Pages 8901–8937

FEDERAL REGISTER

VOLUME 25 NUMBER 181

Washington, Friday, September 16, 1960

Contents

(Continued on next page)

Codification Guide

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

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

7 CFR

969 8903
986 8903

PROPOSED RULES:
965 8909

12 CFR

224 8904

14 CFR

PROPOSED RULES:
514 8909
601 (3 documents) 8910, 8911
626 8911

26 (1954) CFR

1 8904

33 CFR

203 (2 documents) 8906
207 8906

FEDERAL REGISTER

Telephone WOrth 3-3261

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

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

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

Rules and Regulations

Title 7—AGRICULTURE

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

[Avocado Order 22]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

§ 969.322 Avocado Order 22.

(a) Findings: (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and good cause exists for making the provisions hereof effective not later than September 12, 1960; and this section relieves restrictions on the handling of avocados during the period September 12–18, 1960. A meeting of the Avocado Administrative Committee was held on September 12, 1960, to survey the damage from hurricane Donna and to consider any necessary changes in current regulations; a large percentage of the current avocado crop has been blown from the trees; some of such fruit is suitable for marketing if it can be shipped immediately but otherwise it will be lost; recommendations for regulation in the manner and for the period herein set forth were submitted to the Department immediately following such meeting and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) Order: During the period beginning at 12:01 a.m., e.s.t., September 12, 1960, and ending at 12:01 a.m., e.s.t., September 19, 1960, no person shall handle any lot of avocados unless such avocados are handled in accordance with the requirements of subparagraphs (1), (2), (3), (4), and (5) of this paragraph.

(1) Avocados shall grade at least U.S. No. 2 except that avocados that have scars caused by wind or have russeting or discoloration caused by wind may be handled if they otherwise grade at least U.S. No. 2;

(2) Avocados of the Peterson, Pinelli, and Tonnage varieties may be handled without regard to the weight or diameter of the individual fruit;

(3) Avocados of the Booth 8 variety may be handled if the individual fruit in each lot of such variety weigh not less than 14 ounces or measure at least $3\frac{5}{16}$ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the individual fruit contained in each lot of such avocados, and not to exceed 20 percent, by count, of the individual fruit contained in any container in such lot, may weigh less than 14 ounces and measure less than $3\frac{5}{8}$ inches in diameter but all such individual fruit shall weigh at least 12 ounces;

(4) Avocados of the Waldin variety may be handled if the individual fruit in each lot of such variety weigh not less than 10 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit contained in each lot of such avocados, and not to exceed 20 percent, by count, of the individual fruit contained in any container in such lot, may weigh less than 10 ounces but not less than 8 ounces;

(5) Avocados of any weight may be handled in containers with inside dimensions 11 x $16\frac{3}{4}$ x 10 inches if such avocados are of the size specified for the particular variety; and

(6) To the extent that the requirements thereof are in conflict with the provisions of this section, the provisions of Avocado Order 20, as amended (§ 969.320, 25 F.R. 5476, 7712—quality and maturity requirements), and Avocado Order 21, as amended (§ 969.321, 25 F.R. 7522, 8050, 8538—container regulation), are hereby suspended during the effective period of this regulation; and the provisions of Avocado Order 15 (§ 969.315, 23 F.R. 3372—pack regulation) are hereby suspended during the effective period of this regulation.

(c) 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 marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the terms "U.S. No. 2," "scars," "russeting," and "discoloration" shall have the same meaning as when used in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

(d) The provisions of this section shall become effective at 12:01 a.m., e.s.t., September 12, 1960.

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

Dated: September 12, 1960.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–8608; Filed, Sept. 15, 1960; 8:47 a.m.]

[Milk Order 86]

PART 986—MILK IN RED RIVER VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Red River Valley marketing area (7 CFR Part 986), it is hereby found and determined that:

(a) Section 986.63(d) will not tend to effectuate the declared policy of the Act for the period of September 1, 1960 through December 31, 1960.

(b) A notice of proposed suspension of the cited provision was issued by the Acting Deputy Administrator on August 24, 1960, and duly published in the FEDERAL REGISTER on August 27, 1960 (25 F.R. 8233). Three days from the date such notice was published in the FEDERAL REGISTER were allowed for the submission of written data, views and arguments with respect to the proposed suspension. There was no opposition expressed to the suspension.

(c) 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

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

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order was requested by the Central Oklahoma Milk Producers Association which represents a majority of all producers supplying handlers in the Red River Valley marketing area.

(4) This suspension order will suspend the provision of the order which limits the number of days during any of the months of September through December on which the milk of a producer may be diverted to a nonpool plant. Emergency

conditions exist in the marketing area which will make it necessary to divert producer milk on more days during these months than is permitted under the present provision. Failure to suspend the limitation on diversions would result in a number of dairy farmers losing their producer status under the order.

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

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective September 1, 1960 for the period September 1, 1960 through December 31, 1960.

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

Issued at Washington, D.C., this 13th day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–8630; Filed, Sept. 15, 1960; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Miscellaneous Amendments

Pursuant to section 14(d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	3	Aug. 23, 1960
New York	3	Aug. 12, 1960
Philadelphia	3	Aug. 19, 1960
Cleveland	3	Aug. 12, 1960
Richmond	3	Do.
Atlanta	3	Aug. 16, 1960
Chicago	3	Aug. 19, 1960
St. Louis	3	Do.
Minneapolis	3	Aug. 15, 1960
Kansas City	3	Aug. 12, 1960
Dallas	3	Sept. 9, 1960
San Francisco	3	Sept. 2, 1960

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	3½	Aug. 23, 1960
New York	3½	Aug. 12, 1960
Philadelphia	3½	Aug. 19, 1960
Cleveland	3½	Aug. 12, 1960
Richmond	3½	Do.
Atlanta	3½	Aug. 16, 1960
Chicago	3½	Aug. 19, 1960
St. Louis	3½	Do.
Minneapolis	3½	Aug. 15, 1960
Kansas City	3½	Aug. 12, 1960
Dallas	3½	Sept. 9, 1960
San Francisco	3½	Sept. 2, 1960

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	Aug. 23, 1960
New York	4½	June 10, 1960
Philadelphia	4½	Aug. 19, 1960
Cleveland	4½	Aug. 12, 1960
Richmond	4	Do.
Atlanta	4½	Aug. 16, 1960
Chicago	4½	June 10, 1960
St. Louis	4	Aug. 19, 1960
Minneapolis	4	Aug. 15, 1960
Kansas City	4	Aug. 12, 1960
Dallas	4½	Sept. 9, 1960
San Francisco	4½	June 3, 1960

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 14(d), 38 Stat. 264, as amended; 12 U.S.C. 357)

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

[F.R. Doc. 60–8602; Filed, Sept. 15, 1960; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6492]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Regulations Under Section 302(c)(2) of the Public Debt and Tax Rate Extension Act of 1960, as Amended

The regulations set forth below are hereby prescribed under section 302(c)(2) of the Public Debt and Tax Rate Extension Act of 1960, as amended:

Sec.
1.9003 Statutory provisions; section 4 of Public Law 86–781 (74 Stat. 1017).
1.9003–1 Election to have the provisions of section 613(c)(2) and (4) of the 1954 Code, as amended, apply for past years.
1.9003–2 Effect of election.
1.9003–3 Statutes of limitation.
1.9003–4 Manner of exercising election.
1.9003–5 Terms; applicability of other laws.

AUTHORITY: §§ 1.9003 to 1.9003–5 issued under sec. 302(c)(2)(F), 74 Stat. 293, as amended by sec. 4, 74 Stat. 1017.

§ 1.9003 Statutory provisions; section 4 of Public Law 86–781 (74 Stat. 1017), approved September 14, 1960.

SEC. 4. Subsection (c) of section 302 of the Public Debt and Tax Rate Extension Act of 1960 (Public Law 86–564; 74 Stat. 293) is amended to read as follows:

(c) *Effective date*—(1) *In general.* Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall be applicable only with respect to taxable years beginning after December 31, 1960.

(2) *Calcium carbonates, etc.*—(A) *Election for past years.* In the case of calcium carbonates or other minerals when used in making cement, if an election is made by the taxpayer under subparagraph (C)—

(i) The amendments made by subsection (b) shall apply to taxable years with respect to which such election is effective, and

(ii) Provisions having the same effect as the amendments made by subsection (b) shall be deemed to be included in the Internal Revenue Code of 1939 and shall apply to taxable years with respect to which such election is effective in lieu of the corresponding provisions of such Code.

(B) *Years to which applicable.* An election made under subparagraph (C) to have the provisions of this paragraph apply shall be effective for all taxable years beginning before January 1, 1961, in respect of which—

(i) The assessment of a deficiency,

(ii) The refund or credit of an overpayment, or

(iii) The commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on the date of the enactment of this paragraph by the operation of any law or rule of law. Such election shall also be effective for any taxable year beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before the date of the enactment of this paragraph.

(C) *Time and manner of election.* An election to have the provisions of this paragraph apply shall be made by the taxpayer on or before the 60th day after the date of publication in the FEDERAL REGISTER of final regulations issued under authority of subparagraph (F), and shall be made in such form and manner as the Secretary of the Treasury or his delegate shall prescribe by regulations. Such election, if made, may not be revoked.

(D) *Statutes of limitation.* Notwithstanding any other law, the period within which an assessment of a deficiency attributable to the application of the amendments made by subsection (b) may be made with respect to any taxable year to which such amendments apply under an election made under subparagraph (C), and the period within which a claim for refund or credit of an overpayment attributable to the application of such amendments may be made with respect to any such taxable year, shall not expire prior to one year after the last day for making an election under subparagraph (C). An election by a taxpayer under subpara-

graph (C) shall be considered as a consent to the application of the provisions of this subparagraph.

(E) *Terms; applicability of other laws.* Except where otherwise distinctly expressed or manifestly intended, terms used in this paragraph shall have the same meaning as when used in the Internal Revenue Code of 1954 (or corresponding provisions of the Internal Revenue Code of 1939) and all provisions of law shall apply with respect to this paragraph as if this paragraph were a part of such Code (or corresponding provisions of the Internal Revenue Code of 1939).

(F) *Regulations.* The Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this paragraph.

§ 1.9003–1 Election to have the provisions of section 613(c) (2) and (4) of the 1954 Code, as amended, apply for past years.

(a) *In general.* Section 4 of Public Law 86–781 amended section 302(c) of the Public Debt and Tax Rate Extension Act of 1960 to permit certain taxpayers for taxable years beginning before January 1, 1961, to apply the provisions of section 302(b) of that Act. Section 302 (b) of the Act amended section 613(c) (2) and (4) of the Internal Revenue Code of 1954 to read in part as follows:

(2) *Mining.* The term "mining" includes not merely the extraction of the ores or minerals from the ground but also the treatment processes considered as mining described in paragraph (4) (and the treatment processes necessary or incidental thereto), and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which such treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary or his delegate finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

* * * * *

(4) *Treatment proeesses considered as mining.* The following treatment processes where applied by the mine owner or operator shall be considered as mining to the extent they are applied to the ore or mineral in respect of which he is entitled to a deduction for depletion under section 611:

* * * * *

(F) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than preheating of the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process;

* * * * *

(b) *Election.* Under section 302(c) (2) of the Act, the taxpayer, in the case of calcium carbonates or other minerals when used by him in making cement, may elect to apply the provisions of section 613(c) (2) and (4) of the 1954 Code as amended in lieu of the corresponding provisions of prior law. The taxpayer must make the election in accordance with § 1.9003–4 on or before November 15, 1960 (the 60th day after the publication in the FEDERAL REGISTER of final regulations issued under section 302(c) (2) of the Act), and the election shall become irrevocable on such 60th day.

(c) *Years to which the election is applicable.* If the election described in paragraph (b) of this section is made by the taxpayer, the provisions of section 613(c) (2) and (4) as amended by section 302(b) of the Act apply to all taxable years beginning before January 1, 1961, in respect of which—

(1) The assessment of any deficiency,

(2) Refund or credit of any overpayment,

(3) Commencement of a suit for recovery of a refund under section 7405 of the Internal Revenue Code of 1954,

is not prevented on September 14, 1960, by the operation of any law or rule of law. The election also applies to taxable years beginning before January 1, 1961, in respect of which an assessment of a deficiency has been made but not collected on or before September 14, 1960.

§ 1.9003–2 Effect of election.

(a) *In general.* If a taxpayer makes the election described in paragraph (b) of § 1.9003–1, he shall be deemed to have consented to the application of section 302(b) of the Act with respect to all taxable years to which the election applies. Thus, subparagraph (F) of section 613(c) (4) of the 1954 Code as amended must be applied in determining gross income from mining for the taxable years to which the election applies (including years subject to the 1939 Code) whether or not the taxpayer is litigating the issue. Further, the election shall apply to all calcium carbonates or other minerals mined and used by the taxpayer in making cement.

