sets of cigarette papers of each different numerical content and the date and number of cigarette tubes (a) manufactured; (b) received, without payment of tax—from another factory, an export warehouse, and customs custody, and by withdrawal from the market; (c) removed subject to tax; (d) removed, without payment of tax, for—export purposes, use of the United States, and transfer in bond pursuant to § 285.131; and (e) lost or destroyed. The entries for each day in the records maintained or kept under this subpart will be considered timely if made by the close of the business day following that on which the operations or transactions occur. No particular form of records is prescribed, but the information required shall be readily ascertainable from the records kept.

(72 Stat. 1423; 26 U.S.C. 5741)

REPORTS

§ 285.111 General.

Every manufacturer of cigarette papers and tubes shall make a report on Form 2138, to the assistant regional commissioner, of the number of books or sets of cigarette papers of each different numerical content and the number of cigarette tubes manufactured, received, removed, and lost or destroyed. The report shall be made at the times specified in this subpart and shall be made whether or not any operations or transactions occurred during the period covered by the report. A copy of each report shall be retained by the manufacturer.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.112 Opening.

An opening report, covering the period from the date of the opening inventory to the end of the month, shall be made on or before the 10th day following the end of the month in which the business was commenced.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.113 Monthly.

A report for each calendar month shall be made on or before the 10th day of the next succeeding month.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.114 Special.

A special report, covering the unreported period to the day preceding the date of any special inventory required by an internal revenue officer, shall be made with such inventory. Another report, covering the period from the date of the special inventory to the end of the month, shall be made on or before the 10th day following the end of the month in which the inventory was made.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 285.115 Closing.

A closing report, covering the period from the first of the month to the date of the closing inventory, shall be made with such inventory.

(72 Stat. 1422; 26 U.S.C. 5722)

PACKAGES

§ 285.121 Packages.

All cigarette papers and tubes shall, before removal subject to tax, be put up by the manufacturer in packages which shall be of such construction as will securely contain the papers or tubes therein. No package of cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

MISCELLANEOUS PROVISIONS

§ 285.131 Transfer in bond.

A manufacturer of cigarette papers and tubes may transfer such papers and tubes, under his bond, without payment of tax, to the bonded premises of any manufacturer of cigarette papers and tubes, or to the bonded premises of any manufacturer of cigarettes solely for use in the manufacture of cigarettes. A manufacturer of cigarette papers and tubes may similarly transfer cigarette papers to the bonded premises of any manufacturer of tobacco to be put up by the manufacturer of tobacco in units of of not more than 25 papers each for distribution with packages of his manufactured tobacco.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 285.132 Release from customs custody.

Imported cigarette papers and tubes may be released in bond from customs

custody, without payment of tax, for delivery to any manufacturer of cigarette papers and tubes, or to any manufacturer of cigarettes solely for use in the manufacture of cigarettes. Imported cigarette papers may be similarly released for delivery to any manufacturer of tobacco to be put up by him in units of not more than 25 papers each for distribution with packages of his manufactured tobacco. To so obtain release of cigarette papers and tubes, the manufacturer shall prepare a notice of release on Form 2145, which, after certification by the assistant regional commissioner that the applicant is a properly qualified manufacturer in his region, shall be presented to the customs officer having custody of the articles. The customs officer, upon completion of the notice of release, shall return one copy of the form to the manufacturer, which shall be retained by such manufacturer as a part of his records.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

§ 285.133 Use of the United States.

A manufacturer of cigarette papers and tubes may remove cigarette papers and tubes under his bond, without payment of tax, for use of the United States. Such removal shall be in accordance with the provisions of Part 295 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 285.134 Exportation.

A manufacturer of cigarette papers and tubes may transfer cigarette papers and tubes, under his bond, without payment of tax, to the bonded premises of an export warehouse proprietor or remove such papers and tubes, under his bond, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the provisions of Part 290 of this subchapter.

(72 Stat. 1418; 26 U.S.C. 5704)

Subpart I—Discontinuance of Operations by Manufacturers

§ 285.141 Discontinuance of operations.

Every manufacturer of cigarette papers and tubes who desires to discontinue operations and close out his factory shall dispose of all cigarette papers and tubes on hand, in accordance with this part, and make a closing inventory and closing report, in accordance with the provisions of §§ 285.94 and 285.115, respectively.

(72 Stat. 1422; 26 U.S.C. 5721, 5722)

Subpart J—Operations by Importers

PACKAGES

§ 285.151 Packages.

All cigarette papers and tubes shall, before removal subject to tax, be put up by the importer in packages which shall be of such construction as will securely contain the papers or tubes therein: *Provided*, That cigarette tubes removed as samples pursuant to the provisions of § 285.161 shall be exempt from the foregoing provisions of this section. No package of cigarette papers or tubes shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon, (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

EXEMPTIONS FROM TAX

§ 285.161 Exemption of certain samples from internal revenue taxes.

Samples of cigarette tubes, to be used in the United States by persons importing cigarette papers or tubes in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for cigarette tubes manufactured in foreign countries. Only one sample of cigarette tubes of the same brand, size, shape, color, weight, and burning characteristics, and having the same kind of tip, filter, mouthpiece, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than 3 cigarette tubes.

(71 Stat. 486; 19 U.S.C. 1201)

§ 285.162 Exemption of consular officers and employees of foreign states.

No internal revenue tax shall be due with respect to cigarette papers and tubes imported by a consular officer of a foreign state, or by an employee of a consulate of a foreign state, whether such papers and tubes accompany the officer or employee to his post in the United States, or are imported by him at any time during the exercise of his functions therein, if:

(a) Such officer or employee is a national of the state appointing him and is not engaged in any profession, business, or trade within the territory specified in this section;

(b) The papers and tubes are imported by the officer or employee for his personal or official use; and

(c) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state, as certified by the Secretary of State.

(68A Stat. 900; 26 U.S.C. 7511)

Subpart K—Claims

GENERAL

§ 285.171 Abatement.

A claim for abatement of the unpaid portion of the assessment of any tax on cigarette papers and tubes, or any liability in respect thereof, may be allowed to the extent that such assessment is excessive in amount is assessed after the expiration of the applicable period of limitation, or is erroneously or illegally assessed. Any claim under this section shall be prepared on Form 843, in duplicate, and shall set forth the particulars under which the claim is filed. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the tax or liability was assessed.

(68A Stat. 792; 26 U.S.C. 6404)

§ 285.172 Allowance.

Relief from the payment of tax on cigarette papers and tubes may be extended to the manufacturer by allowance of the tax, where the cigarette papers and tubes, after removal from the factory upon determination of tax and prior to the time for payment of such tax, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer who removed such papers and tubes, or are withdrawn by him from the market. Any claim for allowance under this section shall be prepared in letter form, in duplicate, shall show the date the cigarette papers and tubes were removed from the factory, and shall be verified by a written declaration that it is made under the penalties of perjury. The original of a claim relating to cigarette papers and tubes lost or destroyed, supported as prescribed in § 285.181, shall be filed with the assistant regional commissioner for the region in which the articles were removed. The original of a claim relating to cigarette papers and tubes withdrawn from the market shall be filed with the assistant regional commissioner for the region in which the articles were removed. The schedule, as provided in § 285.191, shall be filed with the assistant regional commissioner for the region in which the articles are assembled. The manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the claim or any part thereof is received from the assistant regional commissioner, the manufacturer may make a proper adjusting entry and explanatory statement in a subsequent tax return or returns to the extent necessary to exhaust the credit.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.173 Refund.

The taxes paid on cigarette papers and tubes may be refunded (without interest) to the manufacturer or importer on proof satisfactory to the assistant regional commissioner that such manufacturer or importer has paid the tax on cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer or importer, or withdrawn by him from the market. Any claim for refund under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on cigarette papers and tubes by Chapter 52,

I.R.C., has been paid in respect to the cigarette papers and tubes covered by the claim and that the cigarette papers and tubes were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for refund relating to cigarette papers and tubes lost or destroyed shall be supported as prescribed in § 285.181, and a claim relating to cigarette papers and tubes withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 285.191 and 285.193. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.174 Remission.

Remission of the tax liability on cigarette papers and tubes may be extended to the manufacturer thereof where cigarette papers and tubes, before removal, or after removal for tax-exempt purposes, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer. Where cigarette papers and tubes are so lost or destroyed, the manufacturer shall report promptly such fact, and the circumstances, to the assistant regional commissioner for the region in which the factory is located. Where the manufacturer desires remission of the tax liability on such cigarette papers and tubes, he shall also prepare a claim in letter form, in duplicate, setting forth the nature, date, and extent of the loss or destruction, and shall verify, by a written declaration, that it is made under the penalties of perjury. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the factory is located.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.175 Retention by claimant.

A copy of each claim filed under this subpart, together with any verified supporting schedules, shall be retained by the manufacturer or importer for three years following the close of the year in which filed, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

LOST OR DESTROYED

§ 285.181 Action by claimant.

Where cigarette papers and tubes are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the manufacturer or importer desires to file claim under the provisions of § 285.172 or § 285.173, he shall indicate on the claim the nature, date, and extent of such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705)

WITHDRAWN FROM THE MARKET

§ 285.191 Action by claimant.

Where cigarette papers and tubes are withdrawn from the market and the manufacturer or importer desires to file claim under the provisions of § 285.172 or § 285.173, he shall assemble the articles in or adjacent to a domestic factory if they are to be retained in or received into such factory, or at any suitable place if they are to be destroyed. The manufacturer or importer shall prepare a letter schedule, in triplicate, listing the cigarette papers and tubes and the factory or factories from which removed, or in the case of an importer, the district director or district directors to whom the tax was paid. The schedule shall also specify (a) whether it relates to a claim for allowance or a claim for refund, (b) the region in which the claim will be filed, (c) the place where the cigarette papers and tubes are assembled, (d) the disposition to be made of the articles, and (e) the date on which disposition of the articles is desired. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the cigarette papers and tubes are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.192 Action by assistant regional commissioner.

Upon receipt of a schedule of cigarette papers and tubes withdrawn from the market, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the cigarette papers and tubes, or he may authorize the manufacturer or importer to dispose of the articles, by so specifying on all copies of the letter schedule and returning the original and one copy to the manufacturer or importer.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.193 Disposition of cigarette papers and tubes and verified schedule.

When so authorized, as evidenced by the assistant regional commissioner's notification on the letter schedule, the manufacturer or importer shall dispose of the cigarette papers and tubes as specified in the schedule. After the manufacturer or importer has disposed of the cigarette papers and tubes, he shall execute a statement, verified by a written declaration that it is made under the penalties of perjury, on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim. In connection with a claim for refund, the manufacturer or importer shall attach the original of the schedule to his claim filed under the provisions of § 285.173. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the cigarette papers and tubes, such officer shall, upon completion of his assignment, execute an appropriate certificate on all copies of the schedule to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his files, and in connection with a claim for refund, the officer shall return the original and one copy of the schedule to the manufacturer or importer, the original of which the manufacturer or importer shall attach to his claim filed under the provisions of § 285.173.

(72 Stat. 1419; 26 U.S.C. 5705)

[F.R. Doc. 60-6938; Filed, July 25, 1960; 8:48 a.m.]

Title 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 15—RULES AND REGULATIONS FOR ADMINISTERING FOREST HIGHWAYS

Amendment

Section 15.2(b) of the rules and regulations for administering forest highways, published and effective July 10, 1958, and § 15.4(d) of the said rules and regulations, published and effective March 22, 1950, are hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 15.2 Apportionment.

* * * * *

(b) On or before January 1 of each year, or as otherwise provided by legislation, the Secretary of Commerce shall apportion among the several States and Puerto Rico the forest highway funds authorized for the next succeeding fiscal year in the same percentage as the amounts apportioned for expenditure in each State, Alaska, and Puerto Rico from funds authorized for forest highways for the fiscal year ending June 30, 1958, which percentage is based upon a determination of the area and value of the land owned by the United States within the national forests, as certified to the Secretary of Commerce by the Secretary of Agriculture as of June 30, 1955.

* * * * *

§ 15.4 Selection of forest highway program.

* * * * *

(d) Approval of the jointly recommended forest highway program shall be

by the Administrator and the Forester or their duly authorized representatives.

(23 U.S.C. 204)

Dated: July 21, 1960.

Recommended:

V. L. HARPER,
Acting Chief, Forest Service, Department of Agriculture.
B. D. TALLAMY,
Federal Highway Administrator, Bureau of Public Roads.

Approved:

E. T. BENSON,
Secretary of Agriculture.
FREDERICK H. MUELLER,
Secretary of Commerce.

[F.R. Doc. 60-6981; Filed, July 25, 1960; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

Change in Method of Determining Basic Pay for Purposes of Computing Dependency and Indemnity Compensation

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1544 as follows:

§ 3.1544 Change in method of determining basic pay for purposes of computing dependency and indemnity compensation under Public Law 86-492.

(a) *Provisions of law.* Public Law 86-492 amends 38 U.S.C. 402, by adding the following new subsection:

(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a rank higher than that specified in subsection (a) or (b) and was so serving in such rank within one hundred and twenty days before death in the active military, naval, or air service or before last discharge or release from active duty under conditions other than dishonorable, his basic pay shall be determined by using the appropriate rank specified in those subsections or by substituting such higher rank for the rank specified in those subsections, whichever will result in a greater amount. The determination as to whether an individual has served satisfactorily for the required period in a higher rank shall be made by the Secretary of the Department in which such higher rank was held.

(b) *Effect of the act.* (1) It liberalizes the criteria for determining basic pay for purposes of dependency and indemnity compensation in a limited number of widow cases.

(2) Subsequent to June 8, 1960, the applicable service department will certify basic pay based on the rank and years of service that will provide the higher rate.

(3) The service department is responsible for determining whether the veteran served satisfactorily in a higher rank for at least 6 months during active service and held such rank within 120 days of discharge or death.

(c) *Effective date.* The date of enactment of this act was June 8, 1960. No increase in the rate of dependency and indemnity compensation based solely on its liberalizing provisions may be made effective prior to date of enactment or date of claim, formal or informal, whichever is later.

(1) *Pending claims.* The effective date of an increased rate of dependency and indemnity compensation as to a claim pending on the date of enactment will be June 8, 1960, if evidence otherwise establishes entitlement on that date. Pending claims will include:

(i) A claim not previously adjudicated.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry on which action was pending on date of enactment.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry after date of enactment but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after June 8, 1960, will be considered initial claims for the purpose of this law and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than June 8, 1960. (Instruction 1, 38 U.S.C. 402, Public Law 86-429)

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

This regulation is effective July 26, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-6933; Filed, July 25, 1960; 8:48 a.m.]

PART 3—VETERANS CLAIMS

Liberalization of Marriage Requirements for Widow's Entitlement to Death Compensation

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1545 as follows:

§ 3.1545 Liberalization of marriage requirements for widow's entitlement to death compensation.

(a) *Provisions of the law.* Public Law 86-491 approved June 8, 1960, amends Chapter 11 of Title 38, United States Code, by substituting "fifteen years" for "ten years" in item (1) of 38 U.S.C. 302 (a). The subsection, as amended, is as follows:

(a) No compensation shall be paid to the widow of a veteran under this chapter unless she was married to him

(1) before the expiration of fifteen years after the termination of the period of service in which the injury or disease causing the death of the veteran was incurred or aggravated; or

(2) for five or more years; or

(3) for any period of time if a child was born of the marriage.

(b) *Effect of the act.* (1) The marriage requirements for payment of death compensation to widows have been liberalized and made uniform with those for payment of dependency and indemnity compensation. The marriage requirements in 38 U.S.C. 302, as amended, are now identical with those in 38 U.S.C. 404.

(2) This liberalizing change will have a very limited application. Death compensation currently is payable only where the veteran died prior to January 1, 1957, or where he died after April 30, 1957, while having in force a contract of United States Government life insurance or National Service life insurance under an inservice waiver of premiums pursuant to 38 U.S.C. 724. Even in such cases, the change would be applicable only if no child were born of the marriage and the widow had not been married to the veteran for 5 or more years.