(b) *Effect on gross income from mining.* The election is only determinative of what constitutes "mining" for purposes of computing percentage depletion and has no effect on the method employed in determining the amount of gross income from mining. In applying the election to the years affected there shall be taken into account the effect that any adjustments resulting from the election shall have on other items affected thereby, such as charitable contributions, foreign tax credit, net operating loss, and the effect that adjustments to any such items shall have on other taxable years. The provisions of section 302(b) of the Act are applicable with respect to taxable years subject to the Internal Revenue Code of 1939 for purposes of applying sections 450 and 453 of that Code.

§ 1.9003–3 Statutes of limitation.

Under section 302(c) (2) of the Act, the period within which the assessment of any deficiency or the credit or refund of any overpayment attributable to the election may be made shall not expire sooner than 1 year after November 15, 1960. Thus, if assessment of a deficiency or credit or refund of an overpayment, whichever is applicable, is not prevented on September 14, 1960, the time for making assessment or credit or refund shall not expire for at least 1 year after November 15, 1960, notwithstanding any other provision of law to the contrary. Even though assessment of a deficiency is prevented on September 14, 1960, if commencement of a suit for recovery of a refund under section 7405 of the 1954 Code may be made on such date, then any deficiency resulting from the election may be assessed at any time within 1 year after November 15, 1960. If the taxpayer makes the election he shall be deemed to have consented to the application of the provisions of section 302 (c) (2) of the Act extending the time for assessing a deficiency attributable to the election. Section 302(c) (2) of the Act does not shorten the period of limitations otherwise applicable. An agreement may be entered into under section 6501(c) (4) of the 1954 Code and corresponding provisions of prior law to extend the period for assessment.

§ 1.9003–4 Manner of exercising election.

(a) *By whom election is to be made.* Generally, the taxpayer whose tax liability is affected by the election shall make the election. In the case of a partnership, or a corporation electing under the provisions of subchapter S, chapter 1 of the 1954 Code, the election shall be exercised by the partnership or such corporation, as the case may be.

(b) *Time and manner of making election.* The election shall be made on or before November 15, 1960, by filing a statement with the district director with whom the taxpayer's income tax return for the taxable year in which the election is made is required to be filed. The statement shall include the following:

(1) A clear indication that an election is being made under section 302(c) (2) of the Act, and

(2) The taxable years to which the election applies.

Amended income tax returns reflecting any increase or decrease in tax attributable to the election shall be filed for the taxable years to which the election applies. In the case of partnerships and electing small business corporations under subchapter S, chapter 1 of the 1954 Code, amended returns shall be filed by the partnership or electing small business corporations, as well as by the partners or shareholders, as the case may be. Any amended return shall be filed with the office of the district director with whom the taxpayer files his income tax return for the taxable year in which the election is made and, if practicable, on the same date the statement of election is filed, but amended returns shall be filed in no event later than February 28, 1961, unless an extension of time is granted under section 6081 of the Code. Whenever the amended returns do not accompany the statement of election, a copy of the statement shall be submitted with the amended returns. The amended returns shall be accompanied by payment of the additional tax (together with interest thereon) resulting from the election.

§ 1.9003–5 Terms; applicability of other laws.

All other terms which are not otherwise specifically defined shall have the same meaning as when used in the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) except where otherwise distinctly expressed or manifestly intended to the contrary. Further, all provisions of law contained in the 1954 Code (or the corresponding

provisions of prior law) shall apply to the extent that they can apply. Thus, all of the provisions of subtitle F of the 1954 Code and the corresponding provisions of prior law shall apply to the extent they can apply, including the provisions of law relating to assessment, collection, credit or refund, and limitations. For purposes of this section and §§ 1.9003–1 to 1.9003–4, inclusive, the term "Act" means the Public Debt and Tax Rate Extension Act of 1960 as amended.

Because this Treasury decision is designed to inform taxpayers as to how, when, and where to perform certain acts required or permitted under section 302 (c) (2) of the Public Debt and Tax Rate Extension Act of 1960 as amended, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

[SEAL] CHARLES I. FOX,
Acting Commissioner of Internal Revenue.

Approved: September 14, 1960.

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

[F.R. Doc. 60–8696; Filed, Sept. 15, 1960; 9:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Anacostia River, Washington, D.C.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.330 is hereby amended changing the title of the section, designating the regulations governing the operation of the District of Columbia highway bridge across Anacostia River, at 11th Street SE., Washington, D.C., as paragraph (a) and subparagraphs thereof, and prescribing a new paragraph (b) to govern the operation of the Pennsylvania Railroad Company Freight Bridge No. 134.35, effective on and after publication in the FEDERAL REGISTER so that maximum benefits may be derived during the remainder of the present boating season, as follows:

§ 203.330 Anacostia River, Washington, D.C.; bridges.

(a) *District of Columbia highway bridge at 11th Street SE.* (1) From 9:00 a.m. to 4:00 p.m. daily the draw of this bridge shall, upon proper signal, be opened promptly for the passage of any vessel or other watercraft not able to pass safely under the closed draw.

(2) Whenever a vessel unable to pass safely under the closed bridge desires to pass through the draw at any time between 4:00 p.m. and 4:00 a.m., notice of the time the opening is required shall be given to the draw tender at the bridge or other authorized representative of the owner of or agency controlling the bridge not later than 4:00 p.m.

(3) Whenever a vessel unable to pass safely under the closed bridge desires to pass through the draw at any time between 4:00 a.m. and 9:00 a.m., at least 12 hours' advance notice of the time the opening is required shall be given to the watchman at the bridge or other authorized representative of the owner of or agency controlling the bridge.

(4) Upon receipt of advance notice as specified in subparagraph (2) or (3) of this paragraph the draw tender, watchman, or other authorized representative shall, in compliance therewith, arrange for the prompt opening of the draw upon proper signal at the time specified in the notice for the passage of the vessel or within a reasonable time thereafter: *Provided,* That from 6:45 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. daily the draw shall not be required to open for the passage of vessels except vessels owned or controlled by the United States or the District of Columbia.

(5) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be easily read at any time, a copy of the regulations in this paragraph together with a notice stating exactly how the draw tender, watchman, or other authorized representative may be reached by telephone or otherwise.

(b) *Pennsylvania Railroad Company Freight Bridge No. 134.35.* (1) During the period from April 1 to September 30, inclusive, on Saturdays, Sundays, and legal holidays, the lift span shall be opened on signal. During the same period, on weekdays between the hours of 10:00 a.m. and 8:00 p.m., the lift span shall be opened on signal on the hour for the passage of two or more vessels or other watercraft: *Provided,* That in no case shall the delay to a single vessel be more than 30 minutes.

(2) During the period from April 1 to September 30, inclusive, on weekdays between the hours of 8:00 p.m. and 10:00 a.m., and from October 1 to March 31, inclusive, on Saturdays, Sundays, and legal holidays between the hours of 10:00 a.m. and 6:00 p.m., the lift span shall be opened on signal on the hour for the passage of any vessel or other watercraft: *Provided,* That when once opened the bridge shall remain open sufficiently long to permit the passage of all vessels or other watercraft which may be in sight of the bridgetender and expected to desire a passage of the bridge. The time referred to shall be eastern standard or eastern daylight time, whichever is in effect locally.

(3) At all other times not covered, at least two hours' advance notice is required to be given to the designated representative of the owner of or agency controlling the bridge. The notice shall contain the name or number of the vessel and the expected time of its arrival at the bridge.

(4) Vessels employed or controlled by the United States Government, the District of Columbia and agencies of the State of Maryland shall be passed without delay through the draw of said bridge at any hour of the day or night upon giving the proper signal.

(5) Clearance gages, of a type approved by the District Engineer of the U.S. Army Engineer District in charge of the locality, shall be provided by the owners of the bridge. These gages shall be so set and maintained on the upstream and downstream fenders of the bridge as to show accurately and clearly the distance between the water surface and the lowest point of the closed lift span.

(6) The bridge shall not be required to be opened for the passage of vessels habitually using the waterway and carrying appurtenances such as radio antenna or flag staffs which as determined by the District Engineer of the U.S. Army Engineer District in charge of the locality, can readily be removed, lowered or hinged, and which are otherwise capable of clearing the bridge when closed. Habitual users are defined as any vessel passing the bridge as often as seven (7) times in a 30-day period.

(7) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can easily be read at all times, a copy of the regulations in this paragraph, together with a notice stating a local telephone number where the representative specified in subparagraph (3) of this paragraph may be reached.

[Regs., Aug. 30, 1960, 285/91 (Anacostia River, Washington, D.C.)–ENGCW–0] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 60–8614; Filed, Sept. 15, 1960; 8:48 a.m.]

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Miscellaneous Amendments

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), certain sections governing the operation of drawbridges are hereby amended to delete the provision concerning the effective date of the regulations, the remaining provisions of the sections to remain in full force and effect, as follows:

§ 203.15 Presumpscot River, Portland, Maine; bridge (highway) at Martins Point, Portland, Maine.

* * * * *

(d) [Revoked]

§ 203.25 Fore River, Portland Harbor, Maine; bridges (highway), known as "Portland Bridge" and "Vaughn Bridge".

* * * * *

(j) [Revoked]

§ 203.30 York River, Maine; bridge (highway) of town of York, between York and Johnny Island.

* * * * *

(c) [Revoked]

§ 203.35 Piscataqua River, Maine and N.H.

(a) *Bridge (highway) between Portsmouth, N.H., and Kittery, Maine.*

* * * * *

(6) [Revoked]

(b) *Bridge (combined highway and railroad) between Portsmouth, N.H., and Kittery, Maine.*

* * * * *

(9) [Revoked]

§ 203.40 Bellamy River, N.H.; bridge (highway) between Cedar Point and Dover Point, N.H.

* * * * *

(g) [Revoked]

§ 203.50 Hampton River, N.H.; bridge (highway) between Seabrook and Hampton Beaches, N.H.

* * * * *

(j) [Revoked]

§ 203.60 Plum Island River, Mass.; bridge (highway).

* * * * *

(j) [Revoked]

§ 203.65 Danvers River, Mass.; bridges (highway and railroad).

* * * * *

(h) [Revoked]

§ 203.110 Niantic River, Conn.; bridges of New York, New Haven & Hartford Railroad Co., and the State of Connecticut at Niantic, Conn.

* * * * *

(e) [Revoked]

§ 203.130 Poquonock River, Yellow Mill Channel, and Johnsons River, Conn.; bridges (highway and railroad) at Bridgeport, Conn.

* * * * *

(e) [Revoked]

§ 203.145 Norwalk River at Norwalk, Conn.; Washington Street Highway bridge and the New York, New Haven & Hartford Railroad bridge.

* * * * *

(f) [Revoked]

§ 203.210 Raritan River and Arthur Kill, and their navigable tributaries; bridges.

* * * * *

(g) [Revoked]

§ 203.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J.; bridges.

* * * * *

(h) [Revoked]

§ 203.250 Inlet from Little Annemessex River, Md.; bridge (highway) at Crisfield, Md.

* * * * *

(e) [Revoked]

§ 203.260 Wicomico River, Md.; bridges (highway) across south prong at Camden Avenue and Division Street and north prong at Main Street, Salisbury, Md.

* * * * *

(d) [Revoked]

§ 203.270 Cambridge Harbor, Md.; bridge.

* * * * *

(e) [Revoked]

§ 203.280 Miles River, Md.; bridge (highway) at Easton, Md.

* * * * *

(f) [Revoked]

§ 203.285 Oak Creek, tributary of Miles River, Md.; bridges of the Maryland State Roads Commission and the Baltimore, Chesapeake and Atlantic Railroad Company at Royal Oak, Md.

* * * * *

(d) [Revoked]

§ 203.290 Kent Island Narrows, Md.

(a) *Bridge (highway) of Maryland State Roads Commission.*

* * * * *

(4) [Revoked]

(b) *Bridge of Baltimore and Eastern Railroad (Pennsylvania Railroad Co.).*

* * * * *

(5) [Revoked]

§ 203.310 Severn River, Md.; bridge (highway) near Annapolis, Md.

* * * * *

(d) [Revoked]

§ 203.340 Rappahannock River, Va.; all bridges.

* * * * *

(1) [Revoked]

§ 203.555 Mississippi River and its navigable tributaries and outlets, including the Atchafalaya River, La., above Grand Lake; bridges.

* * * * *

(i) [Revoked]

§ 203.583 White River, Ark.; Missouri and Arkansas Railway Company bridge near Georgetown, Ark.

* * * * *

(i) [Revoked]

§ 203.605 Illinois Waterway, Ill.; bridges (highway and railroad) at Pekin, Peoria, and Joliet, Ill.

* * * * *

(c) [Revoked]

§ 203.640 Red River of the North, Minn. and N. Dak.; bridges.