(c) *Effective date.* The law becomes effective on the date of enactment, June 8, 1960. The provisions of this paragraph apply to claims which are allowed solely because of its liberalizing provisions and are subject to the rule that the effective date may not be earlier than the date of enactment.

(1) *Pending claims.* Where otherwise in order, the effective date of an award as to a claim pending on the date of approval of the act will be June 8, 1960. For the purposes of this subparagraph a pending claim will include:

(i) A claim not previously disallowed by the Adjudication activity of original jurisdiction.

(ii) A previously disallowed claim pending consideration on appeal.

(iii) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry, in which action was pending on June 8, 1960.

(iv) A previously disallowed claim reopened by the receipt of any claim, evidence or inquiry, after June 8, 1960, but within the appeal period.

(2) *New claims.* All other claims, formal or informal, received on or after June 8, 1960, will be considered initial claims for the purpose of this act and the effective date will be determined under applicable laws and regulations relating to original claims but not earlier than June 8, 1960. (Instruction 1, 38 U.S.C. 302(a)(1), Public Law 86-491.)

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

This regulation is effective July 26, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-6934; Filed, July 25, 1960; 8:48 a.m.]

PART 3—VETERANS CLAIMS

New Effective Date for Payment of Additional Compensation for Dependents

Part 3, Chapter I of Title 38 of the Code of Federal Regulations, is amended by adding § 3.1546 as follows:

§ 3.1546 New effective date for payment of additional compensation for dependents.

(a) *Provisions of the law.* The law provides that section 3011, Title 38, United States Code, is amended to read:

The effective date of an award of increased compensation, dependency and indemnity compensation, or pension (amending, reopening, or supplementing a previous award, authorizing any payments not previously authorized to the individual involved) shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of evidence showing entitlement thereto, except as hereafter provided. Additional compensation on account of dependents based on the establishment of a disability rating in the percentage evaluation specified by law for the purpose shall be payable from the effective date of such rating provided the basic proof of dependents is received in the Veterans' Administration within sixty days from the date of notification of such rating action.

(b) *Effect of the act*—(1) *Prior law.* Before the enactment of Public Law 86–490, the additional compensation for dependents following a rating increasing the evaluation to 50 percent or more disabling was payable from the date the evidence establishing the dependent was received.

(2) *Present law.* Under Public Law 86–490, the additional compensation will be payable from the effective date of the increased evaluation to 50 percent or more if basic proof of dependent(s) is received within 60 days from date of Veterans Administration notification of increased disability.

(3) *Basic proof*—(i) *Marriage.* The basic proof of marriage will be the evidence described in §§ 3.49 and 3.50 as well as the secondary evidence described in § 3.48, e.g., a copy of the public record of marriage.

(ii) *Birth and relationship.* The basic proof to establish the relationship and date of birth of a child or relationship of a parent will be the evidence described in §§ 3.45 and 3.46 as well as secondary evidence described in § 3.48. In claims involving additional compensation for dependent parents the basic proof will consist of evidence of relationship and dependency.

(4) *Substantiating evidence.* The veteran will be given 1 year in which to perfect the claim for increase for dependents, e.g., if the basic proof (record of marriage) is received within 60 days, he will have 1 year from date of Veterans Administration request to submit any substantiating evidence (such as decree of divorce) to show dissolution of a prior marriage.

(c) *Effective date.* Payment of additional compensation for a dependent by reason of Public Law 86–490 will be from the effective date of the increased evaluation to 50 percent or more or the date of enactment of Public Law 86–490, whichever is the later whenever basic proof received on or after June 8, 1960, is within 60 days from date of Veterans Administration notification of increased evaluation and substantiating evidence is received within 1 year from date of Veterans Administration request therefor. (Instruction 1, 38 U.S.C. 3011, Public Law 86–490)

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

This regulation is effective July 26, 1960.

[SEAL] BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60–6935; Filed, July 25, 1960; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

FLORIDA GRAPEFRUIT

Limitation of Shipments

Consideration is being given to the following recommendation, submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674):

(1) During the period beginning at 12:01 a.m., e.s.t., August 15, 1960, and ending at 12:01 a.m., e.s.t., September 12, 1960, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1: *Provided*, That such grapefruit which grade U.S. No. 1 Russet, U.S. No. 2 Bright, U.S. No. 2, or U.S. No. 2 Russet, may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{12}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.790); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER. Shipments of grapefruit grown in Florida are currently subject to Grapefruit Regulation 325 (7 CFR 933.1014; 25 F.R. 4735). This regulation extends to August 15, 1960.

Dated: July 20, 1960.

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

[F.R. Doc. 60–6922; Filed, July 25, 1960; 8:46 a.m.]

[7 CFR Part 1031]

[Docket No. AO–320]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN TEXAS

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of oranges, grapefruit, and tangerines grown in Texas, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business of the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Weslaco, Texas, on May 24–26, 1960, pursuant to a notice thereof which was published April 28, 1960, in the FEDERAL REGISTER (25 F.R. 3728). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by Texas Citrus Mutual and the Valley Farm Bureau, with a request for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purpose of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish marketing research and development projects;

(e) The method for regulating shipments of citrus fruits grown in the production area;

(f) The provision of exemptions and the establishment of special regulation for citrus fruits handled in certain types of shipments or for certain specified purposes;

(g) The requirement for inspection and certification of citrus fruits handled;

(h) The establishment of reporting requirements for handlers;

(i) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(j) Additional terms and conditions as set forth in §§ 1031.52 through 1031.62, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 1031.63 through 1031.65, which are common to marketing agreements only, all of which were included in the notice of hearing published in the FEDERAL REGISTER on April 28, 1960 (25 F.R. 3728).

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are

based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Commercial production of citrus fruits in Texas is confined to the southernmost counties bordering, or near, the Rio Grande River, with approximately 99 percent of such production located in Hidalgo, Cameron, and Willacy counties. In the late 1940's, there were approximately 13 million citrus fruit trees in the Lower Rio Grande Valley in Texas, of which about three-fourths were grapefruit trees. Production from such plantings during the 1947–48 season totaled 23.2 million boxes of grapefruit and 5.2 million boxes of oranges. Successive freezes in 1949 and 1951 practically wiped out the citrus fruit industry in Texas; and total production of oranges and grapefruit during the 1951–52 season was only 500,000 boxes.

Production of citrus fruits in Texas, other than oranges and grapefruit, is small and reference to "citrus fruits" or "fruit" in this decision, as is the case in the Texas citrus industry generally, refers only to oranges and grapefruit unless the context indicates otherwise.

Following the freeze in 1951, the replanting of citrus fruit trees in the Rio Grande Valley in Texas was begun and it is estimated there are now approximately 7.2 million citrus fruit trees of all ages in Hidalgo, Cameron, and Willacy counties. Production of oranges and grapefruit from such plantings during the 1959–60 season is estimated at 2.8 and 5.5 million boxes, respectively. Production from these young citrus fruit groves may be expected to increase rapidly and it was estimated, at the hearing, that within the next five years, or during the 1964–65 season, grapefruit production would total approximately 14.0 million boxes and orange production about 9.5 million boxes.

Texas oranges and grapefruit are distributed widely in the United States and are exported to Canada and other foreign countries. For several years following the 1951 freeze, the production of Texas citrus fruits was marketed primarily in the Southwestern and Western States because transportation costs to these markets were substantially less than those for citrus fruits produced in Florida and the Texas industry could market its small production advantageously in this area. However, as the volume of production of Texas citrus fruits has increased, it has been necessary to expand the market area.

Markets within the State of Texas are important outlets for Texas citrus fruits. At the present time, approximately 25 percent of the fresh shipments of Texas citrus fruits is sold within the State. During the 1958–59 season, unloads of Texas citrus fruits in the Texas markets of Dallas, Fort Worth, and Houston each were greater than for any other individual market. However, it is known that a considerable quantity of the fruit included in such unloads is later transshipped to other destinations, many of which are outside the State. It is a common practice for truckers to assemble mixed loads of citrus fruits in the larger cities in Texas and to transport them to destinations in Louisiana, Arkansas, Oklahoma, Colorado, New Mexico, and other Western States.

Any handling of Texas citrus fruits in fresh market channels exerts a direct influence on all other handling of such citrus fruits in fresh form. It is the primary objective of all handlers of citrus fruits, as well as other commodities, to obtain the highest possible return for the commodities they have for sale. Handlers of citrus fruits, therefore, continually survey all accessible markets so that advantage may be taken of the best possible opportunity to market the fruit. Markets within the State of Texas provide opportunities to dispose of citrus fruits the same as the markets within any other State. If shipments of citrus fruits to markets outside Texas were regulated while those within the State were unregulated, growers and handlers would attempt to market within the State the lower quality citrus fruits which could not be shipped under regulation. This would depress the price of citrus fruits in the Texas markets. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used in bargaining for citrus fruits to be shipped into other markets, including markets outside the State of Texas. Moreover, with substantial quantities of poor quality citrus fruits burdening markets in the State of Texas, there would be little opportunity to sell in such markets citrus fruits meeting the requirements of the regulations established. The larger quantity of citrus fruits which would be required to be sold in interstate markets under such circumstances, would tend to lower the level of prices in the interstate markets.

The movement of citrus fruits by truck in complete loads is increasing. It is customary to load citrus fruits on trucks at the packing shed. Often the buyer may not know the final destination of the citrus fruits at time of purchase. If the market is less favorable in the State of Texas than elsewhere, the purchaser moves the citrus fruits to a more favorable market outside the State. This, coupled with the transshipment of citrus fruits from Texas markets such as Dallas and Houston, would make it virtually impossible to effect compliance with regulations governing interstate shipments if shipments to markets within the State were unregulated. Because of the foregoing, it is concluded that the movement and sale of Texas citrus fruits, whether to a market within the State of Texas or outside thereof, directly affect prices of all citrus fruits grown in the production area. Therefore, it is hereby found that all handling of citrus fruits grown in the production area is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. Hence, except as hereinafter otherwise provided, all handling of citrus fruits grown in the production area should be subject to the authority of the act and of the order.

(2) The evidence presented at the hearing indicates that the current trend of citrus fruit production in Texas is sharply upward. During the season following the disastrous freeze of 1951, the total production of oranges and grapefruit was 300,000 and 200,000 boxes, respectively. The immediate rebuilding of the citrus industry was delayed by the lack of sufficient nursery stock, but a tree census in July 1955, showed there were approximately 2,683,000 grapefruit trees and 2,050,000 orange trees planted in the three lower Rio Grande Valley counties of Willacy, Cameron, and Hidalgo. Estimates presented indicate that since that time an additional 2,800,000 orange and grapefruit trees have been planted in the lower Valley; and it is anticipated that from 300,000 to 400,000 citrus fruit trees may be planted in this area each year for the next 10 to 15 years. Citrus fruit trees generally produce a commercial crop about five years after planting but the maximum bearing stage is not reached until the trees are 15 or more years old. The fact that few of the citrus fruit trees planted in the lower Valley have reached the maximum bearing stage gives an indication of the marketing problems developing within the industry.

During this same period, there has been increases in the production of citrus fruits in other producing areas of the United States, particularly in Florida. For the 5-year period 1945–49 the average annual production of oranges and grapefruit in Florida was approximately 55.7 million boxes and 29.7 million boxes, respectively; and in the 5-year period 1955–59 such production was approximately 89.0 and 34.5 million boxes, respectively.

It is particularly important in view of the prospective increase in the production of citrus fruits in Texas and in other producing areas, that the oranges and grapefruit that the Texas industry markets in fresh fruit channels be of desirable grade, quality, size, and maturity. Before the 1951 freeze, the quality of the Texas grapefruit shipped to the fresh market was very good and the industry was the major supplier of grapefruit throughout the Middle Western and Rocky Mountain States. Following the 1951 freeze, however, shippers generally began to market the entire production in fresh fruit channels, including the less desirable grades and sizes. Recently, as the production of Texas citrus fruits has increased, growers and handlers have endeavored, through industry organization to improve the quality of the fruit marketed. However, the handlers of Texas citrus fruits have, in most instances, continued individually to make their decisions concerning the marketing of the supplies available to them.

As the supplies of Texas oranges and grapefruit available for market have increased, fruit of poor quality and appearance and of less desirable size could be sold only at discounts from the prices prevailing for the better fruit. Such price differentials reflect the consumer preferences for the various grades and sizes of citrus fruits. However, competition in the marketing of citrus fruits is based to a considerable extent on price, and the offering of fruit of less desirable quality and size at discounts tends to depress prices for the preferred grades and sizes.

The level of market prices and total returns to growers could be augmented by making only the more preferred grades, sizes, and qualities of citrus fruits available in the fresh markets. Such results could be obtained under a marketing agreement and order by prohibiting the handling of a portion or all of the discounted grades and sizes of citrus fruits. Such limitations would tend to increase consumer satisfaction and stimulate demand. Moreover, shipments of citrus fruits of undesirable quality and size are made at times that do not return the cash costs of harvesting and marketing. Limitation of shipments of fruit of such quality and size would not only improve the quality and size composition of the citrus fruits shipped but would also improve returns to producers by preventing the losses so incurred.

It is concluded, therefore, that the adoption of a marketing order regulating the handling of Texas citrus fruits would contribute to the establishment of more orderly marketing of such fruit and would tend to effectuate the declared policy of the act. The objective under such order should be the tailoring of the supply of citrus fruits available for sale in fresh market channels to the demand in such outlet so that the fruit thus made available to buyers will be packed uniformly and be of desirable size and quality. Such limitations on the handling of Texas citrus fruits should tend to increase the demand for, and to improve returns to the producers of, such fruit.

(3) The term "fruit" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, should include the citrus fruits classified botanically as citrus grandis, Osbeck, and citrus sinensis, Osbeck, which are grown in the production area. Such fruits are commonly called grapefruit and oranges, respectively. The term should not include the so-called Temple oranges. Temple oranges are grown in the production area in limited volume only and probably are a tangor—a hybrid of an orange and tangerine.

It was proposed in the notice of hearing that tangerines also should be included among the citrus fruits to be regulated under the order. Evidence presented at the hearing shows that only about 16,000 tangerine trees were planted in Cameron, Willacy, and Hidalgo counties in Texas in July 1955, and no evidence was presented to indicate there has been any significant increase in the plantings of tangerine trees in this area since that time. While tangerines represented about 20 percent of the plantings of citrus fruit trees in other citrus fruit producing counties of the State, as of July 1955, and it was indicated at the hearing that the planting of tangerine trees in such counties is being increased, these counties should not, for reasons hereinafter discussed, be included in the production area covered by the order.

Tangerines are used primarily in "mixed car" shipments and in specialty gift packages. Data relating to the volume of shipments and inspections of tangerines included some tangerines produced in Mexico which are brought into the Valley by handlers and reshipped to other destinations. It is concluded, therefore, that need for an order at this time to regulate the handling of tangerines grown in Texas has not been established by the evidence of record and that tangerines should not be included under the order.

The term "variety" should be defined in the order, as hereinafter set forth, since it is proposed, for reasons hereinafter discussed, to provide authority for separate regulations for different varieties of oranges and grapefruit. Some varieties of oranges, and also of grapefruit, are marketed during the same period and are sufficiently similar in characteristics that it would not be practical to attempt to apply different regulations to such fruits. For example, early and midseason varieties of oranges, such as Hamlin, Parson Brown, Jaffa, Marrs, and Pineapple, have marketing seasons which coincide or overlap. Representatives of the inspection services testified that it would not be practical to attempt to certify the particular variety of such oranges that may be included in individual shipments. Nor is it necessary to do so since, in order to establish orderly marketing conditions for such fruit, the same quality and size limitations should be applied. Hence, the term "variety," as used in the order, should refer to the groupings or classifications of citrus fruits as set forth therein.

A definition of production area should be set forth in the order to delineate the area in which the citrus fruits to be regulated are grown. Citrus fruit production in Texas is concentrated in the lower Rio Grande Valley counties of Cameron, Willacy, and Hidalgo. Since this area, by reason of soil, climate, and the availability of irrigation water, is the most suited of any in the State for citrus fruit production, it is likely to continue as the major producing area.

There are some citrus fruits produced in Brooks, Dimmit, Starr, and Webb counties in Texas. Data presented at the hearing show that, as of July 1, 1955, there were about 31,000 orange trees and 1,700 grapefruit trees planted in these counties. Estimates of the current acreage of orange and grapefruit groves in this area, presented at the hearing, indicate there has been increased planting since 1955; and it was indicated that some substantial plantings of tangerines are planned for this area. The volume of production that currently is available in these counties, however, is small in relation to the total for the entire citrus producing area in Texas. Moreover, even if the planned new acreage is planted immediately it will be at least 5 years before there would be any substantial volume of citrus fruits produced in this area.

The production area comprising the three lower Rio Grande Valley counties would have a natural boundary on two sides—the Mexican border and the Gulf of Mexico. To the North and West is an area of brush and ranch land and a limited number of roads leading from the lower valley through this land. The Texas State Department of Agriculture has check stations on all of these highways. Thus, if the production area is confined to the three lower valley counties, there already exists facilities for checking all truck shipments for compliance with the regulations. The other citrus producing counties are some distance from the lower valley counties and no existing facilities would be available for checking such compliance in those counties. The increased cost of administration of the program in the larger area would be excessive in relation to the benefits that might accrue from including all of such area within the scope of the order.

It is concluded, therefore, that the production area should include only the three lower Rio Grande Valley counties and such term should be defined as hereinafter set forth.

It was stated at the hearing that citrus growers in Brooks and Dimmit counties were known to have collected, from the nearby markets in Texas, boxes which had the brand labels of handlers in the lower valley affixed thereon, and that such boxes were used to market ungraded fruit produced in such counties. It was argued that fruit shipped from such counties should be subject to the order regulations since the marketing of this ungraded fruit was detrimental to the handler whose label was affixed to these boxes of fruit. It is not necessary to include this production under the order for this purpose, however, as there are other laws dealing with the marketing of fruits and other commodities in containers which misrepresent the grade of the product contained therein and recourse to such laws is available if the situation warrants.

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of fruit that is regulated, the term "handler" should apply to all persons who place fruit in commerce by performing any of the activities within the scope of the term "handle," as hereinafter described. In other words, any person who is responsible for the sale or transportation of fruit, or who in any other way places fruit in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of fruit owned by another person should not be considered as making such carrier a "handler" as, in such instances, the carrier is performing services for hire and is not responsible for the quality or pack of the commodity. Of course, if the carrier is the owner of the fruit being transported, such carrier would be the handler the same as any other person who may primarily be engaged in another business—such as producer or retailer—but at times he is also a handler of fruit. As handler representation on the administrative agency established under the order is divided between the cooperative marketing organizations which are handlers and all other, or "independent," han-

dlers, the term "independent handler" should be defined in the order and should mean any handler other than a cooperative marketing organization.

The term "handle" or "ship" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place fruit in the channels of commerce between the production area to any point outside thereof in the United States, Canada, or Mexico. The handling of fruit begins after the fruit is picked from the trees and includes each of the successive activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling (including consignment and delivery), or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of oranges and grapefruit to fruit which conforms to the applicable regulations under the order.

It is usual for citrus fruits, after picking, to be sorted, graded, packed, or otherwise prepared for market. Such preparation for market generally is performed at a packinghouse. The grower, in such instances, properly relies on the person preparing the fruit for market to see that it meets all applicable requirements for marketing before being shipped. Moreover, such activities, if performed, are preliminary to placing the fruit in marketing channels. It would not be practical and would unnecessarily complicate the administration of the order to endeavor to require persons engaged in the preparation of fruit for market to meet the requirements of regulations under the program until after such preparation. Therefore, movement within the production area from the citrus fruit grove to the place within the production area where the fruit will be prepared for market and activity in connection with such preparation should not be covered as handling subject to regulation.

Oranges and grapefruit may be sold, at times, at the groves where grown to truckers who transport the fruit from such points to markets outside the production area. Such sale or delivery of fruit to the trucker, and the subsequent movement to market, are each handling transactions. Any person, whether grower, packinghouse operator, trucker, or others, who sells or transports fruit, either directly or through others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the fruit he handles meet all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading and otherwise preparing the fruit for market. The primary responsibility for determining whether a particular lot of oranges or grapefruit conforms to the applicable regulations should rest with the person who places such lot, or causes it to be placed, in the current of the regulated commerce. In most cases, such person will be the one who was responsible for grading and preparing the fruit for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the fruit are met at the time such persons handle the fruit. This can readily be ascertained by determining that the fruit has been inspected and certified as meeting such regulations or by having it inspected.

While some fruit is handled for consumption within the production area, most of the transportation of fruit within such area is from groves to packinghouses or to canning plants. The quantity of fruit handled for consumption within the area is so small in relation to the total movement, and the difficulties of enforcing regulations for fruit so marketed would be so great, that such handling should not be regulated.

As all handling of oranges and grapefruit is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all such handling of fruit between the production area and any point outside thereof in the United States, Canada, or Mexico should be subject to the order and any regulations issued pursuant thereto.

It was proposed in the notice of hearing that all exports of citrus fruits be subject to regulation under the order. Proponents of the provision asserted that such authority was needed so that, in addition to the necessary regulation of shipments to the nearby export markets in Canada and Mexico (which generally are considered as an extension of the domestic market), only quality citrus fruits would be available to the European markets. Handlers who export citrus fruits to such markets argued that such regulation was not needed and would tend to impede development of the European market. It was stated that import regulations in the European countries vary according to the country involved and are subject to frequent change. Information concerning the demand in, and the conditions for entry of fruit into, such countries is difficult to obtain. Buyers in these markets will accept only fruit which conform to the demand and conditions in the particular market. It is concluded, therefore, that authority to regulate such exports should not be included under the order at this time.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "producer" should be defined to include any person who is engaged, within the production area, in the production of fruit for market and who has a proprietary interest therein. A definition of the term grower is necessary for such determinations as eligibility to vote for, and to serve as, a member or alternate member on the Texas Valley Citrus Committee—the agency which will administer the order locally—and for other reasons. The producer representation on the committee is divided between those affiliated with cooperative marketing organizations and so-called "independent producers"—those not so affiliated. The terms "producer" and "independent producer" should, therefore, be defined as hereinafter set forth.

Definitions of "grade" and "size" should be incorporated into the order to indicate the basis for expressing grade and size limitations thereunder. Such terms should mean any one of the established grades or sizes, as the case may be, as defined and set forth in the United States Standards that are applicable to oranges or grapefruit grown in Texas, or amendments thereto, or any modifications thereof or variations based thereon recommended by the committee and approved by the Secretary. The grades and sizes, as established in the United States Standards applicable to Texas citrus fruits, have been used by the handlers for many years and therefore provide appropriate and meaningful basis for describing grade and size limitations established under the order. The use of modifications or variations from the grades and sizes established in such standards provide the flexibility necessary to cope with possible seasonal variation in quality and size due to any detrimental effects of weather or other hazards affecting the crops.

The term "pack" is commonly used throughout the citrus trade and refers to a combination of factors relating to the grade, size, quality, and arrangement of oranges or grapefruit in a particular type and size of container. It may be desirable, under certain circumstances, to modify the specifications of the minimum and maximum diameters specified in the sizes so as to reduce the number that may be packed or to provide more uniform sizing for the fruit in particular containers. It may be desirable also to regulate shipments of oranges or grape-

fruit on the basis of particular grades or sizes, or both, that may be shipped in a specific container or containers and to specify the arrangement of the fruit within the container. Hence, it is concluded that "pack" should be defined as hereinafter set forth.

The term "container" should be defined in the order to mean a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging, or handling of fruit. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles, in which oranges and grapefruit are sold or move to market, for which different regulations could be applicable.

The term "maturity" should be defined in the order to mean the various degrees of ripeness of fruit as may be established by the committee with the approval of the Secretary. Maturity requirements applicable to shipments of oranges and grapefruit have been established under State legislation. Such requirements are expressed in terms of the minimum amount of solids and acid, and the specified ratio of solids to acid, that fruit must meet to be eligible for marketing. The evidence of record clearly indicates that such requirements are satisfactory, insofar as the industry generally is concerned, and concurrent regulation under the order does not appear warranted. However, should the State maturity requirements be discontinued in the future, authority for maturity regulation should be available under the order. The term maturity should be defined as heretofore indicated so that requirements as to ripeness of the fruit could be described in any appropriate terms necessary to assure that only mature fruit would be handled.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid repetition of the full name of the committee each time it is referred to in the order.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the agency which will administer the program locally are to be maintained. At the present time, it is desirable to establish a 12-month period ending the last day of July of each year as a fiscal period. Such a period would fix the end of one fiscal period and the beginning of the next at a time of inactivity in the marketing of oranges and grapefruit. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. Since it may develop that for convenience of management, or for other good and sufficient reasons not now apparent, that it would be desirable to establish a fiscal period other than one ending the last day of July, authority should be included in the order to provide for such establishment, subject to approval of the Secretary pursuant to recommendations of the committee. It is concluded, therefore, that such term should be defined as hereinafter set forth to provide this flexibility.

"District" should be defined as set forth in the order to provide a basis for the nomination and selection of the producer members of the committee. The districts (i.e., the geographical divisions of the production area as established and as set forth in the order) represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

(b) It is desirable to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Texas Valley Citrus Committee" is an appropriate identification of the agency. It should be composed of 15 members, of whom 9 would represent producers and 6 would represent handlers. Alternate members should be provided to act in the place and stead of the members so that, in the event a member is unable to attend a committee meeting or a vacancy exists on the committee, both the producer and handler groups may have full representation on the committee at all times. Such a committee would be large enough to provide representation to all segments of the industry. The foregoing division of the members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of citrus fruit shipments. Each handler member should be either a handler, or an officer or an employee of a handler, as handlers often are corporations and would be precluded from having representation on the committee unless such persons were authorized to serve as members of the committee. There are also producers in the production area which are corporations and their officers and employees should be similarly eligible for membership on the committee.

Each producer member of the committee, and his alternate, should be a producer (or officer or employee of a corporate grower) of oranges or grapefruit in the district for which selected. A person with such qualifications should be intimately acquainted with the problems of producing citrus fruits in such district and may be expected to present accurately the problems incident to the production of citrus fruits grown in that district.

The selection of producer members of the committee on the basis of district, as provided in the order, provides a practical and equitable apportionment of such membership. The division of the production area into three districts, each consisting of one of the three counties of such area, and the apportionment of the producer members to reflect the volume of production within said counties, appears to be as logical and equitable a basis as can be devised at this time. Similarly, the division of both producer and handler representation on the committee between "independent" and "cooperative" growers and handlers provides equitable representation for those who market their crops through these two types of marketing organizations. However, provision should be made in the order for the reestablishment of the districts and for the apportionment of the membership among districts and cooperative and independent marketing organizations so that, should it develop that the districts or representation now provided no longer is appropriate, such changes could be made by the committee with the approval of the Secretary. Any such changes should be made upon recommendation by the committee submitted at least six months prior to the expiration of any of the terms of office of the then current committee membership, and no such change should become effective less than 30 days prior to such time, in order that adequate time be provided for the industry to make appropriate nominations for the positions affected.

All members of the committee should be residents of the production area. Such a requirement is necessary to assure that committee members generally will be available to attend committee meetings and to carry out other duties of the committee. Otherwise, itinerant truckers and nonresident growers of citrus fruits would be eligible to serve on the committee.

The handler members and alternates should be selected from the production area at large. The evidence of record shows that the production area is relatively small in size and handler problems are generally the same throughout all districts. Most of the handlers handle citrus fruits in more than one district. Meetings of handlers representing the production area rather than district meetings are general. Therefore, each handler member and his alternate are likely to be as familiar with conditions throughout the production area as he is with the conditions in the district in which his packinghouse is located.

Handlers testified at the hearing that the membership of the committee should consist of 8 producer and 8 handler representatives, or equal representation on the committee between producers and handlers. It was advanced that handlers generally are better informed on market conditions and marketing problems than are producers and thus are in a better position to know what regulations should be made effective and when such regula-

tions should be imposed or suspended. It was argued, therefore, that handlers should have an equal voice with producers in determining the recommendation for regulation to be submitted to the Secretary. All of the evidence of record supports the contention that handlers have access to current information on market demands and price trends which producers generally do not possess and that it is necessary that such information be available to the committee when it is considering the level of the regulations that should be imposed. It is for that reason that handler representation on the committee should be assured. However, there is no reason to believe, from the evidence of record, that 6 handler members of the committee would not be able to furnish the committee with the necessary market information as well as a larger number of such members.

It is the producer of citrus fruits to whom improvement in marketing conditions is most vital. The record shows that about 90 percent of the production of Texas citrus fruits currently is marketed by cash buyers—i.e., handlers who purchase fruit from growers at an agreed price per box or ton while the fruit is still on the tree. The price that the grower receives for his fruit reflects the level and trend of market prices. Thus it is apparent that the grower can recover his costs of production only when market prices are sufficiently in excess of harvesting and marketing costs to provide such returns.

There are now approximately 23 handlers and an estimated 4,000 growers of citrus fruits in the production area. Six handler members should be a sufficient number to present the views of handlers and to represent handlers on the committee. Moreover, with the committee membership including 6 handler members, and each member having an alternate, nearly one-half of all handlers in the area, on the basis of the current composition of the industry, would be eligible for service on the committee at the same time. It is concluded, therefore, that the composition of the committee should be as hereinafter set forth.

The term of office of committee members and alternates under the proposed program should be for three years beginning on the first day of August and continuing until July 31. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for three years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of a marketing season and hence allow adequate time for the committee to organize and start operating.

Provision should be made in the order for staggered terms of office of committee members and alternates. Under this provision, one-third of the members of the committee in office on July 31 of each year would continue in office until the next year. The establishment of such staggered terms will tend to provide for more efficient administration of the program, in that members and alternates constituting the new portion of the committee membership will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the proposed order which should contribute materially to the successful administration of the marketing program. Hence, only one-third of the initial committee members and alternates should be appointed for the full 3-year term. One-half of the remaining members and alternates should serve from the time of appointment until the following July 31 and the other one-half from the time of appointment until the second following July 31. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

A procedure for the election by growers and handlers of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; and the nomination of prospective members and alternate members at meetings of producers in the respective districts, and meeting of handlers representing the entire production area, as provided in the order, is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held, or caused to be held, by the committee prior to June 15 of each year. Such date is approximately 6 weeks prior to the end of the fiscal period. By having such nomination meetings before June 15 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary in time for the Secretary to select the members and alternate members of the new committee prior to the expiration of the terms of office of the existing committee members. As the committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide for the nomination of the initial members and alternate members at meetings sponsored by this Department or by any agency or group at the request of the Department.

The order should provide that only growers who are present at the nomination meetings, or corporate growers who are represented at such meetings by duly authorized agents, may participate in designating nominees for grower members and alternates, and only handlers present at nomination meetings or handlers represented at such meetings by duly authorized agents may participate in the nomination of handler members and alternates.

It was testified that each grower and handler should have a similar and equitable voice in the election of nominees. Hence, each grower and handler should be limited to one vote on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates regardless of the volume of citrus fruits which he produces or handles or number of districts in which he produces or handles citrus fruits. If a grower could cast more than one vote by reason of operating in more than one district, such grower would have an advantage in selecting nominees over growers operating in only one district. Also, if more than one vote was permitted, there is a possibility that large growers or handlers could dominate the elections by means of their partners, agents, subsidiaries, affiliates, and representatives, and nominate growers and handlers not favored by a majority of growers or of handlers. An eligible grower's or handler's privilege of casting only one vote should be construed to mean that one vote may be cast for each appliable position to be filled.

A grower who produces oranges or grapefruit in more than one district should be permitted to select the district in which he will vote. He will thus be able to vote for nominees where he believes his best interest lies.

In order that there will be an administrative agency in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the Act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for

administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, and that it may develop that there are other duties which the committee may need to perform.

At least 10 members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make any decisions; and decisions of the committee should require a minimum of 10 concurring votes. Also, not less than 6 of the members present at the meeting should be producer members. These provisions will assure that the actions of the committee will be considered by at least two-thirds of the producer members of the committee and will be approved by not less than two-thirds of the entire membership of the committee.