* * * * *

(g) [Revoked]

§ 203.645 Sturgeon Bay, Wis.; bridges at Sturgeon Bay, Wis.

* * * * *

(h) [Revoked]

§ 203.685 Grand River and the channel at mouth of Spring Lake, Mich.; bridge.

* * * * *

(c) [Revoked]

§ 203.690 Charlevoix Harbor, Mich. (upper and lower channels); bridge.

* * * * *

(b) [Revoked]

§ 203.695 St. Marys Falls Canal, Mich.; International Bridge.

* * * * *

(f) [Revoked]

§ 203.725 Umpqua River, Oreg.

* * * * *

(b) *Bridge (highway) at Reedsport, Oreg.*

* * * * *

(4) [Revoked]

§ 203.745 John Day River, Oreg.; bridge (highway).

* * * * *

(f) [Revoked]

§ 203.750 Willamette River at Portland, Oreg., Columbia at Vancouver, Wash., and North Portland Harbor (Oregon Slough), Oreg.; bridges (highway and railroad).

* * * * *

(g) [Revoked]

§ 203.765 Cowlitz and Lewis Rivers, Wash.; bridges.

* * * * *

(c) [Revoked]

§ 203.775 Grays Harbor and tributaries, Wash.; bridges.

* * * * *

(b) *Special regulations.*

* * * * *

(10) [Revoked]

[Regs., Aug. 29, 1960, 285/91–ENGCW–0] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), certain sections governing the use, administration and navigation of navigable waters of the United States are hereby amended to delete the provision concerning the effective date of the regulations, the remaining provisions of the sections to remain in full force and effect, as follows:

§ 207.60 Federal Dam, Hudson River, Troy, N.Y.; pool level.

* * * * *

(e) [Revoked]

§ 207.70 Channel of Tuckerton Creek, N.J.; navigation.

* * * * *

(b) [Revoked]

§ 207.80 Channel of Christina River, Del.; navigation.

* * * * *

(b) [Revoked]

§ 207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways, tributary to the Gulf of Mexico east and south of St. Marks, Fla.; use, administration, and navigation.

* * * * *

(l) [Revoked]

§ 207.250 Ouachita River, Ark. and La.; use, administration, and navigation.

* * * * *

(y) [Revoked]

§ 207.270 Tallahatchie River, Miss., between Batesville and the mouth; logging.

* * * * *

(i) [Revoked]

§ 207.280 White River, Ark.; use, administration, and navigation of locks in upper White River.

* * * * *

(p) [Revoked]

§ 207.290 Current River above Van Buren, Mo.; logging.

* * * * *

(f) [Revoked]

§ 207.350 St. Croix River, Wis. and Minn.

* * * * *

(b) *Power dam at Taylors Falls.*

* * * * *

(4) [Revoked]

§ 207.360 Rainy River, Minn.; logging regulations for portions of river within jurisdiction of the United States.

* * * * *

(d) [Revoked]

§ 207.420 Chicago River, Ill.; Sanitary District controlling works, and the use, administration, and navigation of the lock at the mouth of river, Chicago Harbor.

* * * * *

(b) *Lock.*

* * * * *

(20) [Revoked]

§ 207.425 Calumet-Sag Channel, Ill.; Chicago Sanitary District controlling works and the use, administration, and navigation of lock near Blue Island.

* * * * *

(b) *Lock.*

* * * * *

(22) [Revoked]

§ 207.490 Cheboygan River, Wash.

* * * * *

(b) Floating of logs in inland Route and connecting waters between Cheboygan and Conway, Mich.

* * * * *

(4) [Revoked]

§ 207.545 Monroe Harbor, Mich.; use, administration, and navigation.

* * * * *

(d) [Revoked]

§ 207.560 Sandusky Harbor, Ohio; use, administration, and navigation.

* * * * *

(f) [Revoked]

§ 207.570 Harbors of Huron, Lorain, Cleveland, Fairport, Ashtabula, Conneaut, Ohio; use, administration, and navigation.

* * * * *

(e) [Revoked]

§ 207.580 Buffalo Harbor, N.Y.; use, administration, and navigation.

* * * * *

(e) [Revoked]

§ 207.600 Rochester (Charlotte) Harbor, N.Y.; use, administration, and navigation.

* * * * *

(e) [Revoked]

§ 207.610 St. Lawrence River, Cape Vincent Harbor, N.Y.; use, administration, and navigation of the harbor and United States breakwater.

* * * * *

(j) [Revoked]

§ 207.690 Yamhill Lock, Yamhill River, Oreg.; use, administration, and navigation.

* * * * *

(r) [Revoked]

§ 207.720 Willapa Bay and tributaries, Wash.; logging.

* * * * *

(c) [Revoked]

§ 207.730 Grays Harbor and tributaries, Wash.; logging.

* * * * *

(k) [Revoked]

§ 207.790 Port Alexander, Alaska; speed of vessels.

* * * * *

(c) [Revoked]

[Regs., Aug. 29, 1960, 285/91–ENGCW–O]
(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 60–8592; Filed, Sept. 15, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO–166–A25]

MILK IN CINCINNATI, OHIO, MARKETING AREA AND 15 NORTHERN KENTUCKY COUNTIES

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cincinnati, Ohio, on June 12–15, 1960, pursuant to notice thereof issued on June 22, 1960 (25 F.R. 5882).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on August 23, 1960 (25 F.R. 8198) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. Although the record of the hearing on proposed amendments, which was conducted at Cincinnati, Ohio, on July 12–15, 1960, pursuant to notice thereof which was issued on June 22, 1960 (25 F.R. 5882), was concerned with numerous issues, this decision is confined to a consideration of that one relating to seasonal incentive payments by handlers operating pool plants. It was requested at the hearing that this issue be considered separately so that any amendment action which might be taken could be made effective during the fall months of 1960. Accordingly, an earlier date was set for the filing of briefs on this issue than on the remaining issues. This issue will be considered herein and consideration of the other material issues of record will be deferred.

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

Seasonal incentive payments by handlers operating pool plants. The order provides a fall production incentive plan whereby certain amounts of money are deducted in computing uniform prices for flush production months and distributed to all producers, during short production months, through the mechanism of the uniform price computation. It was proposed that the order be amended to require that a handler who operates a plant which is a nonpool plant during the months when amounts are deducted and which becomes a pool plant during the subsequent fall months shall pay into the producer-settlement fund an amount equal to that portion of the uniform prices paid to producers delivering to his plant which represents the fall incentive "add-back".

The fall incentive plan must be regarded as having marketwide implications. It is not a method of distributing returns to producers as individuals delivering to a given plant; rather, it is a marketwide production incentive technique whereby certain amounts are deducted in the computation of uniform prices for flush months and added back in the computation of such prices for short production months. The amounts so deducted and added are not identified with the deliveries of individual producers or plants, but are an intrinsic part of the method of computing uniform prices for spring and fall months. Likewise, the fall incentive plan cannot be used to impose additional product cost on some pool plant operators as opposed to others. If the participation of all producers and payments by all pool handlers were not computed on the same basis, the result would be different seasonal patterns of prices for different groups of producers and different product costs for different groups of pool handlers. Accordingly, the proposed amendment is denied.

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

Rulings on exceptions. In arriving at the findings and conclusions each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Issued at Washington, D.C., this 13th day of September 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–8629; Filed, Sept. 15, 1960; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket. No. 507]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS; PARTS, PROCESSES AND APPLIANCES

Fire Detectors; Thermal Sensing and Ionization Sensing

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the Regulations of the Administrator by adopting a new Technical Standard Order.

This Technical Standard Order revises § 514.21 (23 F.R. 7209) which establishes minimum performance standards for fire detectors used on civil aircraft of the United States, by providing combined standards for use in both piston and turbine engine installations, and to reflect current procedures for fire detector evaluation.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before November 2, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further publication as a draft release.

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

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By revising § 514.21 as follows:

§ 514.21 Fire detectors (thermal sensing and ionization sensing types)—TSO–C11c.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fire detectors of the subject types which are required to be approved for use on piston and/or turbine engine-powered civil aircraft of the United States. New models of these types of fire detectors manufactured for use on civil aircraft of the United States on or after the effective date of this section,

shall meet the standards specified in Federal Aviation Agency Standard "Fire Detectors (Thermal Sensing and Ionization Sensing Types)." [1] Fire detectors approved prior to the effective date of this section, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of information required in § 514.3(c), the alarm temperature shall be shown. Compliance of the detector with the piston or turbine engine requirements, or both, shall be designated by –P, –T, or –PT, repectively, as a suffix following the TSO designation, as: TSO–C11c–P.

(c) *Data requirements.* (1) The manfacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his equipment. (See paragraph (d) of this section).

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance certifying that the instrument conforms to this section.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to the installation. These data shall include the following:

(*a*) Starting ambient temperature used in determining the response time (see section 7.1.1);

(*b*) Maximum allowable normal ambient temperature at the point of sensor location;

(*c*) Maximum allowable rate of temperature rise at point of sensor location as a result of normal operation;

(*d*) Operating voltage;

(*e*) Mounting or support method; and

(*f*) Maximum or minimum number of units or detector length which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature associated with normal operation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Fire detectors shall be produced under a quality control system, established by the manufacturer, which will assure that each detector is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

[1] Copies may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS–126, Federal Aviation Agency, Washington 25, D.C.

Issued in Washington, D.C., on September 12, 1960.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–8593; Filed, Sept. 15, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–AN–30]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2447 of the regulations of the Administrator, the substance of which is stated below.

The Bethel, Alaska, control zone is presently designated within a 5-mile radius of a point centered on the new Bethel Municipal Airport, within 5 miles either side of a direct line extending from the center of the new Bethel Municipal Airport and the FAA Bethel Intermediate Field, within 2 miles either side of the Bethel radio range southeast course extending from the radio range station to a point 11½ miles southeast, and within 2 miles either side of the 348° True bearing extending from the Bethel radio beacon to a point 11½ miles northwest.

The Federal Aviation Agency has under consideration modifying this control zone as follows:

1. Revoke that portion of the control zone 5 miles either side of a line extending from the center of the new Bethel Municipal Airport and the FAA Bethel Intermediate Field; revoke the southeast control zone extension based on the Bethel radio range extending from the radio range to 11½ miles southeast; and revoke the northwest control zone extension based on the radio beacon. The FAA Bethel Intermediate Field has been closed, the radio beacon has been decommissioned, the instrument approach procedures based on the radio beacon have been canceled and the instrument approach procedures based on the southeast course of the radio range are being revised. Therefore, it appears that these control zone extensions would no longer be required and that the revocation thereof would be in the public interest.

2. Designate extensions north and southwest of the Bethel VOR (Lat. 60°47′08″ N, Long. 161°49′20″ W) extending from the 5-mile radius zone to 12 miles north and southwest of the VOR; designate and extension based on the 296° True bearing from the radio range extending from the 5-mile radius zone to the radio range station; designate an extension based on the 023° True bearing from the new Bethel radio beacon (Lat. 60°47′52″ N, Long. 161°48′07″ W), extending from the 5-mile radius zone to 12 miles northeast of the radio beacon. These modifications would provide protection for aircraft executing instrument approach procedures based on the VOR, radio range and the radio beacon.

If these actions are taken, the Bethel control zone would be designated within a 5-mile radius of the Bethel Municipal Airport (Lat. 60°46′55″ N, Long. 161°49′55″ W), within 2 miles either side of the 007° True and the 214° True radials of the VOR extending from the 5-mile radius zone to 12 miles northnortheast and southwest of the VOR; within 2 miles either side of the 296° True bearing from the radio range extending from the 5-mile radius zone to the radio range, and within 2 miles either side of the 023° True bearing from the radio beacon extending from the 5-mile radius zone to 12 miles northeast of the radio beacon.

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 September 9, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–8594; Filed, Sept. 15, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–KC–55]

CONTROL ZONE

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering

an amendment to § 601.2102 of the regulations of the Administrator, the substance of which is stated below.

The Grand Forks, N. Dak., control zone is presently designated within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of the Grand Forks, N. Dak., radio range extending 10 miles south of the radio range station. The Federal Aviation Agency has under consideration the modification of this control zone by extending the present control zone extension, based on the south course of the radio range, to 12 miles south of the radio range and designating a control zone extension 2 miles either side of the 340° True radial of the Grand Forks VOR extending from the 5-mile radius zone to the VOR. These modifications would provide protection for aircraft executing the prescribed instrument approach procedures at the Grand Forks International Airport.

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, 4825 Troost Avenue, Kansas City 10, Mo. 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 September 9, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–8595; Filed, Sept. 15, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–WA–184]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2247 of the regulations of the Administrator, the substance of which is stated below.