The order should provide for reimbursement of actual out-of-pocket reasonable expenses incurred by members and alternates in carying out assigned duties under the order. It would not be reasonable to require members and alternates to bear such expenses incurred in the interest of all of the industry.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its power and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under an order, and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each handler who first handles oranges or grapefruit during a fiscal period should pay assessments to the committee, at a rate fixed by the Secretary, on all fruit so handled. In this way, each handler's total payments of assessments during a fiscal period would be proportionate to the quantity of oranges and grapefruit handled by each such handler and assessments would be levied on the same fruit only once.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. The committee, because of its knowledge of the prospective crop, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment to be applicable during a fiscal year should be fixed by the Secretary on the basis of the recommendations of the committee, or from other available information, so as to assure such assessments are consistent with the act. Such rate should be fixed on a fair and equitable unit basis and in an amount designed to secure sufficient funds to cover the expenses which may be incurred during the fiscal period and to accumulate and maintain an operating reserve.

The Secretary should have the authority, at any time during a fiscal period, or thereafter, to increase the rate of assessment when necessary to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee applicable to such period. Since the act requires that administrative expenses shall be paid by all handlers pro rata, it is necessary that any increased rate apply retroactively against all fruit handled during the particular fiscal period.

Except as necessary to establish and maintain an operating reserve, as set forth in the order, handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period or, if a handler should demand payment of any such credit, the proportionate refund should be paid to him.

If the committee should be required to liquidate its affairs, some expense will be involved. Should such liquidation occur after several years' operation, such expense should properly be shared. It would be appropriate, therefore, that all or a portion of any unexpended funds remaining at the end of a fiscal period be placed in a reserve to cover liquidation expense in the event of termination of the order. Further, it would be only good business practice to provide for unforeseen contingencies.

The production area is susceptible to freezes during the winter which may reduce the crop or even damage trees and reduce the crop in succeeding years. The assessment rates under the program are set at the beginning of the season for a crop of an estimated volume of shipments. Should crop failure or partial crop failure reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. However, it would constitute an extra burden on the industry to increase the assessment rate after disasters such as these have occurred. It would be far less burdensome to handlers to contribute to the establishment of an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. The reserve might also properly serve another purpose. At the beginning of each fiscal period there will be need for operating funds but there will be little income until shipments are being made in volume approximately 3 months later. Thus, unless an operating reserve is available, funds for such expenses would have to be borrowed or some other means of financing be employed.

The proposed reserve fund should be built up gradually over a period of years to the desirable amount. Discretion should be used so as not to impose excessively high assessments or delay the attainment of the full amount in the reserve too long, since a material reduction in the crop could occur at any time. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal period's expenses be provided. It was shown that such an amount should be sufficient to cover any foreseeable need since some income from assessment may be expected during any year. After the reserve has been built up to that amount, excess assessment income should thereafter be returned to the handlers entitled to refunds in accordance with the provisions of the order. However, in keeping with the need for the reserve fund, whenever any portion of it is used, the full amount withdrawn should be returned to the reserve as soon as assessment income is available for this purpose.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it may be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at times as may be necessary to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate member of the committee, he should similarly be

required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to such successor as the Secretary may designate. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the successor the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of oranges and grapefruit.

Through the medium of research investigation, the committee should be able to develop information which would be of value to it and the Secretary in more accurate determinations of the effect of specific regulations on the market and thereby promote orderly marketing. Also, it was indicated that new and better products outlets for citrus fruits need to be developed and that information on the nutritional values of red varieties of grapefruit might be of assistance in expanding markets for such fruit. As the committee becomes more aware of the areas of research and development which may be profitably entered into, other projects will undoubtedly be initiated, the scope and character of which may not have been foreseen during the course of the hearing.

The committee should be empowered to engage in such projects (except advertising and sales and trade promotion projects which are not permitted by the act), to spend assessment funds for them, and to consult and cooperate with appropriate agencies, such as State universities, and public and private agencies, with regard to their establishment. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should be set forth in detail, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such costs should be defrayed by the use of assessment funds as authorized by the act.

It was proposed in the notice of hearing that expenditures during any fiscal period for marketing research and development projects be limited to not more than 25 percent of the funds collected. An estimate presented at the hearing in support of the proposal indicated that such a limitation would provide between $10,000 and $15,000 each year for such projects which, it was indicated, would not be excessive. Others testifying suggested that expenditures for research be limited to (1) not more than ¼ cent per ½-box carton, and (2) not more than 10 percent of the total assessments collected. Several of those testifying in support of the latter limitation appeared to be concerned primarily with the amount that might be spent for such research projects during the first year of operation of the program. It was indicated that possibly an increase in such expenditures might be desirable after the first year.

The evidence of record, while replete with opinions that a limitation should be placed on expenditures for research, demonstrates the difficulty of foreseeing future conditions and the needs for research with sufficient accuracy to place at the correct level the desired limitation on funds for research. All of those testifying supported the inclusion of some limitation on expenditures for research, however; and it is therefore concluded that the order should provide that such expenditures should not exceed 10 percent of the total expenses incurred during the initial fiscal year nor more than 25 percent of such expenses during any subsequent fiscal year. Of course, the actual amounts that may be spent for such purpose shall be determined, within such limitations, upon the recommendations of the committee and the supporting information as to the need for, and desirability of, undertaking the proposed research that may be submitted to the Secretary for approval.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for citrus fruits, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of shipments of oranges and grapefruit, as authorized in the order, provides a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for citrus fruits since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of the marketing policy previously adopted. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recomendations for promoting more orderly marketing conditions and increased growers' returns for citrus fruits. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations authorized in the order, which tend to improve growers' returns and to establish more orderly marketing conditions for citrus fruits. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The grade, size, and quality of the oranges and grapefruit which are shipped at any particular time have a direct effect on returns to growers. The poorer grades, and less desirable sizes, marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of such fruit of low grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of poor quality fruit.

Evidence presented at the hearing shows that citrus fruits of the poorer grades and quality and of undesirable size may be sold only at discounts, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales tend to depress prices for the entire crop, for the particular year, below the level which otherwise would have existed if only fruit of suitable grade, size, and quality, considering the supply and demand conditions therefor, had been available in the markets.

The demand for citrus fruits of particular grades, sizes, and qualities varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for citrus fruits are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the orange and grapefruit crops, and the volume of the available supply for the season as a whole and for any particular period during the season, are important factors which must be considered in establishing regulations. For example, supplies of the early and midseason varieties of oranges may be heavy while the Valencia or late type oranges may be in moderate supply; or it may be that the size composition of the crops of early and midseason oranges only would be predominately small sizes. A similar situation may exist at times with respect to the varieties of red seedless grapefruit as compared to other grapefruit. The application of the same regulations to all varieties of grapefruit or oranges may not, therefore, be practicable or desirable. The order should authorize such separate regulations according to variety or type of fruit as may be necessary under the particular supply and demand conditions existing during the marketing season for such fruit. Because of the similarity of certain varieties of oranges or grapefruit having the same marketing seasons, it is necessary, as heretofore discussed, that the same regulations apply to such varieties of fruit and authority for variety regulation, as provided in the order, should refer to the groupings or classifications set forth in the definition of the term "variety." Substantial processing outlets are available within the production area and fruit not meeting the requirements of regulations under the order may be disposed of in such outlets. Also, it is a general practice of handlers, particularly early in the season, to purchase only that portion of the crops that are larger than a specified size. The fruit left on the trees after harvest of the portion of the crop initially purchased should increase in size and be suitable for purchase and shipment at a later date.

Proper maturity is an important factor determining consumer acceptance. Therefore, the order should authorize the committee to recommend and the Secretary to issue regulations requiring all oranges and grapefruit handled to meet specified maturity requirements. However, as indicated heretofore, the maturity requirements established by State legislation and administered by the Texas Commissioner of Agriculture apparently have provided satisfactory control over the shipment of immature fruit and the authority in the order to regulate the maturity of citrus fruits handled should be construed to mean that such regulations may be undertaken in the event appropriate State requirements no longer are in effect.

Authority should be included in the order for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging and handling of citrus fruits. The evidence of record does not indicate that there is any particular marketing problem at this time insofar as the containers used for citrus fruits are concerned. However, there has been substantial changes recently in the types and sizes of containers manufactured and in the materials used for such purpose. The use of a great number of type of containers, of differing materials, could create confusion and disorderly marketing conditions. The standardization of containers, should conditions develop to warrant such action, to those most suitable for the packing and handling of citrus fruits and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other, would tend to establish more orderly marketing conditions and increase growers' returns.

The exercise of the authority to regulate containers, however, should not be used to close the door on experimenting with new containers or to prevent the commercial use of any new or superior containers which may be developed.

It is not in the public interest to cease regulation when the season average price of oranges or grapefruit exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, in terms of grades or sizes, or both, and such grading and inspection requirements, during any and all periods when the season average price for such fruit may be above parity, as will be in the public interest. Some oranges and grapefruit do not give consumer satisfaction under any conditions. Fruit which is marred or bruised from high winds or other means, dry or mushy from freezing injury, or excessively small are examples of the type of fruit that does not represent a value to the consumer and should not be shipped. However, if no regulations were applicable and prices high, fruit of such poor quality undoubtedly would be shipped. Such fruit would not provide consumer satisfaction and would cause an adverse buyer reaction. It could result in dissipation of the benefits accruing from the prior operation of the order.

It was testified, without opposition, that the order should provide authorization to prohibit the handling of (1) any fruit in containers which are not appropriately marked to show the grade or which are improperly marked as to variety and (2) any grapefruit which has not been marked so as to indicate Texas origin. It was stated that required marking of containers as to grade and variety was needed to prevent misrepresentation and to assure buyers that the fruit they purchase meets the specifications of purchase. Containers of fruit have been marked to indicate that it was of a grade or variety having greater trade acceptance than that actually packed therein. Such practice is misleading to buyers and its elimination would tend to instill trade confidence and increased acceptance of Texas citrus fruits. With reference to the marking of individual grapefruit so as to indicate Texas origin, it was stated that retailers often mix grapefruit from different producing areas in the fruit bins in their stores. Since consumers generally cannot identify the origin of the grapefruit, the benefits from quality improvement through order regulations cannot be fully realized without such identification. Apparently this would be true of oranges also, but the mechanical problems of marking this smaller fruit are such that it would not be practical to require such marking. It is concluded, therefore, that the order should contain authority to establish the marking requirements hereinafter provided.

It was testified at the hearing that some citrus fruits produced in Mexico are brought into the production area and thereafter shipped to market. Such fruit may be packed before being brought into the production area or it may be prepared for marketing in the packinghouses in such area. Also, some citrus fruits from Dimmit County, and perhaps from some of the other counties outside the production area, is prepared for market in the production area. The record indicates most of such fruit is tangerines and would not present any problems since tangerines should not, as heretofore set forth, be subject to the provisions of the order. In the case of oranges and grapefruit, however, it is necessary to establish safeguards to assure that fruit subject to the order is not handled without regard to the regulations under the guise of fruit produced outside the production area. Thus, while oranges and grapefruit produced outside the production area would not be subject to the regulations under the order, the committee, with the approval of the Secretary, should establish such rules, regulations, and safeguards governing the physical handling of such fruit as may be necessary to prevent such fruit from losing its identity after being brought into the production area. If any handler should fail to comply with the safeguards so established or for any other reason any such oranges or grapefruit is not kept separate from those grown in the production area, such fruit should be required to conform to the provisions of the order and the regulations thereunder.

(f) The order should provide for the exemption from its provisions of such handling of oranges and grapefruit as it is not necessary to regulate in order to effectuate the declared policy of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Oranges and grapefruit handled by gift fruit shippers usually are handled in a different manner than fruit disposed of in other fresh fruit channels and would not appreciably affect fruit prices in such channels. Typical shipments by a gift fruit dealer are one or two pack-

ages of mixed varieties and types of fruit that are individually addressed and move directly to the consumer. The record shows that such shipments, when made in quantities aggregating not more than 500 pounds to any one person and not for resale, would have little, if any, influence on the level of prices for fruit handled in the usual commercial fresh fruit channels and should not be subject to regulations under the order. However, in order to assure that the exemption of such gift fruit shipments does not open avenues of escape from regulation the committee should prescribe safeguards governing the handling of gift fruit shipments, and only those shipments made in the quantities and manner hereinafter set forth and which conform to such safeguards should be exempt from compliance with the order provisions.

The order should authorize the issuance of regulations, or the modification, suspension, or termination of regulations and other requirements with respect to the handling of oranges and grapefruit for purposes other than disposition in normal commercial fresh fruit channels. Oranges and grapefruit moving to, or sold in, certain outlets such as those specified in § 1031.42 of the order usually are handled in a different manner or utilize grades, sizes, or qualities different from those preferred by the commercial fresh fruit market. Disposition of fruit to such outlets generally has little influence on the level of prices for fresh fruit sold in regular commercial channels. Any returns for fruit disposed of in such outlets may supplement the income received for fruit shipped to the commercial fresh fruit market rather than depress prices received in such market.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of oranges and grapefruit in such specified small quantities and for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of oranges and grapefruit from the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantity shipments, or shipments made for specified purposes, should be exempted from regulation, inspection, and assessments and the period during which such exemptions should be in effect.

The authority to modify, suspend, or terminate regulations and assessments and inspection requirements to facilitate special purpose shipments should be accompanied by additional administrative authority for the committee to prescribe with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent oranges and grapefruit handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the oranges or grapefruit moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such fruit does not have to comply with grade, size, quality, and other requirements. These procedures might include such requirements as filing applications for authorization to move fruit in exempted channels and certification by the receiver that such fruit would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

In order to maintain appropriate identification of shipments of fruit to special outlets the safeguards authorized herein should provide for the issuance of certificates of privilege to handlers desiring to handle exempted fruit and in addition require that such handlers shall obtain such certificates on all shipments by them to such special outlets.

Certificates of privilege would be issued by the committee as an indication of the authority for the handler to make such shipments, and as a means of identifying specific shipments. These certificates should be issued in accordance with the rules and regulations recommended by the committee so that the issuance thereof may be handled in an orderly and efficient manner which can be made known to all handlers.

The committee likewise should be authorized to deny or rescind certificates of privilege, when it is necessary to prevent abuse of the privileges conferred thereunder, upon satisfactory evidence that a handler to whom a certificate of privilege has been issued has handled fruit contrary to the provisions of the certificate previously issued to him. If the committee rescinds or denies a certificate of privilege to any handler, such action should be in the terms of a specified period of time; and any handler who might have a certificate of privilege rescinded should have the right of appeal to the committee for reconsideration. The order should specify that the Secretary may modify, change, alter, or rescind any safeguards prescribed or any certificates of privilege issued by the committee in order that he may at all times retain all rights necessary to carry out the purposes of the act. The Secretary of Agriculture should give prompt notice to the committee of any action taken by him in connection therewith, and the committee should promptly notify all persons affected by any such action.

The committee should keep complete records pertaining to all certificates of privilege and submit reports thereon to the Secretary when requested in order to supply pertinent information to enable him to discharge his duties under the act.

(g) Provision should be made in the order requiring all oranges and grapefruit handled, during any period when handling limitations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all oranges and grapefruit handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with regulations issued under the program can be ascertained only through inspection and certification of all fruit handled during the effective period of such regulations. As the handler of oranges or grapefruit is the person responsible for compliance with the applicable regulations, it is reasonable and necessary to require handlers to submit each lot of oranges and grapefruit handled for inspection and certification and to file a copy of the certificate of inspection wtih the committee. It was testified that handlers are familiar with the Federal and Federal-State Inspection Service and the certification of oranges and grapefruit in the production area, and the use of such inspection agency under this program is desired by the industry.

Responsibility for obtaining inspection and certification should fall on each person who handles oranges or grapefruit. In this way, not only will the handler who first ships or handles fruit be responsible for meeting this requirement but also no subsequent handler may handle such fruit unless a properly issued inspection certificate, valid pursuant to the terms of the order and the applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments of oranges or grapefruit conforms to all requirements of the order if the regulations are to be of maximum benefit.

After the first handler of a lot of oranges or grapefruit has had such lot inspected and certified as meeting all applicable regulation, subsequent handlers should under ordinary circumstances, be permitted to handle such fruit without incurring the expense of another inspection. To facilitate the identification of lots that have been inspected prior to movement by motor vehicle to destinations outside the production area, the order should provide authority to require such shipments to be accompanied by a copy of the inspection certificate issued thereon. The bulk of the citrus fruits handled are moved to market by truck. All trucks leaving the production area are stopped at the road guard stations mentioned heretofore. Requiring each truck shipment of citrus fruits to be accompanied by the appropriate certificate of inspection provides a method of checking, at such stations, compliance with the established regulations and is necessary to enable the committee to perform its assigned duty of seeing that all shipments conform to the order provisions.

Oranges and grapefruit generally are marketed as soon as possible after harvest. However, some fruit may, at times, not have a ready market immediately after it is prepared for market. In such instances the handler may hold the fruit on the packinghouse floor awaiting a buyer. Such fruit, if held too long, tends to deteriorate to the point where it no longer meets the grade and quality requirements in effect and does not conform to the findings at the time of inspection shown on the inspection certificate. It is necessary, therefore, that the order provide authority to establish the period of time that an inspection certificate is valid under the order. The rapidity with which such deterioration occurs varies according to the weather conditions prevailing at different times of the year and the general condition of the fruit in the area. Hence, the time that an inspection certificate should be considered valid under the program will vary according to the period of the marketing season when the fruit is held on the packinghouse floor.

(h) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the persons subject to regulation under the program, they are the persons who should be required to furnish such information. It is anticipated that much of the information needed by the committee in order to carryout its functions can be obtained from copies of inspection certificates. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information with respect to orange and grapefruit shipments may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information may not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information which may affect detrimentally the trade or financial position, or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain complete records on their receipts, handling, and disposition of oranges and grapefruit for a period of not less than two years subsequent to the termination of each fiscal period.

(i) Except as provided in the order, no handler should be permitted to handle oranges or grapefruit, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle such fruit except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(j) The provisions of §§ 1031.52 through 1031.62, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 1031.63 through 1031.65, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 1031.53 *Right of the Secretary;* § 1031.54 *Effective time;* § 1031.55 *Termination;* § 1031.56 *Proceedings after termination;* § 1031.57 *Effect of termination or amendment;* § 1031.58 *Duration of immunities;* § 1031.59 *Agents;* § 1031.60 *Derogation;* § 1031.61 *Personal liability;* and § 1031.62 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 1031.63 *Counterparts;* § 1031.64 *Additional parties;* and § 1031.65 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. June 15, 1960, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. A brief was filed, within the prescribed time, by Mr. Sid L. Hardin, Attorney for TexaSweet Citrus, Inc., Edinburg, Texas.

The brief contains statements concerning the evidence presented at the hearing with respect to certain provisions of the proposed marketing agreement and order together with arguments and suggested findings and conclusions in regard thereto. Each point included in the brief was carefully considered along with the evidence in the record in making the findings and in reaching the conclusions hereinbefore set forth. To the extent that any of the suggested findings and conclusions contained in such brief is inconsistent with the findings and conclusions contained herein, the request to make such findings, or reach such conclusions, is denied on the basis of the facts found and stated in connection with the conclusions of this decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

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

(2) The said marketing agreement and order regulate the handling of oranges and grapefruit grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

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

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

(5) All handling of oranges and grapefruit grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 1031.1 Secretary.

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

§ 1031.2 Act.

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

§ 1031.3 Person.

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

§ 1031.4 Production area.

"Production area" means all territory in the counties of Cameron, Hidalgo, and Willacy in the State of Texas.

[1] The provisions identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order.

§ 1031.5 Fruit.

"Fruit" means either or both of the following citrus fruits grown in the production area: (a) Citrus grandis, Osbeck, commonly called grapefruit, and (b) Citrus sinensis, Osbeck, commonly called oranges.

§ 1031.6 Handler.

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

(a) *Independent handler.* "Independent handler" means any handler other than a handler that is a cooperative marketing organization.

§ 1031.7 Handle.

"Handle" or "ship" means to transport or sell fruit, or in any other way to place fruit, in the current of commerce between the production area and any point outside thereof in the United States, Canada, or Mexico.

§ 1031.8 Producer.

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

(a) *Independent producer.* "Independent producer" means any producer who does not market his fruit through a handler that is a cooperative marketing organization.

§ 1031.9 Grade and size.

"Grade" means any one of the established grades of fruit and "size" means any one of the established sizes of fruit as defined and set forth in the applicable U.S. Standards for fruit (§§ 51.680–51.717 and §§ 51.620–51.654) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 1031.10 Pack.

"Pack" means the specific grade, quality, size, or arrangement of fruit in a particular container or containers.

§ 1031.11 Maturity.

"Maturity" means various degrees of ripeness for fruit as established by the committee with approval of the Secretary.

§ 1031.12 Container.

"Container" means any box, bag, crate, hamper, basket, package, bulk carton, or any other type of receptacle used in the packaging, transportation, sale, or other handling of fruit.

§ 1031.13 Variety or varieties.

"Variety or varieties" means any one or more of the following groupings or classifications of fruit: (a) Navel oranges; (b) Early and Midseason oranges, except Navel oranges; (c) Valencia and similar late type oranges; (d) white seeded grapefruit; (e) white seedless grapefruit; (f) pink and red seeded grapefruit; and (g) pink and red seedless grapefruit.

§ 1031.14 Committee.

"Committee" means the Texas Valley Citrus Committee, established pursuant to § 1031.18.

§ 1031.15 Fiscal period.

"Fiscal period" means the period beginning August 1 and ending July 31 following; or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1031.16 District.

"District" means any of the geographic divisions of the production area initially established pursuant to § 1031.20 or as re-established pursuant to § 1031.21.

COMMITTEE

§ 1031.18 Establishment and membership.

(a) The Texas Valley Citrus Committee, consisting of fifteen (15) members is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Nine members shall be producers who produce fruit in the district which they represent and are residents of the production area. Two of the producer members shall be producers who market their fruit through cooperative marketing organizations, and seven of the producer members shall be independent producers. Producer members shall not have a proprietary interest in or be employees of a handler organization: *Provided,* That members of a cooperative marketing organization shall not be considered as having a proprietary interest in a handler organization because of such membership.

(c) Six members shall be handlers who are residents of the production area. One handler member shall represent cooperative marketing organizations; five handler members shall represent independent handlers.

§ 1031.19 Term of office.

(a) The term of office of committee members and their respective alternates shall be for three years beginning August 1 and ending July 31: *Provided,* That the term of office of one-third of the initial producer members and alternates and one-third of the initial handler members and alternates shall end July 31, 1961, and the term of office of an identical number of such committee members and alternates shall end July 31, 1962. No member or alternate member shall succeed himself.

(b) Members and alternates shall serve in that capacity during the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified.

§ 1031.20 Districts.

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

District No. 1—The county of Cameron in the State of Texas;

District No. 2—The county of Hidalgo in the State of Texas; and

District No. 3—The county of Willacy in the State of Texas.

§ 1031.21 Redistricting.

The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, the reapportionment of members between grower and handler members representing cooperative marketing organizations and independent grower and independent handler members, and the re-establishment of districts within the production area. In recommending such changes, the committee shall give consideration to: (a) Shifts in production; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) changes in amount of fruit handled by cooperative marketing organizations in relation to fruit handled by independent handlers; and (e) other relevant factors. No changes in districting or in apportionment of members may become effective in less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1031.22 Selection.

(a) From District No. 1 the Secretary shall select initially two producer members and their alternates representing independent producers. From District No. 2 the Secretary shall select initially two producer members and their respective alternates representing producers who market their fruit through cooperative marketing organizations, and four producer members and their respective alternates representing independent producers. From District No. 3 the Secretary shall select initially one producer member and his alternate representing independent producers.

(b) From the production area the Secretary shall select initially six handler members and their respective alternates. One handler member shall represent cooperative marketing organizations and five handler members shall represent independent handlers.

§ 1031.23 Nominations.

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

(a) A meeting of producers who are members of cooperative marketing organizations and a meeting of independent producers shall be held for each district having both cooperative and independent producer members and alternates to elect nominees for such positions. For all other districts, meetings of all producers shall be held for such purpose. A meeting of handlers representing cooperative marketing organizations and a meeting of independent handlers shall be held in the production area to elect nominees for handler mem-

bers and alternates. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart.

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

(c) Nominations for committee members and alternates following the initial committee shall be supplied to the Secretary not later than July 1 each year.

(d) In districts having both cooperative and independent producer members, only producers who market their fruit through cooperative marketing organizations may participate in designating nominees for members and alternates representing cooperative producers; and only independent producers may participate in designating nominees for members and alternates representing independent producers. In all other districts, all producers may participate in designating the nominees for producer members and alternates. Only handlers representing cooperative marketing organizations may participate in designating nominees for members and alternates representing cooperative handlers; and only independent handlers may participate in designating nominees for members and alternates representing independent handlers. In the event that a person is engaged in producing fruit in more than one district such person shall elect the district within which he may participate, as aforesaid, in designating nominees.

(e) Regardless of the amount of fruit handled by a handler or the number of districts in which a person produces fruit, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled. Votes must be cast in person at all nomination meetings.

§ 1031.24 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1031.23, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in § 1031.20 through § 1031.22, inclusive.

§ 1031.25 Acceptance.

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

§ 1031.26 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district and group involved, or from nominations made in the manner specified in § 1031.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of representation provided for in § 1031.20 through § 1031.22 inclusive.

§ 1031.27 Alternate members.

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

§ 1031.28 Procedure.

Ten members of the committee shall be necessary to constitute a quorum, six of whom shall be producer members. Ten affirmative votes shall be required to pass any motion or approve any committee action. All votes shall be cast in person.

§ 1031.29 Expenses and compensation.

The members of the committee, and alternates, shall serve without compensation; but they may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart.

§ 1031.30 Powers.

The committee shall have the following powers:

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

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

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

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

§ 1031.31 Duties.

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

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select sub-committees, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

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

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

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

(e) To require adequate fidelity bonds for all persons handling funds;

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

(g) To prepare a marketing policy;

(h) To recommend marketing regulations to the Secretary;

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

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

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

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

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

EXPENSES AND ASSESSMENTS

§ 1031.32 Expenses.

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

§ 1031.33 Budget.

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

§ 1031.34 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this sub-part. Each handler who first handles fruit shall, with respect to the fruit so handled by him,

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

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

(c) The rate of assessment may be increased at any time by the Secretary if he finds such increase is necessary in order that the money collected shall be adequate to cover the committee's expenses during a given fiscal period. Such increase shall be applicable to all fruit handled during such fiscal period.

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

§ 1031.35 Accounting.

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

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom collected.

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

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

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

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

RESEARCH AND DEVELOPMENT

§ 1031.37 Research and development.

The committee, with the approval of the Secretary may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of fruit. The expenses of such projects shall be paid from funds collected pursuant to § 1031.34, and shall not exceed 10 percent of the total expenses of the committee during the initial fiscal period nor exceed 25 percent of such expenses during any subsequent fiscal period.

REGULATION

§ 1031.38 Marketing policy.

Prior to or at the same time as initial recommendations are made pursuant to § 1031.39, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping fruit from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to fruit. The committee shall publicly announce the submission of each marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of fruit, including prices by grade, size, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of fruit, by grade, size, and quality in the production area, and in other production areas, including foreign production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting fruit prices; and

(e) Other relevant factors.

§ 1031.39 Recommendations for regulations.

The committee, upon complying with the requirements of § 1031.38, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this sub-part, will tend to effectuate the declared policy of the act. The committee shall give notice to handlers of any such recommendation at the same time such recommendation is submitted to the Secretary.

§ 1031.40 Issuance of regulations.

The Secretary shall limit the handling of fruit whenever he finds from the recommendation and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulations may:

(a) Limit the handling of particular grades, sizes, qualities, maturities, or packs of any or all varieties of fruit during a specified period or periods.

(b) Limit the handling of particular grades, sizes, qualities, or packs of fruit differently for different varieties, for different containers, for different purposes specified in § 1031.42, or any combination of the foregoing, during any period.

(c) Limit the handling of fruit by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of fruit.

(e) Prohibit the handling (1) of any fruit which does not have marked on each container the grade or the registered grade label of the fruit contained therein; (2) of any grapefruit which does not have marked on each fruit the word "Texas" or other words implying Texas origin, except that the committee may recommend and the Secretary establish a tolerance for grapefruit in any container or lot not so marked; and (3) of any container fruit which is misbranded as to variety.

(f) No regulations may be issued under the provisions of this sub-part which allots to individual handlers the quantity of fruit which each handler may ship during any regulation period.

§ 1031.41 Gift fruit shipments.

The handling to any person of gift packages of fruit individually addressed to such person, in quantities aggregating not more than 500 pounds and not for resale, are exempt from the provisions of §§ 1031.34, 1031.40, and 1031.45, and the regulations issued thereunder, but shall conform to such safeguards as may be established pursuant to § 1031.43.

§ 1031.42 Shipments for special purposes.

Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1031.34, 1031.40, 1031.45, or any combination thereof, in order to facilitate the handling of fruit:

(a) For relief or for charity;

(b) For processing or for manufacture or conversion into specified products; and

(c) In such minimum quantities and for such other purposes as may be speci-

fied by the committee with the approval of the Secretary.

§ 1031.43 Notification of regulation.

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

§ 1031.44 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent the handling of fruit pursuant to §§ 1031.41 or 1031.42 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of certificates of privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship fruit pursuant to §§ 1031.41 and 1031.42.

(2) Handlers shall obtain inspection provided by § 1031.45, or pay the assessment levied pursuant to § 1031.34, or both, in connection with shipments made under § 1031.42: *Provided*, That such inspection and assessment requirements shall not apply to fruit handled for canning or freezing.

(3) Handlers shall obtain certificates of privilege from the committee to handle fruit affected or to be affected under the provisions of §§ 1031.41 and 1031.42.

(b) The committee may rescind or deny certificates of privilege to any handled if proof is obtained that fruit handled by him for the purposes stated in §§ 1031.41 and 1031.42 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of fruit covered by such applications, the number of such applications denied and certificates granted, the quantity of fruit handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1031.45 Inspection and certification.

(a) During any period in which handling of a variety of a type of fruit is regulated pursuant to §§ 1031.34, 1031.40, 1031.42, or any combination thereof, no handler shall handle any variety of such type of fruit which has not been inspected by an authorized representative of the Federal or Federal-State Inspection Service, unless such handling is relieved from such requirements pursuant to § 1031.41 or 1031.42, or both;

(b) Regrading, resorting, or repacking any lot of fruit shall invalidate any prior inspection insofar as the requirements of this section are concerned. No handler shall handle fruit after it has been regraded, resorted, repacked, or in any other way prepared for market, unless each lot of fruit is inspected by an authorized representative of the Federal or Federal-State Inspection Service: *Provided*, That the committee, with the approval of the Secretary, may provide for waiving inspection requirements on any fruit in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such fruit meets the applicable quality and other standards then in effect;

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

(d) When fruit is inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service;

(e) The committee may recommend and the Secretary may require that any fruit handled or transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

REPORTS

§ 1031.51 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The quantities of fruit received by a handler;

(2) The quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation;

(3) The date of each such disposition and the identification of the carrier transporting such fruit;

(4) Identification of the inspection certificates, and the certificates of privilege, if any, pursuant to which the fruit was handled, together with the destination of each lot of fruit handled pursuant to § 1031.41.

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

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

MISCELLANEOUS PROVISIONS

§ 1031.52 Compliance.

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

§ 1031.53 Right of the Secretary.

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

§ 1031.54 Effective time.

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

§ 1031.55 Termination.

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

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

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

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

§ 1031.56 Proceedings after termination.

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

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of

the committee and of the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

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

§ 1031.57 Effect of termination or amendment.

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

§ 1031.58 Duration of immunities.

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

§ 1031.59 Agents.