The Abilene, Tex., control zone is presently designated within a 5-mile radius of Abilene Municipal Airport, within 2 miles either side of the north course of the Abilene radio range extending from the radio range station to a point 10 miles north; within 2 miles either side of a direct line extending from the Abilene radio range station to and including a 5-mile radius of Dyess Air Force Base; within 2 miles either side of the 292° and the 112° True radials of the Abilene VOR extending from the Abilene Municipal Airport 5-mile radius zone to a point 5 miles northwest of the VOR; within 2 miles either side of the 354° True radial of the Abilene VOR extending from the VOR to a point 10 miles north; and within 2 miles either side of the centerline of Dyess AFB north/south runway 16/34 extending to a point 10 miles south of the end of the runway. An ILS is being installed at the Abilene Municipal Airport to serve the north/south runway. The ILS outer marker will be located at Lat. 32°18′50″ N, Long. 99°41′04″ W. The Federal Aviation Agency is considering modifying the Abilene control zone by designating an extension 2 miles either side of the ILS localizer south course extending from the 5-mile radius zone of the Abilene Municipal Airport to the ILS outer marker; revoking the control zone extension northwest of the Abilene VOR; extending the present north extensions based on the north course of the Abilene radio range and VOR to 12 miles north of the radio range and VOR; and extending the present south extension based on the Dyess radio beacon to 12 miles south of the Dyess radio beacon. These modifications would provide protection for aircraft executing the prescribed instrument approach procedures at Abilene Municipal Airport and Dyess AFB.

If these actions are taken, the Abilene, Tex., control zone would be redesignated to include the airspace within a 5-mile radius of Abilene Municipal Airport (Lat. 32°25′10″ N, Long. 99°41′20″ W); within 2 miles either side of the Abilene ILS localizer south course extending from the 5-mile radius zone to the ILS outer marker; within 2 miles either side of the north course of the Abilene radio range extending from the 5-mile radius zone to 12 miles north of the radio range; within 2 miles either side of a direct line extending from the Abilene radio range to Dyess AFB, Abilene, Tex.; within a 5-mile radius of Dyess AFB (Lat. 32°25′10″ N, Long. 99°51′15″ W); within 2 miles either side of the 112° True radial of the Abilene VOR extending from the Abilene Municipal Airport 5-mile radius zone to the Abilene VOR; within 2 miles either side of the 354° True radial of the Abilene VOR extending from the Dyess AFB 5-mile radius zone to 12 miles north of the VOR and within 2 miles either side of the 168° and 348° True bearings of the Dyess AFB RBN extending from the 5-mile radius zone to 12 miles south of the RBN.

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 September 9, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60–8596; Filed, Sept. 15, 1960; 8:46 a.m.]

[14 CFR Part 626]

[Airspace Docket No. 60–WA–159]

NOTICE OF CONSTRUCTION OR ALTERATION; CRITERIA, PROCEDURES AND RULES FOR DETERMINATION OF EFFECT UPON USE OF NAVIGABLE AIRSPACE OF OBSTRUCTIONS TO AIR NAVIGATION

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency has under consideration a proposal for the adoption of Part 626 of the regulations of the Administrator as hereinafter set forth.

Section 1101 of the Federal Aviation Act (72 Stat. 797; 49 U.S.C. 1501) provides that the Administrator shall, by rules and regulations, or by order where necessary, require all persons to give adequate public notice, in the form and manner prescribed by the Administrator, of the construction or alteration of any structure where notice will promote safety in air commerce. Section 313(a)

of the Federal Aviation Act (72 Stat. 752; 49 U.S.C. 1354) empowers the Administrator to perform such acts, to conduct such investigations, to issue and amend such general or special rules, regulations, and procedures, pursuant to and consistent with the provisions of the Act, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under, the Act. Section 307(a) of the Federal Aviation Act (72 Stat. 749; 49 U.S.C. 1348) authorizes and directs the Administrator to develop plans for and formulate policy with respect to the use of the navigable airspace; and assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. This section further provides that the Administrator may modify or revoke such assignment when required in the public interest.

The form and manner of public notice of construction or alteration of structures where notice will promote safety in air commerce, pursuant to § 1101 of the Act, are presently prescribed in Part 625 of the regulations of the Administrator. However, Part 625 establishes the requirement for notice as to both landing area construction and tall structure construction. If the within proposed regulation is adopted, it will prescribe the form and manner of notice required, where notice will promote safety in air commerce, for the construction or alteration of all structures exclusive of the construction or alteration of landing areas. Accordingly, appropriate modification of Part 625 will be accomplished by separate rule making action to be initiated by the Federal Aviation Agency within the near future.

With the expansion of the aviation industry the problems presented by the construction or alteration of structures affecting safety in air commerce have become pressing and can no longer be satisfactorily resolved by presently established criteria and procedures. This is particularly true in view of the fact that the present procedures for the evaluation of proposed construction with regard to possible hazard to air commerce utilize various criteria developed at different times and for different purposes, some of which are regulatory in nature and others are of a policy nature. Included in these criteria are Parts 609 and 610 of the regulations of the Administrator, Technical Standard Order of the Administrator, TSO–N18, and the Joint Industry/Government Tall Structures Committee (JIGTSC) Final Report. Further, Part 17 of the Regulations of the Federal Communications Commission also contains criteria utilized to single out certain antenna construction proposals for special aeronautical study by the Air Coordinating Committee (ACC) with regard to potential aeronautical hazard. In addition, no Regulations of the Administrator presently exist establishing procedures for the consideration of the effects of structures upon safety in air commerce.

The only forum for considering this question with specific reference to broadcast structures, was established by Executive Order No. 9781, as amended, which created the Air Coordinating Committee. This Committee established rules of procedure whereby its Regional Subcommittees and Washington Airspace Panel conducted special aeronautical studies of the effect of proposed alteration or construction of broadcast structures and submitted their recommendations to the Federal Communications Commission in accordance with Part 17 of the Commission's rules. It is to be noted at this point that no other forum exists for the consideration of the effect of other tall structures upon safety in air commerce; and further that the Federal Communications Commission's consideration of antenna structures is in connection with the issuance of a construction permit or broadcast permit for broadcast purposes.

On August 11, 1960, the President issued Executive Order No. 10833 terminating the Air Coordinating Committee as of the 60th day following the date of issuance. With the termination of the ACC on October 10, 1960, no forum would exist wherein studies could be conducted as to the effect of structures upon the safety of air commerce.

In drafting the criteria contained in the proposed regulation, it was considered necessary to encompass the construction or alteration of any structure which would affect safety in air commerce to give meaning and effect to the requirement in section 1101 of the Act for notice as to such construction. Such portions of the presently existing criteria as could be adapted were carried forward in combination with proposed changes and additions and incorporated into the text of this proposed regulation. In the development of the proposed criteria, the Agency has given consideration to the requirements for safety in air commerce and at the same time recognition to the requirements of the users of airspace for surface construction.

It is proposed herein to adopt a regulation which would establish when notice of construction must be given and the criteria for the determination of what proposed structures would constitute hazards to air commerce by reason of their location or height. Since such hazard criteria are universal in application, the regulation also provides procedures for giving individual consideration to a specific structure to permit the Agency to determine whether waiver of the criteria as applied to that structure would be consistent with safety of air commerce. These procedures will provide a forum and a means for the Agency to give full consideration to the public interest in safe air commerce and the interests of the construction sponsor.

The Agency contemplates that, in the application of this regulation and the aeronautical studies of specific proposals thereunder, consideration will be given to possible adjustments of aviation requirements to accommodate tall structures. This would include the raising of minimum flight levels and realigning routes, airways and other flight patterns. These studies would also provide for the consideration of possible adjustments to the location and height of proposed structures to eliminate or minimize non-conformance with the criteria.

In these criteria, specific recognition is given to the requirements of the broadcast industry through providing for the regulatory establishment of "antenna farm areas" of specific dimensions of area and height. Antenna proposals or other tall structures to be located within such areas and which would not exceed the established dimensions, are automatically excluded from the category of aviation hazards. Although no specific antenna farm areas are proposed for establishment in this notice, a subsequent notice of proposed rule making will be issued by the Federal Aviation Agency within the near future wherein specific recognized farm areas now in existence will be proposed for establishment under this regulation.

Inasmuch as this proposal is issued in accordance with the Administrative Procedures Act, it is recognized that such regulation as may be issued will not be effective prior to the termination date of the ACC. Therefore, during the period between the termination of the ACC on October 10, 1960, and the effective date of the regulation of the Administrator to be implemented as a result of this notice, the Administrator will take under consideration all matters relating to obstructions to air navigation then pending before the ACC or which may arise during this period and will take such action in each such case as may be warranted by the facts thereof.

In view of the early termination of the ACC, it becomes necessary to adopt new procedures as soon as possible. Because of this urgency, interested persons desiring to comment on this notice are requested to expedite their comments to reach the Agency at the earliest possible date, notwithstanding that a period of 45 days is provided within which comments to this notice will be received. This will enable the agency to perform its analysis of the comments as they are received and thus be prepared to go forward with promulgation of the regulation shortly after the closing of the comment period.

If this action is taken, Part 626 of the regulations of the Administrator would be adopted, as follows:

Subpart A—Introduction

Sec.

626.1 Basis and purposes.
626.2 Effective period of agency final determinations or orders issued hereunder.
626.3 Explanation of terms.

Subpart B—Requirements for Notice of Construction or Alteration; Hazards to Air Navigation Criteria

626.8 Scope and effect of subpart.
626.9 Structures requiring notice.
626.10 Form and time of notice.
626.11 Acknowledgement of notice.
626.12 Hazards to air navigation—criteria.
626.13 Airport referenced imaginary surfaces—definitions.

Subpart A—Introduction

§ 626.1 Basis and purposes.

(a) The basis of this part is found in Titles III, X and XI of the Federal Aviation Act of 1958, as amended.

(b) The purposes of this part are as follows:

(1) To require all persons to give adequate public notice of the proposed construction or alteration of any structure where notice will promote safety in air commerce and to prescribe the form and manner of such notice.

(2) To establish criteria for the evaluation of obstructions to air navigation.

(3) To provide for the conduct of, and prescribe the procedures for, aeronautical studies of those proposals for the erection of new or alteration of existing structures which would become hazards to air navigation by operation of this part, unless exempted from the criteria herein; to determine the effects of such obstructions upon the safety of aircraft in flight and the efficient utilization of airspace; and to prescribe the manner of issuance and publication of the determinations of such aeronautical studies.

(4) To provide for the initiation and conduct of public hearings for the purposes of making final determinations as to whether exemptions to the criteria of this part shall be granted or denied with respect to specific construction proposals; to prescribe the rules and procedures for conducting such hearings; and to prescribe the manner of issuance and publication of resulting orders granting or denying such exemptions.

(5) To establish antenna farm areas at prescribed geographical locations and with specified dimensions of area and height.

§ 626.2 Effective period of agency final determinations or orders issued hereunder.

(a) Determinations pursuant to § 626.32(b) or § 626.33(b) based on aeronautical studies, if no appeal is taken, become final determinations and will be effective for a period of eighteen (18) months from the expiration of the appeal period.

(b) Orders granting exemptions pursuant to § 626.66 will be effective for a period of eighteen (18) months from the date of expiration of the appeal period.

(c) Upon expiration of the above effective periods, without construction having been commenced, any final determination or order granting exemption issued by the Agency pursuant to this part will lapse, provided that the construction sponsor may show cause by petition to the Administrator as to why the exemption should not lapse. Such petition shall be filed not less than thirty (30) days prior to the expiration of the effective period.

§ 626.3 Explanation of terms.

As used in this part, terms are defined as follows:

(a) "Administrator" means Administrator, Federal Aviation Agency.

(b) "Agency" means Federal Aviation Agency.

(c) "Air navigation facility" means any electronic facility the broadcast signal of which is used for navigational guidance by aircraft.

(d) "Airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(e) "Airport reference point" means a point selected by the Agency as the approximate center of the landing area.

(f) "Approved off-airway route" means a direct course between radio facilities and/or intersections of their signals having a defined width and extending from the surface upward, approved by the Administrator for use by air carrier aircraft.

(g) "Construction" means the erection or alteration of any structure either of a permanent or temporary character.

(h) "Control area" means the airspace so designated in Part 601 of this chapter (Regulations of the Administrator). (These areas are depicted on aeronautical charts.)

(i) "Control zone" means the airspace so designated in Part 601 of this chapter (Regulations of the Administrator). (These zones are depicted on aeronautical charts.)

(j) "Determination" means a decision granting or denying an exemption issued by the Chief of an Air Traffic Management Field Division or by the Chief, Airspace Obstruction Evaluation Branch, which becomes a final determination if no appeal is taken therefrom or if appeal is denied.

(k) "Exemption" means a waiver of the criteria in this part with respect to a specific construction proposal.