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

§ 1031.60 Derogation.

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

§ 1031.61 Personal liability.

No member or alternate of the committee or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for act of dishonesty, willful misconduct, or gross negligence.

§ 1031.62 Separability.

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

§ 1031.63 Counterparts.

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

§ 1031.64 Additional parties.

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

§ 1031.65 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of fruit in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such order.* * *

Dated: July 21, 1960.

F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-6952; Filed, July 25, 1960; 8:49 a.m.]

Agricultural Research Service

[7 CFR Part 330]

FEDERAL PLANT PEST REGULATIONS

Notice of Proposed Amendments

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 105 and 106 of the Federal Plant Pest Act of 1957 (7 U.S.C. 150dd, 150ee), is considering the amendment of Part 330, Chapter III, Title 7 of the Code of Federal Regulations, in the following respects:

§ 330.106 [Amendment]

1. Amend § 330.106 relating to Emergency Measures by adding a new paragraph (d) to read as follows:

(d) *Khapra beetle infestations of means of conveyance, or cargo or stores thereof; other infestations.* As a means of preventing the dissemination into the United States, or interstate, of the khapra beetle (Trogoderma granarium Everts), the following procedures will be applicable when that insect is found, or there is reason to believe it is present, in a means of conveyance within paragraph (a) of this section, or in any cargo or stores in such a means of conveyance, or in any cargo or stores unloaded or landed, or being unloaded or landed, in the United States therefrom. These procedures will also apply with respect to other plant pests when the inspector finds they are necessary and sufficient to prevent the spread of such pests.

(1) *Infestation in storerooms and similar compartments of means of conveyance (except aircraft).* (i) When infestation is found only in stores or storerooms, galleys, pantries, or similar noncargo compartments of a means of conveyance, except aircraft, the inspector shall prescribe and supervise the application of such remedial measures as, in his opinion, will be effective under conditions that will not spread the infestation to other parts of the means of conveyance, or to adjacent piers or other installations. If, in the opinion of the inspector, fumigation is the only available safeguard to eliminate the infestation, he shall order the owner to arrange for immediate fumigation of the infested stores and portions of the means of conveyance.

(ii) If the means of conveyance is to leave the territorial limits of the United States directly for a port in another country within 24 hours of such order, the inspector may suspend compliance with the fumigation requirement pending departure from the United States. Pending fumigation or departure, the inspector may seal the openings of infested compartments, packages, or articles, if in his opinion the action is necessary to prevent plant pest dissemination while the means of conveyance remains in the territorial limits of the United States, as authorized in § 330.110. The inspector may extend the 24-hour period of 48 hours, if, in his judgment, such extension is warranted by plans of the owner to remove the means of conveyance from the territorial limits of the United States within the extended period, the inability of the contractor to begin fumigation within the 24-hour period, or other reason deemed valid by the inspector. Further extension shall be given only under authority of the Director. Pending compliance with the requirement of fumigation, or the departure from the territorial limits of the United States directly for a port in another country, no stores, laundry, furnishings or equipment, or other articles or products whether in cargo or stores, shall be unloaded from the means of conveyance except as authorized by the inspector and under conditions prescribed by him. The owner of an infested means of conveyance under notice for fumigation which leaves the territorial limits of the United States without fumigation should arrange for the eradication of the infestation before returning to the same or another port in the United States. Upon return to a port in the United States and unless the infestation has been eliminated to the satisfaction of the inspector, the means of conveyance shall be subject to fumigation immediately upon arrival in the United States. Unloading or landing of any product or article shall not be permitted pending compliance

with the fumigation requirement, except as authorized by the inspector and under conditions prescribed by him.

(iii) If the means of conveyance is to remain at the port where the infestation was found or is to be moved to another port in the United States, the inspector shall prescribe and supervise the application of the remedial measures at the port where the infestation is found, as provided in this paragraph, or he may authorize the means of conveyance to be moved to another port for fumigation or the application of other remedial measures under safeguards prescribed by him.

(iv) In all instances where the inspector prescribed procedures concerned with the application of remedial measures which involve (*a*) withholding permission to discharge articles or products; (*b*) permission to discharge after such permission has been withheld; (c) discontinuance of discharging; or (*d*) resumption of discharging after it has been discontinued, the appropriate Customs officer shall be immediately notified in writing. The inspector shall also inform the Customs officers at the port where the infestation is found and at such other ports as may be necessary of the requirement for fumigation and/or permission to move coastwise to another U.S. port for fumigation or other remedial measures.

(2) *Infestation in cargo compartments of means of conveyance (except aircraft).* When infestation is found in cargo compartments or in cargo of a means of conveyance, except aircraft, the inspector shall prescribe and supervise the application of such remedial measures as, in his opinion are necessary, with respect to the cargo and the portions of the means of conveyance which contain or contained or were contaminated by the infested cargo. If in the opinion of the inspector fumigation is the only available safeguard to eliminate the infestation, he shall order the owner to arrange for immediate fumigation of the infested portions of such means of conveyance and cargo. However, if such cargo compartments cannot be fumigated without fumigating the entire means of conveyance, the inspector may order the entire means of conveyance and cargo to be fumigated. The inspector shall notify the owner of the means of conveyance of such requirement and the owner shall arrange for immediate fumigation. Discharge of cargo shall be discontinued unless the inspector allows it to continue under safeguards to be prescribed by him. The provisions applicable to stores and storerooms in subparagraph (1) (ii) and (iii) of this paragraph shall apply to cargo and cargo areas of such means of conveyance. Customs officers shall be informed as required in subparagraph (1) (iv) of this paragraph.

(3) *Infestation in an aircraft.* If infestation is found in an aircraft, the inspector may apply seals as provided in § 330.110, and he may require such temporary safeguards as he deems necessary, including the discontinuance of further unloading or landing of any products or articles except as authorized by him. Upon finding such infestation in an aircraft the inspector shall promptly notify the Division of all circumstances and the temporary safeguards employed, and the Division will specify the measures for eliminating the infestation which will not be deleterious to the aircraft or its operating components. Any insecticidal application required shall be approved by the Director for use in aircraft. If the aircraft is to depart from the territorial limits of the United States within 24 hours after the infestation is found, the inspector shall permit such departure in lieu of the application of other measures and shall prior to departure break any seals that would prevent access to the aircraft or safe operation thereof. Other seals shall remain intact at time of departure and shall be broken by the aircraft commander or a crew member upon his order only after the aircraft is beyond the territorial limits of the United States. Extension of the 24-hour period shall be given only under authority of the Director. The owner of the aircraft under notice of khapra beetle infestation which leaves the territorial limits of the United States before the infestation has been eradicated should arrange for eradication before returning the aircraft to the United States. Upon return to the United States, if the infestation is not eliminated to the satisfaction of the inspector, the aircraft shall be subject to the same disinfestation requirements and other safeguards immediately upon arrival in the United States. Customs officers shall be notified as required in subparagraph (1) (iv) of this paragraph.

(4) *Precautions.* The owner of a means of conveyance required to be fumigated pursuant to this section shall arrange with a competent operator to apply the fumigant under the supervision of the inspector. The owner shall understand that if certain fumigants are used they may result in residues in or on foodstuffs which may render them unsafe for use as food items. He is hereby warned against such use unless he ascertains that the fumigated foodstuffs are fit for human consumption. It should also be understood by the owner that emergency measures prescribed by the inspector to safeguard against dissemination of infestation may have adverse effects on certain products and articles, and that the acceptance of fumigation as a requirement is an alternative to the immediate removal of the infested means of conveyance and any products and articles thereon, from the territorial limits of the United States. Products or articles in a means of conveyance, or compartments thereof, which may be exposed to methyl bromide or other remedial measures and may be adversely affected thereby, may be removed from the means of conveyance or compartments thereof prior to the application of the remedial measures if in the opinion of the inspector this can be done without danger of plant pest dissemination and under conditions authorized by him, for additional inspection and/or application of effective remedial measures.

2. Further amend § 330.106 by inserting in paragraph (a), before the phrase "the inspector", the following: "or reason to believe such a pest is present,".

3. Add a new § 330.110 to read as follows:

§ 330.110 Seals.

(a) *Use authorized; form.* Whenever, in the opinion of the inspector, it is necessary, as a safeguard in order to prevent the dissemination of plant pests into the United States, or interstate, seals may be applied to openings, packages, or articles requiring the security provided by such seals. The words "openings, packages, or articles" shall include any form of container, shelf, bin, compartment, or other opening, package, or article which the inspector may have occasion to seal in lieu of more drastic action or otherwise, as a safeguard against plant pest dissemination. The seals may be automatic metal seals or labels or tags and will be provided by the Division. When they consist of a label or tag, they will be printed in black ink on yellow paper and read substantially as follows: "Warning! The opening, package, or article to which this seal is affixed is sealed under authority of law. This seal is not to be broken while within the territorial limits of the United States except by, or under instructions of, an inspector."

(b) *Breaking of seals.* Seals may be broken: (1) By an inspector; (2) by a Customs officer for Customs purposes, in which case the opening, package, or article will be resealed with Customs seals; (3) by the owner or his agent when the means of conveyance, product, or article has left the territorial limits of the United States; (4) by any person authorized by the inspector or the Director under conditions specified by the inspector or Director. No person shall break seals applied under authority of this section except as provided in this paragraph. The movement into or through the United States, or interstate, of any means of conveyance or product or article on which a seal, applied under this paragraph, has been broken in violation of this paragraph is hereby prohibited, except as authorized by an inspector.

(c) *Notice of sealing.* When an inspector seals any opening, product or article, he shall explain the purpose of such action to the owner or his representative and shall present him with a written notice of the conditions under which the seal may be broken, if requested to do so.

The purpose of the amendments to § 330.106 is to specify the nature of the emergency action that may be taken when carriers are found or are reasonably believed upon arrival to contain khapra beetle or other plant pests in the non-cargo or cargo areas of the carrier or in the stores or cargo. Such infestations have been discovered in increasing numbers in the past year. Heretofore, emergency action has been taken on an individual basis as the location and circumstances of the infestation required. There is now a need to publicize procedures that will be adequate to meet any situation that may be encountered. Such procedures are de-

tailed in the proposed amendment. They relate principally to the holding and fumigation of infested vessels, cargo, or stores; the administration of other remedial measures; the removal of the infested products or vessel from United States territory; or the discharge of cargo in accordance with safeguards that will prevent the spread of khapra beetle and other plant pests.

It is also proposed to include in the regulations specific directions for the use of seals to prevent the unloading of cargo or ships' stores infested or suspected of being contaminated with plant pests and for other safeguard measures. The proposed directions are contained in a new § 330.110.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 105, 106, 71 Stat. 32, 33; 7 U.S.C. 150dd, 150ee)

Done at Washington, D.C., this 20th day of July 1960.

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

[F.R. Doc. 60-6924; Filed, July 25, 1960; 8:46 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 regulation to provide for the use of any one or mixtures of antibiotics (chlortetracycline, manganese bacitracin, zinc bacitracin, procaine penicillin, and streptomycin) with zoalene:

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 Dow Chemical Company, Midland, Michigan, proposing the issuance of a regulation to provide for the use of any one or a mixture of not more than 50 grams per ton of feed of chlortetracycline, procaine penicillin, streptomycin, manganese bacitracin, or zinc bacitracin, with zoalene (3,5-dinitro-*o*-toluamide) not to exceed 125 parts per million (0.0125 percent), when fed to chickens for the control of intestinal and cecal coccidiosis and for growth promotion.

Dated: July 19, 1960.

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

[F.R. Doc. 60-6931; Filed, July 25, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-107]

FEDERAL AIRWAY, CONTROL AREAS AND REPORTING POINTS

Designation

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

The Federal Aviation Agency is considering the designation of Red Federal airway No. 1 and associated control areas from Port Alexander, Alaska (intersection of the southeast course of the Sitka, Alaska, radio range and the southwest course of the Petersburg, Alaska, radio range, which is to be realigned to a bearing of 055° True toward the station), via the Cape Decision, Alaska, radio beacon, to the Guard Islands, Alaska, radio beacon. The designation of this airway would provide an interconnecting route for air traffic operating between Sitka and Ketchikan, Alaska. In addition, the Port Alexander Intersection, Cape Decision radio beacon, and Guard Islands radio beacon would be designated as reporting points.

If these actions are taken, Red Federal airway No. 1 with associated control areas, would be designated from Port Alexander, Alaska, to Guard Islands, Alaska, via Cape Decision, Alaska. The Port Alexander Intersection, Cape Decision radio beacon and Guard Islands radio beacon would be designated as reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on July 20, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-6909; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-158]

FEDERAL AIRWAY, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6440, 601.6440, and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 440 presently extends from Skwentna, Alaska, to the Whittier, Alaska, intersection. The Federal Aviation Agency has under consideration the extension of Victor 440, southeasterly, from the Whittier intersection via the Middleton Island, Alaska, VOR to the Yakutat, Alaska, VOR, excluding the portion below 2,000 feet MSL outside the United States. Extension of this airway would provide a route for VOR equipped aircraft operating between the Anchorage, Alaska, terminal area and Yakutat. In addition, § 601.7001 relating to domestic VOR reporting points would be modified by adding the Middleton Island VOR and the Yakutat VOR as reporting points.

If this action is taken, VOR Federal airway No. 440 with associated control areas would be designated from Skwentna, Alaska, to Yakutat, Alaska, via Anchorage, Alaska, Whittier, Alaska, and Middleton Island, Alaska, excluding the portion below 2,000 feet MSL outside the United States. In addition, Middleton Island VOR and Yakutat VOR would be designated as VOR reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on July 19, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–6910; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–FW–40]

CONTROL AREA

Modification of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1052 of the regulations of the Administrator, the substance of which is stated below.

The Atlanta, Ga., control area extension is presently designated within a 50-mile radius of the Atlanta radio range station including the airspace north of Atlanta bounded on the west by VOR Federal airway No. 5, on the north by VOR Federal airway No. 54 and on the east by VOR Federal airway No. 97, and the airspace east of Atlanta bounded on the northwest by VOR Federal airway No. 20, on the east by VOR Federal airway No. 35 and on the south by VOR Federal airway No. 18, including the airspace southwest of Atlanta bounded on the north by VOR Federal airway No. 18 and on the west by longitude 86° 00′00″ W., and on the southeast by VOR Federal airway No. 20. The Federal Aviation Agency has under consideration modification of the Atlanta control area extension by enlarging it to encompass 5 small segments of uncontrolled airspace between airways northeast of Atlanta, including the airspace northeast of Toccoa, Ga. The additional control area would be within the surveillance coverage of air traffic control radar and the designation of this area as controlled airspace would facilitate the movement of aircraft to and from the Atlanta terminal area. The control area northeast of Toccoa VOR would be used for the protection of aircraft departing Greenville Municipal Airport, Greenville, S.C., and Donaldson AFB, Greenville, S.C., via the 315° True radial of the Greenwood VOR.

If this action is taken, the Atlanta, Ga., control area extension would be designated within a 50-mile radius of the Atlanta radio range including the airspace north of Atlanta bounded on the west by VOR Federal airway No. 5, on the north by VOR Federal airway No. 54 and on the east by VOR Federal airway No. 97; and the airspace northeast of Atlanta bounded on the northwest by VOR Federal airway No. 222, on the northeast by the Greenville, S.C., control area extension and the Greenwood, S.C., control area extension, on the southeast by a line parallel to and 5 miles northwest of the 063° True radial of the McDonough, Ga., VOR and including the airspace northeast of Toccoa, Ga., VOR bounded on the north by VOR Federal airway No. 54, on the southeast by Victor 222 and on the southwest by a line 5 miles southwest of and parallel to the 315° True radial of the Greenwood, S.C., VOR and including the airspace southwest of Atlanta bounded on the north by VOR Federal airway No. 18, on the west by longitude 86°00′00″ W., and on the southeast by VOR Federal airway No. 20.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on July 20, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60–6907; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–HO–1]

CONTROL ZONE

Revocation

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

Upolu Point, Hawaii, control zone is presently designated within a 5-mile radius of the Upolu Point Airport and within 2 miles either side of the 261° True radial of the Upolu Point VOR extending from the VOR to a point 10 miles west. The Federal Aviation Agency has under consideration the revocation of this control zone. This action is proposed because weather reporting service is not available on a continuous basis at the airport.