(l) "Final determination" means an Agency determination from which no appeal is granted or an order of the Administrator, granting or denying an exemption to the criteria of this part with respect to a specific construction proposal.

(m) "Height" means the over-all height of the top of a structure including any appurtenance installed thereon.

(n) "Heliport" means a landing area solely for the use of helicopters.

(o) "Heliport reference point" means a point selected by the Agency as the approximate center of the heliport.

(p) "Landing area" means any locality, either land or water, including airports, heliports and intermediate landing fields, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

(q) "Landing area boundary" means the outer limit of the land or water on which a landing area is maintained.

(r) "Low altitude Federal airway" means any airway designated in Part 600 of this chapter (Regulations of the Administrator) below 14,500 feet MSL.

(s) "MSL" means mean sea level.

(t) "Obstruction to air navigation" means any structure for which notice is required under Subpart B of this part.

(u) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(v) "Public notice" means notice to the Administrator as prescribed in § 626.9.

(w) "Slope ratio" means a numerical expression of a stated relationship of height to horizontal distance, e.g., 1 to 100 means one foot vertically for each one hundred feet of horizontal distance.

(x) "Structure" includes any form of structure of a permanent or temporary character, including any apparatus used in the erection, alteration, or repair of such structure.

(y) "VFR flyway" means an established air route, depicted on aeronautical charts, along a valley, river, highway, railroad, shoreline, or any other visually identifiable path over the ground, used for pilotage under weather conditions suitable for VFR flight.

Subpart B—Requirements for Notice of Construction or Alteration; Hazards to Air Navigation Criteria

§ 626.8 Scope and effect of subpart.

(a) This subpart establishes the requirement for all persons to give adequate public notice of the proposed construction or alteration of certain structures; specifies the location and dimensions of structures for which notice is required; and prescribes the form and manner of such notices. All structures for which public notice would be required pursuant to this subpart shall be deemed obstructions to air navigation.

(b) Criteria are established herein for the evaluation of obstructions to air navigation; any such obstruction which would exceed the criteria set forth in this subpart, and for which an exemption to these criteria has not been granted, shall be deemed a hazard to air navigation.

§ 626.9 Structures requiring notice.

(a) Any person proposing to engage in the construction or alteration of any of the following shall give notice thereof to the Administrator in the form and manner prescribed in this subpart.

(1) Any structure, the top or any portion of which may become at the construction site, by reason of such construction or alteration, greater than one hundred and fifty feet above ground level, or above mean water level where the structure will be situated in or over water.

(2) Any structure within 15,000 feet of any airport or other landing area, excluding heliports, the top or any portion of which may become, by reason of such construction or alteration greater than one foot above such airport or landing area elevation, or above the construction site ground level or mean water level (where the structure will be situated in or over water), whichever is higher, for each one hundred feet or fraction thereof, of the distance that such structure will be situated from the boundary of such airport or landing area.

(3) Any structure within 5,000 feet of any heliport, the top or any portion of which may become, by reason of such construction or alteration, greater than three feet above such heliport elevation, or above the construction site ground level or mean water level (where the structure will be situated in or over water), whichever is higher, for each one hundred feet or fraction thereof, of the distance that such structure will be situated from the boundary of such heliport.

(4) Any structure, the top or any portion of which may extend, by reason of such construction or alteration, into an airport approach obstruction plane.

(i) For purposes of this part an "airport approach obstruction plane" is defined as an imaginary surface extending from each end of any airport runway having a length of 2,000 feet or greater, longitudinally centered on the extended centerlines thereof, for a distance of 1,000 feet at the elevation of the approach end of the runway and thence sloping upward at a ratio of 1 to 60 until it intersects the slope described in sub paragraph (2) of this paragraph.

(*a*) For all instrument approach runways and all runways having a length of 5,000 feet or greater, the width of the airport approach obstruction plane is 1,000 feet at the end adjacent to the runway and expands uniformly at a ratio which would reach a width of 4,000 feet at a distance of 10,000 feet from the end of the runway.

(*b*) For non-instrument approach runways having a length of 2,000 up to but not including 5,000 feet, the width of the airport approach obstruction plane is 500 feet at the end adjacent to the runway and expands uniformly at a ratio which would reach a width of 3,000 feet at a distance of 10,000 feet from the end of the runway.

(5) Any structure on a landing area within 500 feet of the centerline of any runway or which, if more than 500 feet from runway centerline, would project above an inclined plane extending upward from the ground from a base line 500 feet either side of and parallel with each runway, sloping upward and away from the runway at a ratio of 1 to 7.

(b) Notice to the Administrator is not required for the proposed construction or alteration of any structure to be located where the structure, when completed, would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height; provided that such shielding would result in the proposed structure causing no increase in potential hazard to aircraft operations. In case of doubt as to whether the potential hazard to aircraft would be increased by such proposed construction or alteration, the matter shall be referred to the Agency for decision.

§ 626.10 Form and time of notice.

(a) Notices required in compliance with § 626.9 shall be submitted to the Agency in triplicate on Form FAA–117,[1] "Notice of Proposed Construction or Alteration", not less than 30 days prior to the date, (1) the construction or alteration is proposed to begin,[2] or (2) an application for any type of construction permit or broadcast permit is to be filed, whichever is earlier, and shall be addressed to the Chief, Air Traffic Management Field Division of the nearest Regional Office of the Federal Aviation Agency, or to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

§ 626.11 Acknowledgment of notice.

(a) The Agency will acknowledge receipt of notices submitted in compliance with § 626.9.

(b) As to a proposed structure which, when completed, would not exceed the criteria of hazards to air navigation set forth in § 626.12, such acknowledgment will contain a statement that the Agency interposes no objection to the construction as proposed and a request that the acknowledging office be notified when the structure, during construction, reaches the minimum height for which notice prior to commencing construction would have been required under § 626.9.

(c) As to a proposed structure which, if erected, would exceed any of the criteria of hazards to air navigation set forth in § 626.12, the acknowledgment of notice will include the following:

(1) A statement advising the construction sponsor that pursuant to the provisions of this part (Regulations of the Administrator), a structure erected at the location and to the height specified in the notice would be a hazard to air navigation, and including a citation of the criteria which would be violated.

(2) A statement of the maximum height to which a structure may be erected at the location specified in the notice without becoming a hazard to air navigation by operation of this part.

---

[1] Copies of the form may be obtained from the Federal Aviation Agency, Washington 25, D.C., or from any Regional Office of the Federal Aviation Agency.

[2] Thirty (30) days is sufficient for preliminary processing of a notice of proposed construction or alteration including acknowledgement by the Agency. However, as to noticed construction which would exceed the criteria of hazards to air navigation (§ 626.12), should the sponsor request the Agency to conduct an informal aeronautical study of his construction proposal to determine whether an exemption to the criteria may be granted (§ 626.11(c)(3) and § 626.31 (a)(1)), an additional 60 to 90 days will be required for processing such study.

(3) A statement that the construction sponsor may request the Agency to conduct an aeronautical study of the noticed construction proposal for the purpose of making a determination of whether an exemption to the applicable cirteria of hazards to air navigation may be granted.

§ 626.12 Hazards to air navigation—criteria.

(a) With the exception of any structure erected entirely within the confines of an antenna farm area as established in Subpart E of this part, any obstruction to air navigation, the top or any portion of which extends upward from the surface to a height above any of the following criteria is a hazard to air navigation, unless an exemption has been granted pursuant to the part.

(1) An elevation of 500 feet above ground at the site of the obstruction.

(2) An elevation of 170 feet above ground at the site of the obstruction where such obstruction is either within the geographical limits of any control zone or control area other than the continental control area, or within 5 miles either side of a VFR flyway.

(3) An elevation at the site of the obstruction which is 1,000 feet below the established MEA of an approved off-airway route [3] or 170 feet above ground whichever is higher, where the obstruction site is located within five (5) miles either side of the course of such approved off-airway route.

(4) An elevation above mean sea level, at the site of the obstruction, which is on a 1 to 50 slope extending upward from 500 feet below the established minimum en route altitude of any low altitude Federal airway or approved off-airway route, beginning at a point 5 miles from and perpendicular to such airway centerline or off-airway route course, where such obstruction is more than 5 but not more than 10 miles from such centerline or course and where the perpendicular line from such centerline or course on which the obstruction site lies intersects the centerline or course not more than 25 miles from any navigational facility upon which the airway or off-airway route is based.

(5) An elevation above mean sea level at the obstruction site which is 500 feet lower than the established minimum en route altitude for any low altitude Federal airway or approved off-airway route, where such obstruction site is more than 5 and not more than 10 miles perpendicular distance from the airway centerline or off-airway route course and is more than 25 miles from any navigational facility upon which such airway or off-airway route is based, measured in the manner described in item (4) of this subsection.

(6) Any airport referenced imaginary surface as defined in § 626.13.

[3] The location of approved off-airway routes may be obtained from the Federal Aviation Agency, Washington 25, D.C.; any Regional Office of the Federal Aviation Agency; or any local Federal Aviation Agency Aviation Safety District Office.

(b) The criteria in this section will be applied with respect to air navigation facilities, airports, Federal airways, approved off-airway routes, control zones, or control areas not in existence at the time of the filing of a Notice of Proposed Construction or Alteration of a structure only when plans or proposals for such aeronautical facilities are on file with the Agency as of the filing date of the Notice of Proposed Construction or Alteration. These criteria will also be applied to the Minimum Obstruction Clearance Altitudes of those Federal airways where planning information indicates a requirement to lower such airway minimum en route altitudes which may be satisfied by an additional VOR, distance measuring equipment, or other air navigational aids.

(c) Where two or more of the criteria established in paragraph (a) of this section apply to any obstruction, the most restrictive criterion will apply.

(d) For the purpose of determining the effect of an obstruction to air navigation upon the minimum instrument flight rules en route altitude or minimum obstruction clearance altitude of a low altitude Federal airway or approved off-airway route, the vertical dimensions of such obstruction will be measured to the nearest 100-foot elevation above mean sea level.

§ 626.13 Airport referenced imaginary surfaces—definitions.

(a) Airport referenced imaginary surfaces are established for all airports and are defined by reference to airports as follows:

(1) *Inner horizontal surface.* The inner horizontal surface is a circular plane, 150 feet above the established airport elevation having a radius from the airport reference point as follows:

(i) 2½ miles (13,200 feet)—for airports with runways 5,000 feet or greater in length.

(ii) 1½ miles (7,920 feet)—for airports with runways 2,000 feet up to but not including 5,000 feet in length.

(iii) 1 mile (5,280 feet)—for airports with runways less than 2,000 feet in length.

(2) *Conical surface.* The conical surface is a surface extending from the periphery of the inner horizontal surface upward and outward as follows:

(i) Slope ratio 1 to 40 for a horizontal distance of 14,000 feet—for airports with runways 5,000 feet or greater in length.

(ii) Slope ratio 1 to 30 for a horizontal distance of 10,500 feet—for airports with runways 2,000 feet up to but not including 5,000 feet in length.

(iii) Slope ratio 1 to 20 for a horizontal distance of 7,000 feet—for airports with runways less than 2,000 feet in length.

(3) *Outer horizontal surface.* The outer horizontal surface is a circular plane 500 feet above the established airport elevation extending outward from the periphery of the conical surface for the following distances:

(i) 25,600 feet—for airports with runways 5,000 feet or greater in length.

(ii) 18,420 feet—for airports with runways 2,000 feet up to but not including 5,000 feet.

(4) *Instrument approach area surface.* An instrument approach area surface is a plane longitudinally centered on the extended runway centerline beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 50 to an altitude of 500 feet above the established airport elevation. The instrument approach area surface is 1,000 feet wide at the end adjacent to the runway and expands uniformly at a ratio which would reach a width of 16,000 feet at a distance of 50,000 feet from the end of the runway. All runways for which a "straight-in" instrument approach is prescribed will have instrument approach area surfaces at each end.

(5) *Non-instrument approach area surface.* A non-instrument approach area surface is a plane longitudinally centered on the extended runway centerline having the following dimensions:

(i) For runways 5,000 feet or greater in length—beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 50, having a width of 1,000 feet at the beginning and expanding uniformly to a width of 4,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(ii) For runways 2,000 feet up to but not including 5,000 feet in length—beginning at the end of the runway and extending 500 feet outward at the elevation of the approach end of the runway and then sloping upward at a ratio of 1 to 40, having a width of 500 feet at the beginning and expanding uniformly to a width of 3,000 feet at the outer extremity, 10,000 feet from the end of the runway.

(iii) For runways less than 2,000 feet in length—beginning at the end of the runway, at the elevation of the approach end of the runway and sloping upward at a ratio of 1 to 20, having a width of 250 feet at the beginning and expanding uniformly to a width of 2,000 feet at the outer extremity, 10,000 feet from the end of the runway.