If this action is taken, the Upolu Point, Hawaii, control zone would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on July 20, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60–6908; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60–WA–180]

CODED JET ROUTE

Establishment

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

The Federal Aviation Agency is considering establishing a VOR/VORTAC

jet route from Peck, Mich., via the Peck VOR 074° True radial to the United States/Canadian Border. The establishment of this jet route would be compatible with a Canadian high-level airway which will be established in the near future from Kleinberg, Ontario (Toronto, Ontario, Terminal Area), to the United States/Canadian Border. The establishment of this route would facilitate air traffic management and flight planning by providing an interconnecting high altitude route between the Chicago, Ill., and Toronto, Ontario, areas.

If this action is taken, VOR/VORTAC Jet Route No. 546 would be established from Peck, Mich., to the United States/Canadian Border, via the Peck VOR 074° True radial. (Direct route between the Peck VOR and the Kleinberg, Ontario, non-directional radio beacon.) This jet route number would be the same number proposed for the connecting Canadian high-level airway.

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

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

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

Issued in Washington, D.C., on July 19, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–6905; Filed, July 25, 1960; 8:45 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60–WA–191]

CODED JET ROUTE

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.516 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 16 extends in part from Pendleton, Oreg., via Dillon, Mont., to Billings, Mont. The Federal Aviation Agency has under consideration modification of this jet route by realigning it from Pendleton via Whitehall, Mont., to Billings. This would provide a more direct route between Pendleton and Billings, reduce the route mileage and provide additional enroute radar coverage for the protection of civil jet aircraft.

If this action is taken, the segment of VOR/VORTAC jet route No. 16 under consideration would extend from the Pendleton, Oreg., VOR via the Whitehall, Mont., VOR to the Billings, Mont., VOR.

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

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

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

Issued in Washington, D.C., on July 19, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–6906; Filed, July 25, 1960; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

RAYON STAPLE FIBER FROM NORWAY

Determination of No Sales at Less Than Fair Value

JULY 20, 1960.

A complaint was received that rayon staple fiber from Norway was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Norway is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Rayon staple fiber from Norway is purchased outright by the United States importer in arms-length negotiations. The quantity of rayon staple fiber, the same as or similar to the rayon staple fiber sold to the United States, sold for home consumption was inadequate to form a basis for fair value comparison. Accordingly, purchase price was compared to the price at which the rayon staple fiber was sold to countries other than the United States.

In the calculation of purchase price, deductions were made for the included ocean freight, insurance, duty, inland freight in the United States, and commission. In the calculation of the weighted-average third country price, deductions were made for the included ocean freight, insurance, and commission. Adjustment was also made for the moisture regain factor.

It was determined that the purchase price was not less than the price to countries other than the United States.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-6953; Filed, July 25, 1960; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Redelegation of Authority to Specified Classes of Employees; Correction

JULY 18, 1960

Redelegation of authority, as published in the FEDERAL REGISTER, Docket 60-5478, page 5407, of June 16, 1960, is corrected to read as follows under part III—Minerals:

PART III—MINERALS

SECTION I. The State Lands and Minerals Officer may approve mineral examination reports only as authorized under 2.6 of Order 541, Bureau of Land Management, insofar as it pertains to functions specified in 1.6(k) of the same order.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 60-6914; Filed, July 25, 1960; 8:46 a.m.]

[Utah (I-28)]

UTAH

Notice of Proposed Withdrawal of Public Lands From Oil and Gas Leasing for Preservation and Development of Potash Deposits Belonging to the United States

JULY 15, 1960.

The Department of the Interior has under consideration a proposal that the public lands within the following-described areas be withdrawn from oil and gas leasing subject to valid existing rights for a period of 10 years or for such other period as the Secretary of the Interior may determine in aid of conservation and development of valuable potash deposits belonging to the United States:

SALT LAKE MERIDIAN

T. 26 S., R. 20 E.,
Secs. 22 to 27, inclusive;
Sec. 34, E½;
Secs. 35 and 36.
T. 27 S., R. 20 E.,
Sec. 1;
Sec. 2, lots 1, 2, 7, 8 and S½NE¼.
T. 26 S., R. 21 E.,
Secs. 30 to 32, inclusive.
T. 27 S., R. 21 E.,
Secs. 4 to 6, inclusive;
Sec. 7, lots 1 to 4, inclusive, and NE¼;
Sec. 8, N½;
Sec. 9, N½.

The areas described aggregate approximately 11,128 acres of which approximately 9,445 acres are public lands.

Present knowledge of the geology of the lands appears to support the conclusion that the value of the potash deposits may outweigh that of recoverable quantities of oil and gas, and that drilling for the latter might impair operations for the economic recovery of the potash.

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 State Supervisor, Bureau of Land Management, Third Floor, Darling Building, Salt Lake City, Utah.

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 proposal will be published in the FEDERAL REGISTER, and each interested party will be informed thereof.

EVAN L. RASMUSSEN,
Acting State Supervisor.

[F.R. Doc. 60-6915; Filed, July 25, 1960; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13667-13672; FCC 60M-1270]

ALTUS BROADCASTING CO. (KWHW) ET AL.

Order Scheduling Hearing

In re applications of the Altus Broadcasting Company (KWHW), Altus, Oklahoma, Docket No. 13667, File No. BP-12520; Charles L. Cain, El Reno, Oklahoma, Docket No. 13668, File No. BP-12546; KGFF Broadcasting Company, Incorporated (KGFF), Shawnee, Oklahoma, Docket No. 13669, File No. BP-12588; Plains Broadcast Company, Inc. (KENM), Portales, New Mexico, Docket No. 13670, File No. BP-13236; Woodward Broadcasting Company (KSIW), Woodward, Oklahoma, Docket No. 13671, File No. BP-13330; Snyder Broadcasting Company (KSNY), Snyder, Texas, Docket No. 13672, File No. BP-13446; for construction permits.

It is ordered, This 19th day of July 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1960, in Washington, D.C.

Released: July 20, 1960.

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

[F.R. Doc. 60-6948; Filed, July 25, 1960; 8:49 a.m.]

[Docket No. 12615, etc.; FCC 60M-1263]

COOKEVILLE BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Hamilton Parks, tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, et al., Docket Nos. 12615, 12960, 12962, 12964, 12965, 12966, 12968, 12971, 12972, 12973, 12974, 12978, 12979, 12981, 12982, File No. BP-11518; for construction permits.

To enable the newly designated successor Hearing Examiner to deal expeditiously with the entire proceeding: *It is ordered,* This 19th day of July 1960,

that a session for consideration of the cases of all groups is scheduled in conjunction with the Group I session already scheduled for Wednesday, July 27, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C., at which all counsel should arrange to be present.

Released: July 20, 1960.

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

[F.R. Doc. 60-6939; Filed, July 25, 1960; 8:48 a.m.]

[Docket Nos. 13603, 13604; FCC 60M-1259]

ELIZABETH G. COUGHLAN AND NORTH SUBURBAN RADIO, INC.

Order Canceling Prehearing Conference

In re applications of Elizabeth G. Coughlan, Highland Park, Illinois, Docket No. 13603, File No. BPH-2831; North Suburban Radio, Inc., Highland Park, Illinois, Docket No. 13604, File No. BPH-2907; for construction permits (FM).

Because of the pendency of a petition for dismissal by one of the parties in the above-entitled matter, which petition, if granted, would render the comparative issues moot,

It is ordered, This 19th day of July 1960, that the prehearing conference presently scheduled for July 20, 1960, be and it hereby is cancelled.

Released: July 20, 1960.

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

[F.R. Doc. 60-6940; Filed, July 25, 1960; 8:48 a.m.]

[Docket No. 13010 etc.; FCC 60M-1258]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing Conference

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, et al., Docket Nos. 13010, 13012, 13014-13053, 13058, 13060, 13061, 13641-13648, File No. BP-11689; for construction permits.

Since Broadcast Bureau counsel will be unable to attend on the date now scheduled because of a conflicting commitment, and as his presence would be desirable: *It is ordered,* This 19th day of July 1960, on the Hearing Examiner's own motion, that the prehearing conference of July 25 is rescheduled to Friday, September 16, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: July 20, 1960.

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

[F.R. Doc. 60-6943, Filed, July 25, 1960; 8:48 a.m.]

[Docket No. 13659; FCC 60M-1267]

W. R. FRIER (WBHF)

Order Scheduling Hearing

In re application of W. R. Frier (WBHF), Cartersville, Georgia, Docket No. 13659, File No. BP-12264; for construction permit.

It is ordered, This 19th day of July 1960, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1960, in Washington, D.C.

Released: July 20, 1960.

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

[F.R. Doc. 60-6941; Filed, July 25, 1960; 8:48 a.m.]

[Docket Nos. 13673-13675; FCC 60M-1271]

HENNEPIN BROADCASTING ASSOCIATES ET AL.

Order Scheduling Hearing

In re applications of Albert S. Tedesco and Patricia W. Tedesco, d/b as Hennepin Broadcasting Associates, Minneapolis, Minnesota, Docket No. 13673, File No. BP-12416; Robert E. Smith, River Falls, Wisconsin, Docket No. 13674, File No. BP-13339; Jack I. Moore, James L. Magner, Ray Ekberg, Ingvald C. Ryan, Donald E. Nebelung, Post Publishing Company, Inc., and Carl Bloomquist, d/b as Crystal Broadcasting Company, Crystal, Minnesota, Docket No. 13675, File No. BP-13750; for construction permits.

It is ordered, This 19th day of July 1960, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 5, 1960, in Washington, D.C.

Released: July 20, 1960.

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

[F.R. Doc. 60-6942; Filed, July 25, 1960; 8:48 a.m.]

[Docket Nos. 13660-13662; FCC 60M-1268]

NORTH GEORGIA RADIO, INC. (WBLJ) ET AL.

Order Scheduling Hearing

In re applications of North Georgia Radio, Inc. (WBLJ), Dalton, Georgia, Docket No. 13660, File No. BP-12590; Woofum, Inc. (WFOM), Marietta, Georgia, Docket No. 13661, File No. BP-12617; Regional Broadcasting Corporation (WMMT), McMinnville, Tennessee, Docket No. 13662, File No. BP-13404; for construction permits.

It is ordered, This 19th day of July 1960, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1960, in Washington, D.C.

Released: July 20, 1960.

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

[F.R. Doc. 60-6944; Filed, July 25, 1960; 8:48 a.m.]

[Docket Nos. 13632, 13633; FCC 60M-1250]

WILLIAM R. PACKHAM AND RADIO STATION WPCC, INC. (WPCC)

Order Scheduling Prehearing Conference

In re applications of William R. Packham, Hendersonville, North Carolina, Docket No. 13632, File No. BP-12394; Radio Station WPCC, Incorporated (WPCC) Clinton, South Carolina, Docket No. 13633, File No. BP-13744; for construction permits.

It is ordered, This 18th day of July 1960, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 9:00 a.m., September 7, 1960, in the Commission's offices in Washington, D.C.

Released: July 19, 1960.

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

[F.R. Doc. 60-6945; Filed, July 25, 1960; 8:49 a.m.]

[Docket No. 13329; FCC 60M-1257]

RALPH J. SILKWOOD

Order Scheduling Hearing

In re application of Ralph J. Silkwood, Klamath Falls, Oregon, Docket No. 13329, File No. BP-12656; for construction permit.

Pursuant to agreement of counsel arrived at during the prehearing conference held on this date: *It is ordered,* This 18th day of July 1960, that the hearing in the above-styled proceeding will commence at 10 o'clock a.m., on October 4, 1960, in Washington, D.C.

Released: July 20, 1960.

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

[F.R. Doc. 60-6946; Filed, July 25, 1960; 8:49 a.m.]

[Docket Nos. 13657, 13658; FCC 60M-1266]

SKYLINE BROADCASTERS, INC., AND EARL McKINLEY TRABUE

Order Scheduling Hearing

In re applications of Skyline Broadcasters, Inc., Klamath Falls, Oregon, Docket No. 13657, File No. BP-12509; Earl McKinley Trabue, Myrtle Creek, Oregon, Docket No. 13658, File No. BP-13596; for construction permits.

It is ordered, This 19th day of July 1960, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1960, in Washington, D.C.

Released: July 20, 1960.

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

[F.R. Doc. 60-6947; Filed, July 25, 1960; 8:49 a.m.]

[Docket No. 13627-13629; FCC 60M-1249]

M. EARLENE STEBBINS ET AL.

Order Scheduling Prehearing Conference

In re application of M. Earlene Stebbins, Skokie, Illinois, Docket No. 13627, File No. BPH-2828; WHFC, Inc. (WEHS), Chicago, Illinois, Docket No. 13628, File No. BPH-2870; Gale Broadcasting Company, Inc., (WFMT), Chicago, Illinois, Docket No. 13629, File No. BPH-2920; for construction permits (FM).

It is ordered, This 18th day of July 1960, that a prehearing conference, pursuant to § 1.111 of the Commission's rules, will be held in the above-entitled matter at 9:00 a.m., July 28, 1960, in the Commission's offices in Washington, D.C.

Released: July 19, 1960.

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

[F.R. Doc. 60-6949; Filed, July 25, 1960; 8:49 a.m.]

[Docket Nos. 13663-13666; FCC 60M-1269]

NORMAN A. THOMAS ET AL.

Order Scheduling Hearing

In re applications of Norman A. Thomas, Greeneville, Tennessee, Docket No. 13663, File No. BP-12729; Greene County Broadcasting Company, Incorporated, Greeneville, Tennessee, Docket No. 13664, File No. BP-13271; Wilkes Broadcasting Company (WATA), Boone, North Carolina, Docket No. 13665, File No. BP-13451; Radio Hendersonville, Inc. (WHKP), Hendersonville, North Carolina, Docket No. 13666, File No. BP-13487; for construction permits.

It is ordered, This 19th day of July 1960, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 5, 1960, in Washington, D.C.

Released: July 20, 1960.

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

[F.R. Doc. 60-6950; Filed, July 25, 1960; 8:49 a.m.]

[Docket Nos. 13528-13534; FCC 60M-1254]

WASHINGTON BROADCASTING CO. (WOL) ET AL.

Order Continuing Hearing

In re applications of Washington Broadcasting Company (WOL), Washington, D.C., Docket No. 13528, File No. BP-12145; Delaware Broadcasting Company (WILM), Wilmington, Delaware, Docket No. 13529, File No. BP-12250; WDAD, Inc. (WDAD), Indiana, Pennsylvania, Docket No. 13530, File No. BP-12455; Centre Broadcasters, Inc. (WMAJ), State College, Pennsylvania, Docket No. 13531, File No. BP-12463; Sky-Park Broadcasting Corporation (WFTR), Front Royal, Virginia, Docket No. 13532, File No. BP-12624; Miners Broadcasting Service, Inc. (WPAM), Pottsville, Pennsylvania, Docket No. 13-533, File No. BP-13197; Cumberland Valley Broadcasting Corporation (WTBO), Cumberland, Maryland, Docket No. 13-534, File No. BP-13471; for construction permits.

On the basis of agreements reached at a pre-hearing conference held today in the above-entitled proceeding: *It is ordered,* This 18th day of July 1960, that the following procedural steps will be effected:

Informal engineering conference, July 25, 1960;
Final exchange of direct presentations, September 26, 1960;
Hearing now scheduled for September 6, 1960, continued to October 18, 1960.

Released: July 19, 1960.

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

[F.R. Doc. 60-6951; Filed, July 25, 1960; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST CO.

Order To Increase Capital

In the matter of The Continental Bank and Trust Company, Salt Lake City, Utah.