All runways for which no "straight-in" instrument approach is prescribed will have non-instrument approach area surfaces at each end.

(6) *Transitional surfaces.* Transitional surfaces are inclined planes extending from the ground sloping upward and away from each runway at a ratio of 1 to 7 to an elevation of 150 feet above the airport elevation, parallel to the runway centerline and extensions thereof and extending for a distance of 7,000 feet beyond each end of the runway; except that the lower portion of any transitional surface extending below the plane of the associated approach area surface is excluded. The distance of the transitional surface base line from the runway centerline is as follows:

(i) 500 feet—for runways 5,000 feet or greater in length and all instrument approach runways.

(ii) 250 feet—for runways 2,000 feet up to but not including 5,000 feet in length.

(iii) 125 feet—for runways less than 2,000 feet in length.

(7) *Heliport conical surface.* A heliport conical surface is a surface sloping upward and outward to an altitude of 500 feet above the established heliport elevation at a ratio of 1 to 20, beginning at the heliport elevation on the perimeter of a circle of 500 foot radius centered on the heliport reference point.

(b) Runway lengths used in the definitions in this section are measured runway lengths corrected to sea level elevation and standard atmospheric pressure and temperature, as prescribed in Technical Standard Order of the Administrator, TSO–N6B (§ 551.6 of this title).

Subpart C—Procedures for Aeronautical Studies of the Effect of Proposed Construction on the Use of the Navigable Airspace

§ 626.30 Scope and effect of subpart.

(a) This subpart establishes the procedures to be applied in the initiation and administrative processing of informal aeronautical studies of the effect of proposed structures on the use of the navigable airspace by aircraft. Whenever such a study is undertaken, its conclusion will be a determination of the Agency as to whether an exemption to the criteria of hazards to air navigation in § 626.12 may be granted as to the specific construction proposal under consideration, unless an adjustment of related aviation requirements or modification of the construction proposal reached in the course of the study eliminates the violation of criteria.

§ 626.31 Initiation of aeronautical studies.

(a) Aeronautical studies of the effects upon the use of the navigable airspace which would result from the construction or alteration of structures to heights exceeding the hazards to air navigation criteria of § 626.12, will be initiated by the Agency as follows:

(1) Whenever the sponsor of such proposed construction or alteration, noticed in compliance with § 626.9, requests an aeronautical study pursuant to § 626.11(c)(3) or makes such request at the time the notice is filed.

(2) On motion of the Agency whenever it may appear necessary.

§ 626.32 Agency Regional Office procedures for aeronautical studies.

(a) When determined as in § 626.31 that an aeronautical study will be initiated as to a specific construction or alteration proposal, the Agency's Air Traffic Management Field Division of the Region within which the construction is proposed will notify all known interested persons, including the construction sponsor, by informal circularization, that the proposed construction is the subject of an informal aeronautical study. The notification circular will include sufficient details of the proposed structure (including location by geographical coordinates, height above ground, height above mean sea level, etc.) to provide the basis for the study, and will solicit aeronautical comment on the proposal.

(b) Should the ATM Field Division find no substantial aeronautical argument against or objection to the granting of an exemption to the criteria of § 626.12, violated by the proposal, in comments responding to the circular or from the ATM Field Division's own analysis, the Chief, ATM Field Division, will then notify the construction sponsor by letter that it is the determination of the Agency that an exemption to the criteria of this part is granted for the construction as proposed.

(1) In the event that the proposed structure is to be used for or in connection with communications, a copy of this letter will be forwarded to the Secretary, Federal Communications Commission.

(2) Copies of this letter will be distributed to all other known interested persons.

(c) Should the ATM Field Division find substantial aeronautical argument against or objection to the granting of an exemption to the criteria of this part in the comments filed by any person in response to the circular or as a result of Agency study of the proposal, the following procedures will apply:

(1) The ATM Field Division will furnish all interested persons, including the construction sponsor, written notification of an informal meeting, to be held at the FAA Regional Office, at which the aeronautical study of the proposed construction would be an agenda item. A designated Agency representative will preside at such meetings. Any interested person may attend in person or be represented by attorney or other authorized representative, and may introduce at these meetings such material, oral presentation or written statements as may be pertinent to the aeronautical study of the proposed structure. The purposes of considering proposed construction in the agenda of such a meeting are to explore aeronautical objections to the proposal and to attempt to develop recommendations for adjustments in aviation requirements to accommodate the proposed construction, to suggest modifications to the construction proposal which would be more compatible with aviation requirements, or a combination of both.

(2) A summary report of this informal consideration of the proposed structure and recommended conclusions regarding the effect of the proposed structure upon the use of the navigable airspace shall be prepared by the ATM Field Division and forwarded, together with copies of all pertinent written material and statements received in response to the circular and in the informal meeting, for review by the Airspace Obstruction Evaluation Branch of the Airspace Utilization Division.

§ 626.33 Agency Washington Office review and issuance of determinations.

(a) The Chief of the Airspace Obstruction Evaluation Branch will, based upon review and analysis by that Branch of each report of informal aeronautical study forwarded from the ATM Field Division pursuant to § 626.32(c)(2), evaluate each such construction proposal as to its effect upon the safe and efficient utilization of airspace by aircraft, and issue a determination as to the proposed construction granting or denying an exemption to the applicable criteria of this part. Such determinations will be issued by distribution to interested persons, including the Secretary of the Federal Communications Commission, if appropriate, and will be published in the FEDERAL REGISTER.

§ 626.34 Petitions for public hearing.

(a) Should the sponsor of a proposed construction project not concur in the determination issued by the Agency; or should any person having stated substantial aeronautical objection to the proposed construction in the informal study, deem such objection to be not satisfactorily resolved or disposed of in the determination; and should any such aforesaid person desire to show cause why the determination should not become final as a finding of the Agency.

(b) Within 30 days of the date of issuance of the determination, such person may file with the Administrator a petition for a public hearing for the purpose of obtaining a formal decision of the Administrator on such matter.

(c) Such petition will be ruled upon by the Administrator as to whether the substance of the petition has adequate foundation, and a hearing will be granted or denied on the basis of such ruling.

(d) Petitions pursuant to this section must be filed in triplicate and shall contain a statement of the matters complained of and an explanation as to how the determination is contrary to the public interest.

(e) In any event, the Administrator may upon his own motion direct that a public hearing be held whenever he considers it to be in the public interest to do so.

Subpart D—Rules of Practice and Procedure for the Conduct of Fact-Finding Hearings Into Structures Which Affect the Use of the Navigable Airspace

§ 626.40 Applicability of subpart.

The provisions of this subpart shall govern all fact-finding hearings conducted by the Federal Aviation Agency under authority of Titles III and X of the Federal Aviation Act of 1958, as amended, of proposed construction or alteration of structures which affect the use of the navigable airspace.

§ 626.41 Nature of hearing.

Fact-finding hearings will be conducted in connection with the erection of structures which affect the use of the navigable airspace in order to determine the effect of such structures upon the safety of aircraft and the efficient utilization of such airspace. These proceedings are purely fact-finding and, therefore, are not subject to the provisions of sections 4, 5, 7, and 8, of the Administrative Procedure Act. However, as a matter of Agency policy, and in order to provide for the fair, full and orderly development of the facts pertaining to a specific proposal, these hearings will be conducted in accordance with the procedure hereinafter established.

§ 626.42 Filing of documents.

(a) *Filing address, date of filing, hours.* Documents required by any section of this subpart to be filed with the Agency shall be filed with the Docket Section of the Federal Aviation Agency, Washington 25, D.C. Such documents shall be deemed to be filed on the date

on which they are actually received by the Agency. The hours of the Agency are from 8:30 a.m. to 5:00 p.m., eastern standard or daylight saving time, whichever is in effect in the District of Columbia at the time, Monday through Friday inclusive, except on legal holidays for the Agency.

(b) *Formal specifications for documents.* (1) All documents filed under this subpart shall be on strong durable paper not larger than 8½ by 14 inches in size except that tables, charts, and other exhibits may be larger, folded to the size of the document to which they are attached. The left margin should be at least 1½ inches wide, and if the document is bound, it should be bound on the left side.

(2) The papers may be reproduced by printing or by any other process provided the copies are clear and legible. Appropriate notes or other indications shall be used so that the existence of any matter shown in color will be accurately indicated on photostatic copies.

(c) *Number of copies.* Unless otherwise specified, an executed original and 19 true copies of each document required or permitted to be filed under this part, shall be filed with the Dockets Section. Copies need not be signed, but the name of the person signing the originals shall be reproduced.

§ 626.43 General requirements as to documents.

(a) *Contents.* In case there is no rule, regulation, or order of the Agency which describes the contents of the application, petition or motion, such document shall contain a proper identification of the parties concerned, a reference to the provision of the statute and/or regulation under which the document is filed and a concise but complete statement of the facts relied upon and the relief sought.

(b) *Subscription.* Every application, petition, or motion, or other document filed in a proceeding shall be signed by the party filing the same or by a duly authorized officer or the attorney of record of such party, or by any other person, provided, that if signed by some other person, the reason therefor must be stated and the power of attorney or other authority authorizing such other person to subscribe the document must be filed with the document. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief, every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) *Designation of person to receive service.* The initial document filed by any person in any proceeding shall state on the first page thereof the name and post office address of the person or persons who may be served with any documents filed in the proceeding.

§ 626.44 Amendment of documents and dismissal.

If any document initiated or filed in a proceeding is not in substantial conformity with the applicable rules or regulations of the Agency as to the contents thereof, or is otherwise insufficient, the Presiding Officer on his own motion, or on motion of any party, may strike or dismiss such document, or require its amendment. If amended, the document shall be made effective as of the date of the original filing.

§ 626.45 Answers.

Answers to any documents shall be filed within twenty (20) days except where otherwise specifically provided.

§ 626.46 Retention of documents by the Agency.

All documents filed with or presented to the Agency may be retained in the files of the Agency. However, the Agency may permit the withdrawal of original documents upon the submission of properly authenticated copies to replace such documents.

§ 626.47 Service of documents.

(a) *Who makes service*—(1) *The Agency.* Documents issued by the Agency will be served by the Agency upon all parties to the proceedings.

(2) *The parties.* Answers, petitions, motions, briefs, exceptions, notices, or any other documents filed by any party or other person with the Agency or the Presiding Officer of the hearing shall be served by the person filing such document upon all parties to the proceeding in which it is filed and proof of service shall accompany the document when it is tendered for filing.

(b) *How service may be made.* Service may be made by regular mail, by certified mail, by registered mail, or by personal delivery. In the case of mailing to or from persons located west of the Mississippi River, to or from persons located east of the said River, mailing shall be by air mail.

(c) *Who may be served.* Service upon a party or person may be made upon an individual, or upon a member of a partnership, or firm to be served, or upon the president or other officer of the corporation, company, firm, or association to be served, or upon the assignee or legal successor of any of the foregoing, or upon any attorney of record for the party, or upon the agent designated by a party; but shall be served upon a person designated by a party to receive service of documents in a particular proceeding in accordance with § 626.43(c) once a proceeding has been commenced.

(d) *Where service may be made.* Personal service may be made on any of the persons described in paragraph (c) of this section wherever they may be found. Service by regular or registered mail shall be made at the principal place of business of the party to be served, or at his usual residence if he is an individual, or at the office of the party's attorney of record, but shall be served at the post office address stated for a person designated to receive service pursuant to § 626.43(c).

(e) *Proof of service.* Proof of service of any document shall consist of one of the following:

(1) A certificate of mailing executed by the person mailing the document;

(2) An acknowledgment of service signed by a person receiving service personally or a certificate of the person making the personal service.

(f) *Date of service.* Whenever proof of service by mail is made, the date of mailing shall be the date of service. Whenever proof of service by personal delivery is made, the date of such delivery shall be the date of service.

§ 626.48 Parties.

The term "party" wherever used in this subpart shall include any individual, firm, co-partnership, corporation, company association, joint stock association, body politic, state or federal government agency, and any trustee, receiver, or assignee or legal successor thereof.

§ 626.49 Substitution of parties.

Upon motion and for good cause shown, the Administrator, or the Presiding Officer may order a substitution of parties except that in case of death of a party, substitution may be ordered without the filing of a motion.

§ 626.50 Limitations on practice.

(a) *Registration.* Any person may appear before the Administrator or the Presiding Officer and be heard in person or by attorney. No register of attorneys who may practice before the Agency is maintained and no application for admission to practice is required. However, any person practicing before the Agency or desiring so to practice may for good cause shown be barred or suspended from such practicing, but only after he has been afforded an opportunity to be heard in the matter.

(b) *Representation by persons formerly associated with the Agency.*

(1) Appearance and representation:

(i) No person who has been associated with the Agency as a member, officer, or employee shall be permitted at any time to appear before the Agency on behalf of or to represent in any manner any party in connection with any proceeding or matter which such person has handled or passed upon while associated in any capacity with the Agency. No person appearing before the Agency in any matter or proceeding shall in relation thereto knowingly accept assistance from or share fees with any person who would himself be precluded by this section from appearing before the Agency in such matter or proceeding.

(ii) No person who has been associated with the Agency as a member, officer, or employee thereof shall be permitted within six (6) months from the date of the termination of such association, to appear before the Agency on behalf of, or to represent in any manner, any party in connection with any proceeding which was pending under this part before the Agency at the time of his association with the Agency unless he shall first have obtained the written consent of the Agency upon a verified showing that he did not give personal consideration to the matter or proceeding as to which consent is sought or gain particular knowledge of the facts thereof during his association with the Agency.

(2) For the purpose of this section, a proceeding shall be considered as pending from the date of receipt by the Agency of the notice required by Subpart B of this part. A consolidated proceeding shall be considered as pending for the purpose of this section from the date of the first individual proceeding therein.

§ 626.51 Consolidations.

(a) The Presiding Officer may consolidate or jointly consider without consolidation, two or more proceedings which involve substantially the same parties, or issues which are the same or closely related, if he finds that such consolidation or joint consideration will be conducive to the proper disposal of the proceeding before the Agency and will not unduly delay them.

(b) *Time for filing.* A motion to consolidate or consider an application with any other application shall be filed with the Presiding Officer not later than the prehearing conference in the proceeding with which consolidation or joint consideration is requested and shall relate only to a then pending application. A motion which is not timely filed either in writing or orally will be dismissed unless the Presiding Officer finds that the movant has clearly shown good cause for his failure to file such motion on time.

(c) *Answer.* If a motion to consolidate or consider two or more proceedings is filed with the Presiding Officer, any party to any of such proceedings or any person who has a petition for intervention pending may file an answer to such motion within such period as the Presiding Officer may permit.

§ 626.52 Intervention.

(a) *Who may intervene.* Any person whose intervention will be conducive to the ends of justice and will not unduly impede the conduct of the Agency's business may be permitted to intervene in any proceeding.

(b) *Considerations relevant to determination of petition to intervene.* In passing upon a petition to intervene, the Presiding Officer shall consider, among other things, the following factors: (1) The nature of the petitioner's right under law to be made a party to the proceeding; (2) the nature and extent of the property, financial or other interest of the petitioner; (3) the effect of the order which may be entered in the proceeding on petitioner's interest; (4) the availability of other means whereby the petitioner's interest may be protected; (5) the extent to which petitioner's interest will be represented by existing parties; (6) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record; and (7) the extent to which participation of the petitioner will broaden the issues or delay the proceeding.

(c) *Petition to intervene*—(1) *Contents.* Any person desiring to intervene in a proceeding shall file a petition in conformity with this subpart setting forth the facts and the reasons why he thinks he should be permitted to intervene. The petition should make specific reference to the factors set forth in paragraph (b) of this section.

(2) *Time for filing.* Unless otherwise ordered by the Presiding Officer, any petition for leave to intervene shall be filed prior to the first prehearing conference or upon good cause shown not later than fifteen (15) days prior to the commencement of the hearing.

(3) *Answer.* Any party may file an answer to a petition to intervene, making specific reference to the factors set forth in paragraph (b) of this section within seven (7) days after petition is filed.

(4) *Disposition.* The Presiding Officer will issue an order granting, denying, or otherwise ruling on any petition to intervene. He may do so without receiving testimony or oral argument either from the petitioner or the parties to the proceeding.

§ 626.53 Computation of time.

In computing any period of time prescribed or allowed by this subpart, the day of the act or event after which the designated period of time begins to run is not to be included, the last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Agency, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the period of time prescribed is seven (7) days or less, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

§ 626.54 Continuances and extensions of time.

The Presiding Officer may grant, with or without notice, such continuances and extensions of time as appear to be justified by the circumstances.

§ 626.55 Motions.

(a) *General.* An application to the Presiding Officer for a conclusion, finding, or ruling not otherwise duly provided for in this subpart shall be by motion.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing and shall state with particularity the grounds therefore and the relief sought, and shall be accompanied by an affidavit or other evidence desired to be relied upon. Motions made during hearings, answers thereto, and rulings thereon, may be made orally on the record unless the Presiding Officer directs otherwise.

(c) *Answers to motions.* Within seven (7) days after a motion is filed or such other period as the Presiding Officer may fix, any party may file an answer in support of or in opposition to the motion, accompanied by such affidavit or other evidence as it desires to rely upon.

(d) *Oral arguments; briefs.* No oral argument will be heard on motions unless the Presiding Officer otherwise directs. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authority relied upon in support of the position taken.

(e) *Disposition of motions.* The Presiding Officer shall pass upon all motions properly submitted.

(f) *Appeals to the Administrator from rulings of Presiding Officers.* Rulings of the Presiding Officer on motions may not be appealed to the Administrator prior to the Administrator's consideration of the entire proceeding except in extraordinary circumstances and with the consent of the Presiding Officer. An appeal shall be disallowed unless the Presiding Officer finds, either on the record or in writing, that the allowance of such an appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If any appeal is allowed, any party may file a brief with the Administrator within such period as the Presiding Officer directs. No oral argument will be heard unless the Administrator directs otherwise. The rulings of the Presiding Officer on motions may be reviewed by the Administrator in connection with his final action in the proceeding irrespective of the filing of an appeal or any action taken on it.

(g) *Effect of pendency of motions.* The filing or pendency of a motion shall not automatically alter or extend the time fixed by this subpart (or any extension granted thereunder) to take action.

§ 626.56 Presiding Officers.

(a) *Defined.* The term "Presiding Officer" as used in this subpart includes any individual member of the Agency assigned by the Director of the Bureau of Air Traffic Management to preside over the conduct of a hearing.

(b) *Disqualification.* A Presiding Officer shall withdraw from a proceeding if at any time he deems himself disqualified.

(c) *Powers.* The Presiding Officer shall have the following powers in addition to any others specified in this subpart:

(1) To give notice concerning the date and location and to hold hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpoenas and to take or cause depositions to be taken;

(5) To secure in the form of a public record all pertinent and relevant facts pertaining to the subject matter of the hearing and upon the close of the record to make a recommended decision to the Administrator;

(6) To rule, with the assistance of the legal officer, upon offers of proof and to receive the relevant evidence;

(7) To regulate the course and conduct of the hearing;

(8) To hold conferences before or during the hearing for the settlement or simplification of issues;

(9) To rule, with the assistance of the legal officer, on motions and to dispose of procedural requests or similar matters;

(10) Within his discretion, or upon the direction of the Administrator, to certify any question to the Administrator for his consideration and disposition;

(11) To take any other action authorized by this subpart, by the Administrative Procedure Act, or by the Federal Aviation Act; and

(12) To designate parties to the hearing.

§ 626.57 Legal officer.

A member of the staff of the General Counsel shall be designated by the General Counsel to serve as a legal officer in all hearings conducted under this subpart. It shall be such legal officer's responsibility to serve the Presiding Officer and to assist and advise the Presiding Officer on such evidentiary and other legal questions as may arise during the hearing.

§ 626.58 Prehearing conference with parties to the inquiry.

(a) *In general.* Prior to any hearing there will be ordinarily a prehearing conference before the Presiding Officer. Written notice of the prehearing conference shall be sent by the Presiding Officer to all parties to the proceeding and to other persons who appear to have an interest in such proceeding. The purpose of such a conference is to define and simplify the issues and the scope of the proceedings, to secure statements of the positions of the parties with respect thereto and amendments to the pleadings in conformity therewith, to schedule the exchange of exhibits before the date set for hearing, and to arrive at such agreements as will aid in the conduct and disposition of the proceedings. For example, consideration will be given to:

(1) Matters which the Presiding Officer can consider without the necessity of proof;

(2) Admissions of fact and genuineness of document;

(3) Admissibility of evidence;

(4) Limitation of the number of witnesses;

(5) Reducing of oral testimony to exhibit form; and

(6) Procedure at the hearing, etc.

If necessary, the Presiding Officer may require further conferences, or responsive pleadings, or both. The Presiding Officer may also, on his own motion or on motion of any party, direct any party to prepare and submit exhibits on matters relevant to the issues in the proceedings.

(b) *Report of prehearing conference.* The Presiding Officer shall issue a report of the prehearing conference, defining the issues, giving an account of the results of the conference, specifying a schedule for the exchange of exhibits and rebuttal exhibits, the date of the hearing and specifying a time for the filing of objections to such report. The report shall be served upon all parties and on any person who appeared at the conference. Objections to the report may be filed by any interested person within the time specified therein. The Presiding Officer may revise his report in the light of the objections presented. The revised report, if any, shall be served upon the same persons as was the original report. Exceptions may be taken on the basis of any timely written objection which has not been met by a revision of the report if they are filed within the time specified in the revised report. Such report shall constitute the official account of the prehearing conference, but it may be reconsidered and modified at any time to protect the public interest and to prevent injustice.

§ 626.59 The hearing.

(a) *Defined.* The hearing shall consist of that part of the proceedings involved with the taking of evidence.

(b) *Notice.* The Presiding Officer to whom the case is assigned shall give the parties reasonable notice of the hearing or of the change in the date and place of the hearing and the nature thereof.

(c) *Evidence.* Evidence presented at the hearing shall be limited to material evidence relevant to the issues as drawn by the pleadings or as defined in the report of prehearing conference, subject to such later modifications of the issues as may be necessary to protect the public interest or to prevent injustice and shall not be unduly repetitious. Evidence shall be presented in written form by all parties wherever feasible, as the Presiding Officer may direct. Each party shall have the right to present his case or defense by oral or documentary evidence, as the Presiding Officer may direct, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(d) *Objections to evidence.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the Presiding Officer. Rulings on such objections shall be a part of the transcript.

(e) *Exceptions.* Formal exceptions to the rulings of the Presiding Officer made during the course of the hearing are unnecessary.

(f) *Offers of proof.* Any offer of proof made in connection with an objection taken on any ruling of the Presiding Officer rejecting or excluding proper oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony, and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(g) *Exhibits.* When written exhibits are offered in evidence, one copy must be furnished to each of the parties at the hearing, two copies to the Presiding Officer, and two to the official reporter, unless the parties previously have been furnished with copies or the Presiding Officer directs otherwise. If the Presiding Officer has not fixed the time for the exchange of exhibits, the parties shall exchange copies of the exhibits at the earliest practicable time, preferably before the hearing or, at the latest, at the commencement of the hearing.

(h) *Substitution of copies for original exhibits.* In his discretion, the Presiding Officer may permit a party to withdraw an original document offered in evidence and substitute true copies in lieu thereof.

(i) *Designation of parts of documents.* When relevant and material matter offered in evidence by any party is embraced in a book, paper, or document, containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. The immaterial and irrelevant part shall be excluded and shall be segregated insofar as practicable. If the volume of immaterial or irrelevant matter would unduly encumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant and material matter may be read into the record; or, if the Presiding Officer so direct, a true copy of such matter, in proper form shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof.

(j) *Receipt of documents after hearing.* No document or other writings shall be accepted for the record after the close of the hearing except in accordance with an agreement of the parties and the consent of the Presiding Officer.

(k) *Transcript of hearing.* Hearings shall be recorded and transcribed by a contract reporter of the Agency under supervision of the Presiding Officer. Copies of the transcript shall be supplied to the parties to the hearing by the reporter at rates not to exceed the maximum rates fixed by the contract between the Agency and the reporter.

(l) *Corrections to transcript.* Changes in the official transcript may be made only when they involve errors affecting substance. A motion to correct the transcript shall be filed with the Presiding Officer within ten (10) days after receipt of the completed transcript by the Agency. If no objections to the motion are filed within ten (10) days thereafter, the transcript may, upon the approval of the Presiding Officer, be changed to reflect such corrections. If objections are received, the motion and objection shall be submitted to the official reporter by the Presiding Officer together with a request for a comparison of the transcript with a stenographic record of the inquiry. After receipt of the report of the official reporter, an order shall be entered by the Presiding Officer settling the record and ruling on the motion.

§ 626.60 Argument before the Presiding Officer.

The Presiding Officer shall give the parties adequate opportunity during the course of the hearing for the presentation of arguments in support of or in opposition to motions, and objections and exceptions to rulings of the Presiding Officer.

(b) When in the opinion of the Presiding Officer the volume of the evidence or the importance or complexity of the issues involved warrants, he may, either on his own motion or at the request of a party, permit the presentation of oral argument. He may impose such time limits on the argument as he may determine, having regard for other assignments for hearing before him. Such arguments shall be transcribed and bound with the transcript of testimony and will be available to the Administra-

tor for consideration in finally deciding the issue or issues involved.

§ 626.61 Action by the Presiding Officer after conclusion of the hearing.