There has come before the Board of Governors, pursuant to notice of institution of a proceeding with formal hearing dated June 29, 1956 (21 F.R. 6524), the matter of the adequacy or inadequacy of the net capital and surplus funds of The Continental Bank and Trust Company, Salt Lake City, Utah (hereinafter called "the Bank"), in relation to the character and condition of its assets and its deposit liabilities and other corporate responsibilities. During the course of the aforesaid hearing, testimony and documentary evidence were introduced on behalf of the Bank and the Board, following which Counsel for the Bank and Special Counsel to the Board submitted proposed findings and conclusions with briefs thereon and replies thereto; the Trial Examiner filed with the Board his Report and Recommended Decision; Special Counsel to the Board filed exceptions, with supporting brief, and Counsel for the Bank filed a brief in opposition to such exceptions; and the matter was argued orally before the Board.

The Board has considered the evidence of record to the extent and in the degree set forth in the Statement[1] accompanying this Order; the arguments of Counsel on the issues of fact and law raised by motion and otherwise during this proceeding; the Trial Examiner's Report and Recommended Decision; the exceptions and briefs filed by Counsel; the oral arguments before the Board; and information, equally available to the Bank, derived before and after the date of such hearing from reports of examination of the Bank and from supervisory reports filed by the Bank.

On the basis of such deliberation and consideration, and for the reasons set forth in the Statement accompanying this Order, it is the judgment of the Board, and the Board has so determined, that the net capital and surplus funds of the Bank are inadequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, and that such inadequacy in an amount of not less than $1,500,000 shows no likelihood of being corrected within a reasonable time by retained earnings.

Accordingly, it is hereby ordered, That within six months from the date of this Order, the Bank shall, by the sale of common stock for cash, effect an increase in its net capital and surplus funds in the amount of not less than $1,500,000.

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

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-6912; Filed, July 25, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-227 etc.]

ARKANSAS FUEL OIL CORP. AND CITIES SERVICE CO.

Order Disapproving Plan and Adopting Plan

JULY 14, 1960.

In the matters of Arkansas Fuel Oil Corporation, Cities Service Company, File Nos. 54-227, 54-226, 54-223, 54-186, 31-622, 59-93, and 70-1804.

Cities Service Company ("Cities"), a registered holding company, having filed, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

("Act"), a plan for the elimination of the publicly-held stock interest in Arkansas Fuel Oil Corporation ("Arkansas"), a subsidiary company of Cities, by the issuance to such public stockholders of 1 share of the common stock of Cities for each 2.4 shares of the common stock of Arkansas; and

Certain public holders of the common stock of Arkansas having proposed, pursuant to section 11(d) of the Act, a plan for the elimination of the publicly-held stock interest in Arkansas by the payment of $40 per share in cash to all the stockholders of Arkansas, including Cities; and

Cities having filed with the Commission certain steps and transactions which it has requested the Commission to adopt in modification of the section 11(d) plan, as a consequence of which the public stockholders of Arkansas would receive $41 per share for their interests in Arkansas, including any rights they may have on the basis of any claims existing on behalf of Arkansas against Cities or any other subsidiary of Cities, and Cities having advised the Commission that, if such suggested modifications were adopted by the Commission, Cities would not object to the adoption by the Commission of the section 11(d) plan as so modified for the purpose of its enforcement pursuant to section 11(d) and section 18(f) of the Act; and

Public hearings having been held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard; the filing of a recommended decision, of proposed findings and conclusions and briefs in support thereof, and oral argument having been waived; and

The Commission having considered the record and having this day issued its Findings and Opinion; on the basis of such Findings and Opinion:

It is ordered, That the plan filed by Cities pursuant to section 11(e) of the Act be, and it hereby is, disapproved.

It is further ordered, That the plan filed by certain holders of the common stock of Arkansas pursuant to section 11(d) of the Act, be, and it hereby is, modified in the manner suggested by Cities; and, as so modified (the terms and provisions of which plan, as modified, being set forth in full in Appendix A to the Findings and Opinion), is adopted by the Commission for the purpose of applying to a court of competent jurisdiction, in accordance with the provisions of section 11(d) and section 18(f) of the Act, for the enforcement of its terms and provisions.

It is furthere ordered, That jurisdiction be, and it hereby is, reserved with respect to the payment of all fees, expenses, and other remuneration paid or to be paid in connection with all the proceedings before the Commission and in any court concerning the relationship of Cities to Arkansas, including all proceedings relating to the section 11(d) and section 11(e) plans and all other plans and all proceedings consolidated therewith.

It is further ordered, That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in the section 11(d) plan, as modified, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing it, as so modified.

It is further ordered, That jurisdiction be, and hereby is, reserved to entertain such further proceedings, to make such supplemental findings, and to take such further action as may be deemed appropriate in connection with the section 11(d) plan, as modified, the transactions incident thereto and the consummation thereof, and, in the event that the section 11(d) plan, as modified, is not consummated with reasonable promptness, to take such further action as the Commission may deem appropriate under Section 11 of the Act.

It is further ordered and recited, And the Commission finds that (1) the declaration by Arkansas of a dividend payable to Cities (the sole stockholder of Arkansas on the record date) consisting of Arkansas' interest in its properties actually producing oil, gas and other hydrocarbons as of the date of such declaration (excluding, however, all physical plant, property and equipment, located on or used in the operation of said properties), subject to the reservation of a production payment (Production Payment) with respect to such properties in the principal amount of $70,000,000, and the payment by Arkansas of such dividend to Cities by transferring to Cities all the rights, title and interest of Arkansas in and to said properties actually producing oil, gas and other hydrocarbons, subject to the Production Payment, (2) the conveyance and distribution by Arkansas of the Production Payment and the sum of $5,577,186 in cash to a trustee for all the stockholders in Arkansas, other than Cities, for the account of such stockholders and in cancellation and redemption of all the shares of stock in Arkansas owned by such stockholders, and (3) the sale by such trustee for the account of such stockholders of the Production Payment to a purchaser for a cash price equal to the principal amount of the Production Payment, all as provided in Appendix A to the Findings and Opinion, are necessary and appropriate to the integration and simplification of the holding-company system of which Cities and Arkansas are members, and are necessary and appropriate to effectuate the provisions of section 11(b) of the Act within the meaning of sections 1081 to 1083, inclusive, and section 4382(b)(2) of the Internal Revenue Code of 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6916; Filed, July 25, 1960; 8:46 a.m.]

[File No. 1-4015]

CONSOLIDATED DEVELOPMENT CORP.

Order Summarily Suspending Trading

JULY 20, 1960.

In the matter of trading on the American Stock Exchange in the common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum Corporation) File No. 1-4015.

The common stock, par value 20 cents per share of Consolidated Development Corporation (formerly known as Consolidated Cuban Petroleum 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 fradulent, 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 fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 21, 1960, to July 30, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60-6917; Filed, July 25, 1960; 8:46 a.m.]

[File No. 1-912]

MIAMI COPPER CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 19, 1960.

In the matter of Miami Copper Company, Capital Stock, File No. 1-912.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Stockholders of the Company have adopted a Plan of Complete Liquidation and an initial liquidating distribution has been made.

Upon receipt of a request, on or before August 5, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for

hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6918; Filed, July 25, 1960; 8:46 a.m.]

[File No. 1-1994]

PACIFIC INDEMNITY CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 19, 1960.

In the matter of Pacific Indemnity Company, Common Stock, File No. 1-1994.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This application is being made at the request of and with the consent of the issuer and is based upon the comparatively small volume in said stock on the Exchange.

Upon receipt of a request, on or before August 5, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6919; Filed, July 25, 1960; 8:46 a.m.]

[File No. 1-3109]

SOLAR AIRCRAFT CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 19, 1960.

In the matter of Solar Aircraft Company, Common Stock, File No. 1-3109.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Less than 11,000 shares are held by others than International Harvester Company.

Upon receipt of a request, on or before August 5, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-6920; Filed, July 25, 1960; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 352]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 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 63206. By order of July 19, 1960, the Transfer Board approved the transfer to Gus Malmborg, doing business as Gus Malmborg Moving & Storage, Yonkers, N.Y., of Certificate No. MC 117893, issued April 9, 1959, to Gus Malmborg Moving & Storage, Inc., Yonkers, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in New York, Maine, New Hampshire, Massachusetts, Connecticut, New Jersey, and Pennsylvania. David Brodsky, 1776 Broadway, New York, N.Y., for applicants.

No. MC-FC 63248. By order of July 18, 1960, the Transfer Board approved the transfer to Ivan I. Pratt, Milbank, S. Dak., of Certificate No. MC 93529, issued January 19, 1955, to A. W. Schaffer, doing business as Schaffer Transportation Co., Revillo, S. Dak., authorizing the transportation of: General commodities, from St. Paul, Minn., to Milbank, S. Dak., over regular routes, serving the intermediate point of Minneapolis, Minn., for pick-up only, and the off-route point of Revillo, S. Dak., for delivery only, and from St. Paul, Minn., to Milbank, S. Dak., serving the intermediate point of Minneapolis, Minn., for pick-up only, and the off-route point of Revillo, S. Dak., for delivery only; livestock, empty barrels, drums, baskets, crates, and boxes, from Milbank, S. Dak., to South St. Paul, Minn., over regular routes, serving intermediate points of Minneapolis, and St. Paul, Minn., for delivery only, and the intermediate and off-route points in South Dakota within 25 miles of Milbank, S. Dak., for pick-up only; twine, from Stillwater and Duluth, Minn., to Milbank, S. Dak., over regular routes, serving no intermediate points, but serving the off-route point of Revillo, S. Dak., for delivery only; livestock, empty barrels, drums, baskets, crates, and boxes, from Milbank, S. Dak., to South St. Paul, Minn., over regular and irregular routes, serving the intermediate points of Minneapolis and St. Paul, Minn., for delivery only, and intermediate and off-route points in South Dakota within 25 miles of Milbank, S. Dak., for pick-up only; and emigrant movables, between Milbank, S. Dak., and points in South Dakota within 25 miles of Milbank, on the one hand, and, on the other, points in Minnesota. Donald A. Morken, 1100 Soo Line Building, Minneapolis 2, Minn., for applicants.

No. MC-FC 63294. By order of July 19, 1960, the Transfer Board approved the transfer to Nielsen Bros. Cartage Co., Inc., Chicago, Ill., of Certificate in No. MC 70557, issued May 16, 1956, to Adolph H. Nielsen, Sarah Nielsen, and Adolph J. Nielsen, a partnership, doing business as Nielsen Bros. Cartage Company, Chicago, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the Chicago, Ill., commercial zone as defined by the Commission. Axelrod, Goodman & Steiner, attorneys

at law, 39 South LaSalle Street, Chicago 3, Ill., for applicants.

No. MC–FC 63368. By order of July 18, 1960, the Transfer Board approved the transfer to H. M. Witmyer, Inc., Manheim, Pennsylvania, of a Certificate in No. MC 45296, issued July 28, 1941, to Harry M. Witmyer, Manheim, Pa., which authorizes the transportation of general commodities, except household goods, as defined by the Commission, commodities in bulk, and other specific commodities, over regular routes, between Manheim, Pa., and Philadelphia, Pa., with service to and from the intermediate points of Lititz and Lancaster, Pa., and other specified commodities between Manheim and Lancaster, Pa., on the one hand, and, on the other, Camden, N.J. Charles B. Grove, Jr., 49 North Duke Street, Lancaster, Pa., for applicants.

No. MC–FC 63390. By order of July 18, 1960, the Transfer Board approved the transfer to Emery Rahm, Colby, Wis., of a portion of Certificate In No. MC 117083, issued December 31, 1959, to Hubert Apfelbeck, Abbotsford, Wis., authorizing the transportation of: Livestock, between points in the Towns of Aurora, Maplehurst, Taft, Roosevelt, Holway, Little Black, and Deer Creek, in Taylor County, Wis., and points in the Towns of Thorp, Withee, Hixon, Hoard, Mayville, Worden, Reseberg, Longwood, Green Grove, Colby, Butler, Mead, Warner, Beaver, Unity, Hendren, Eaton, Loyal, and Sherman, in Clark County, Wis., on the one hand, and, on the other, South St. Paul and New Port, Minn.; building materials, feeds, seeds, and farm machinery, from Minneapolis, St. Paul, and South St. Paul, Minn., to points in the Wisconsin towns specified immediately above, with no transportation for compensation on return except as otherwise authorized; mill feeds, from St. Paul and Minneapolis, Minn., to points in Clark and Wood Counties, Wis., with no transporatation for compensation on return except as otherwise authorized. Claude J. Jasper, attorney, 110 East Main Street, Madison 3, Wis., for applicants.

No. MC–FC 63401. By order of July 18, 1960, the Transfer Board approved the transfer to Joseph Pestrak, Mary Pestrak, and Frank Pestrak, a partnership, doing business as Perawel Trucking Company, Trenton, N.J., of Certificate No. MC 78182, issued January 11, 1956, to Joseph Pestrak, Frank Welde, Mary Pestrak, and Frank Pestrak, a partnership, doing business as Perawel Trucking Company, Trenton, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Philadelphia, Pa., and New York, N.Y., and between Philadelphia, Pa., and Trenton, N.J. Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa., for applicants.

No. MC–FC 63404. By order of July 19, 1960, the Transfer Board approved the transfer to Warners Motor Express, Inc., Red Lion, Pennsylvania, of a portion of Corrected Certificate No. MC 23196, issued April 6, 1956, in the name of Joseph Weiss and David Weiss, a partnership, doing business as Weiss Furniture Transportation Co., Philadelphia, Pa., authorizing the transportation of new furniture, over irregular routes, between points in Philadelphia County, Pa., on the one hand, and, on the other, points in Pennsylvania. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., for applicants.

No. MC–FC 63414. By order of July 19, 1960, the Transfer Board approved the transfer to Joseph Weiss, Ethel Weiss, Executrix, and David Weiss, a partnership, doing business as Weiss Furniture Transportation Co., Philadelphia, Pa., of Certificate No. MC 8323, issued May 29, 1957, in the name of Delaware Valley Fast Freight Service, a corporation, Pennsauken, N.J., authorizing the transportation over irregular routes of furniture, between Jersey City, N.J., New York, N.Y., and Philadelphia, Pa.; and between Souderton, Pa., on the one hand, and, on the other, New York, N.Y., and Jersey City, N.J.; and cotton batting, raw cotton, cotton waste, and supplies used in connection therewith, and wool batting, rug pads, paperboard and articles used or useful in the manufacture of bedding and upholstered furniture (excluding furniture frames), between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 20 miles of New York, N.Y.; between Camden, N.J., and New York, N.Y., and between Philadelphia, Pa., New Haven, Conn., and Wilmington, Del. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–6927; Filed, July 25, 1960; 8:47 a.m.]

[Docket No. 33450]

PETITION FOR DECLARATORY ORDER UNDER SECTION 5(d) OF THE ADMINISTRATIVE PROCEDURE ACT

JULY 15, 1960.

Petitioner: Mr. Guy M. Willis, President, Astro Corp., Hartford Building, Dallas, Tex.; Petitioner's Attorneys: Turner, White, Atwood, McLane, and Francis. Attention: Mr. Leo J. Hoffman, 1900 Mercantile Dallas Building, Dallas 1, Tex.

By a petition filed June 30, 1960, the Astro Corporation seeks a declaratory order under section 5(d) of the Administrative Procedure Act (5 U.S.C. 1004) finding that the Interstate Commerce Commission does not have jurisdiction over the proposed terminal storage facilities for jet fuel at Mountain Home, Idaho or over a proposed pipeline from such terminal facilities to the Mountain Home Air Force Base. In the event that the Commission determines that it does have jurisdiction, the petitioner requests waiver by it of the Commission's regulations pertaining to pipelines.

Petitioner states that the previous interstate flow of the jet fuel comes to a complete rest in the storage facilities to be erected by petitioner. If it meets the requirements of the Air Force, it will later be shipped to the Air Force in the proposed pipeline and such transportation will take place solely in the State of Idaho.

Any person or persons desiring to participate in this matter may do so by filing an original and 14 copies of representations supporting or opposing the petition by August 24, 1960.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–6928; Filed, July 25, 1960; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 121; Amdt. 1]

LONG ISLAND RAIL ROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 121 (The Long Island Rail Road Company) and good cause appearing therfor:

It is ordered, That Taylor's I.C.C. Order No. 121 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 20, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 19, 1960.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60–6929; Filed, July 25, 1960; 8:47 a.m.]

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