After closing the record and concluding the hearing, the Presiding Officer will issue an initial or recommended decision. Every initial or recommended decision issued other than orally on the record shall state the names of the persons who are to be served with copies of it, the time within which exceptions to such decision may be filed, and the time within which briefs in support of the exceptions may be filed. In addition, every initial or recommended decision shall state the date on which it will become final.

§ 626.62 Effect of initial or recommended decision of the Presiding Officer.

Ordinarily, the final decision in any proceeding covered by this subpart will be made by the Administrator. However, proceedings in which no party in interest appeals therefrom, an initial or recommended decision of the Presiding Officer will become the final decision and constitute the Administrator's ultimate disposition of the case. Therefore, unless timely exception to an initial or recommended decision of a Presiding Officer are filed by one of the parties, such decision shall, unless the Administrator upon his own motion determines to review the decision, become final or constitute the Administrator's ultimate disposition of the proceeding. The initial decision, however, shall become effective only upon the issuance of the decision of the Administrator following expiration of the time fixed therein by the Presiding Officer for the filing of exceptions, but in no case less than fifteen (15) days from its issuance.

§ 626.63 Exceptions to initial or recommended decision of the Presiding Officer.

Within ten (10) days after service of any initial or recommended decision of a Presiding Officer, or such longer period as may be fixed therein, any party may file exceptions to such decision with the Administrator. Each separately numbered exception shall identify the part of the initial or recommended decision excepted to, shall designate, by exact and specific reference, the portions of the record relied upon in support of such exception, and shall state the grounds for such exception, including the citation of the statutory provisions or principal authorities in support thereof. Any objection to a ruling, finding or conclusion, which is not excepted to shall be deemed to have been waived, and the Administrator need not consider such objections if raised at a later time.

§ 626.64 Briefs before the Administrator.

Within such period after service of any initial or recommended decision of a Presiding Officer, as may be fixed therein, any party may file a brief before the Administrator in support of his exceptions to such decision, or in opposition to the exceptions filed by any other party. In cases where the Administrator or the Presiding Officer is of the opinion that, because of the limited number of parties and the nature of the issues, the filing of opening, answering and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Administrator or the Presiding Officer may direct that the parties file briefs at different times rather than at the same time. Except by special permission of the Administrator, briefs shall not exceed fifty (50) pages in length and reply briefs will not be received.

§ 626.65 Oral argument before the Administrator.

(a) If any party desires to argue an appeal orally before the Administrator, he must request leave to make such argument in his exceptions or briefs. Such request shall be filed not later than the date when briefs before the Administrator are due in the proceeding. The Administrator will rule on such request, and if oral argument is to be allowed all parties will be advised of the date and hour set for such argument and the amount of time allowed to each such party.

(b) Pamphlets, charts, and other written data may only be presented to the Administrator at oral argument in accordance with the following rules. All such material presented at the oral argument shall be limited to the facts in the record of the case being argued. Except for maps and enlargements of exhibits, or charts included in briefs, all such material shall be served on all parties and three copies transmitted to the Docket Section of the Agency at least five (5) days in advance of the argument.

§ 626.66 Final decision of the Administrator.

Upon submittal of the record together with the initial or recommended decision of the Presiding Officer to the Administrator for final decision on the merits, the Administrator will consider the whole record including the initial or recommended decision of the Presiding Officer and any exceptions thereto, will resolve all questions of fact by what he deems to be the greater weight of the evidence thereon, and will make his decision, stating the reasons and basis therefor, and enter an appropriate order. The order will be published in the FEDERAL REGISTER and in addition will be served on all parties.

§ 626.67 Petition for reconsideration.

(a) *Time for filing.* A petition for reconsideration, reinquiry or reargument, may be filed by any party within thirty (30) days after the date of service of a final decision by the Administrator in such proceeding unless the time is shortened or enlarged by the Administrator, except that such petition may not be filed with respect to an initial or recommended decision which has become final through failure to file exceptions thereto. However, neither the filing nor the granting of such a petition shall operate as a Stay of such final decision unless specifically so ordered by the Administrator. After the expiration of the period for filing a petition, a motion for leave to file such petition may be filed; but no such motion shall be granted except on a showing of unusual or exceptional circumstances, constituting good cause for failure to make timely filing. Within ten (10) days after a petition for reconsideration, reinquiry, or reargument is filed, any party may file an answer in support of or in opposition to the petition.

(b) *Contents of petition.* A petition for reconsideration, reinquiry, or reargument, shall state briefly and specifically, the matters of record alleged to have been erroneously decided, the grounds relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences which would result from the Administrator's order, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, on new matter, such new matter shall be set forth, accompanied by a statement to the effect that petitioner, with due diligence, could not have known or discovered such new matter prior to the date the proceeding was submitted for decision.

(c) *Successive petitions.* A successive petition for a reinquiry, reargument, or reconsideration, filed by the same party or parties, and upon substantially the same grounds as a former petition which has been considered or denied by the Administrator, will not be entertained.

Subpart E—Establishment of Antenna Farm Areas

§ 626.75 Scope and effect of subpart.

(a) This subpart establishes antenna farm areas for the purpose of grouping antenna structures in order to localize their effect upon the use of the navigable airspace.

(b) It is the policy of the Agency to encourage the adoption of the single structure multiple antenna and/or the antenna farm concept for radio and television towers wherever possible.

§ 626.76 General.

(a) An antenna farm area is an area at a specified geographical location with established dimensions of area and height where antenna towers having a common impact on aviation may be grouped.

(b) Each proposed antenna farm area will be evaluated and considered for establishment on the basis of its own merit.

(c) Antenna farm areas will be considered for establishment by the Agency in any of the following instances:

(1) When proposed by the Agency on its own motion.

(2) When proposed by the sponsor or sponsors of proposed construction of an antenna tower or towers.

(3) When proposed by any person having a substantial interest in any proposed construction.

§ 626.77 Establishment of antenna farm areas.

(a) The portions of the airspace described in this subpart by prescribed

geographical locations and specified dimensions of area and height are established as antenna farm areas.

STATES

§ 626.80 Alabama. [Reserved]
§ 626.100 Alaska. [Reserved]
§ 626.120 Arizona. [Reserved]
§ 626.140 Arkansas. [Reserved]
§ 626.160 California. [Reserved]
§ 626.180 Colorado. [Reserved]
§ 626.200 Connecticut. [Reserved]
§ 626.220 Delaware. [Reserved]
§ 626.240 Florida. [Reserved]
§ 626.260 Georgia. [Reserved]
§ 626.280 Hawaii. [Reserved]
§ 626.300 Idaho. [Reserved]
§ 626.320 Illinois. [Reserved]
§ 626.340 Indiana. [Reserved]
§ 626.360 Iowa. [Reserved]
§ 626.380 Kansas. [Reserved]
§ 626.400 Kentucky. [Reserved]
§ 626.420 Louisiana. [Reserved]
§ 626.440 Maine. [Reserved]
§ 626.460 Maryland. [Reserved]
§ 626.480 Massachusetts. [Reserved]
§ 626.500 Michigan. [Reserved]
§ 626.520 Minnesota. [Reserved]
§ 626.540 Mississippi. [Reserved]
§ 626.560 Missouri. [Reserved]
§ 626.580 Montana. [Reserved]
§ 626.600 Nebraska. [Reserved]
§ 626.620 Nevada. [Reserved]
§ 626.640 New Hampshire. [Reserved]
§ 626.660 New Jersey. [Reserved]
§ 626.680 New Mexico. [Reserved]
§ 626.700 New York. [Reserved]
§ 626.720 North Carolina. [Reserved]
§ 626.740 North Dakota. [Reserved]
§ 626.760 Ohio. [Reserved]
§ 626.780 Oklahoma. [Reserved]
§ 626.800 Oregon. [Reserved]
§ 626.820 Pennsylvania. [Reserved]
§ 626.840 Rhode Island. [Reserved]
§ 626.860 South Carolina. [Reserved]
§ 626.880 South Dakota. [Reserved]
§ 626.900 Tennessee. [Reserved]
§ 626.920 Texas. [Reserved]
§ 626.940 Utah. [Reserved]
§ 626.960 Vermont. [Reserved]
§ 626.980 Virginia. [Reserved]
§ 626.1000 Washington. [Reserved]
§ 626.1020 West Virginia. [Reserved]
§ 626.1040 Wisconsin. [Reserved]
§ 626.1060 Wyoming. [Reserved]

POSSESSIONS [Reserved]

Interested persons may submit such written data, views or arguments with reference to the within proposal as they may desire. Communications should be submitted in triplicate to the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on this proposal. The proposal contained in this notice may be changed in the light of comments received. The official Docket will be available at the Docket Section for examination by interested persons.

This regulation is proposed under Titles III, X, and XI of the Federal Aviation Act of 1958 (72 Stat. 731).

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

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

[F.R. Doc. 60–8597; Filed, Sept. 15, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

Allowance During Fiscal Year Ended June 30, 1960

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by Internal Revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances pursuant to decisions entered by the Tax Court of the United States have been made in thirty-five docketed cases. These are included in the list with appropriate notations. There are included as a supplemental to this list one case in which relief was allowed by the Commissioner and two cases in which relief was allowed by the Tax Court of the United States during the fiscal year ended June 30, 1959. These cases were not included in the list of allowances made during the fiscal year 1959 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

Business in Which Engaged, Column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess Profits Credit Before Allowance of Relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or invested capital.

Increase in the Amount of Excess Profits Credit Claimed by Taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the Amount of Excess Profits Credit Allowed, Column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross Reduction in the Excess Profits Tax, Column 7—Gross Increase in the Income Tax, Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710(a)(5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten per cent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 per cent of net income exceeds the income tax, applicable to certain taxable years, (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed, and (7) reduction in excess profits net income due to change from invested capital method to income credit method.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended—	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944.
June 30, 1943	9	194	Do.
June 30, 1944	9	219	Nov. 2, 1944.
June 30, 1945	10	224	Nov. 15, 1945.
June 30, 1946	11	196	Oct. 8, 1946.
June 30, 1947	12	197	Oct. 8, 1947.
June 30, 1948	13	206	Oct. 21, 1948.
June 30, 1949	14	201	Oct. 18, 1949.
June 30, 1950	15	205	Oct. 21, 1950.
June 30, 1951	16	211	Oct. 30, 1951.
June 30, 1952	17	175	Sept. 6, 1952.
June 30, 1953	18	164	Aug. 21, 1953.
June 30, 1954	19	185	Sept. 23, 1954.
June 30, 1955	20	219	Nov. 9, 1955.
June 30, 1956	21	183	Sept. 20, 1956.
June 30, 1957	22	173	Sept. 6, 1957.
June 30, 1958	23	168	Aug. 27, 1958.
June 30, 1959	24	175	Sept. 5, 1959.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1960

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Atlanta							
Georgia Power Co., Electric Building, Atlanta, Ga.	Public utility	[1] 12-31-42	$5,861,327.28	$2,557,445.52	$201,490.17	$181,341.15	$88,582.64
		[1] 12-31-44	5,950,457.08	2,468,315.72	112,360.37	106,742.35	44,944.15
		[1] 12-31-45	5,946,511.32	2,472,261.48	116,306.13	110,490.82	46,522.45
Baltimore							
The Hecht Co., Baltimore and Pine Streets, Baltimore 1, Md.	Department stores	[2] 1-31-41	1,597,903.81	71,890.60	15,639.00	7,788.31	None
		[2] 1-31-42	1,989,380.15	251,238.74	156,371.48	93,822.89	29,085.10
		[2] 1-31-43	1,989,254.65	444,212.91	311,692.85	280,523.57	124,677.14
		[2] 1-31-44	1,983,356.28	451,217.51	311,692.85	281,847.18	124,677.12
		[2] 1-31-45	1,942,540.62	429,057.32	311,692.85	296,108.20	124,677.15
		[2] 1-31-46	1,955,826.10	497,165.78	311,692.85	270,959.29	114,088.12
Lansburgh & Bros., 430 Seventh Street NW., Washington, D.C.	do	[2] 1-31-41	217,023.34	139,715.95	17,073.47	5,975.72	None
		[2] 1-31-42	257,040.90	273,781.96	33,181.10	18,249.61	5,657.38
		[2] 1-31-43	255,542.79	275,280.07	39,429.21	35,486.29	15,771.69
		[2] 1-31-44	261,043.56	269,779.30	33,928.44	29,094.79	13,571.40
Birmingham							
Gulf States Paper Corp., First National Bank Building, Tuscaloosa, Ala.	Manufacture of paper and paper bags.	[1] 5-31-41	745,057.51	682,649.05	71,182.49	32,032.13	None
		[1] 5-31-42	946,535.11	863,823.19	100,364.89	60,218.93	18,667.87
		[1] 5-31-43	993,062.57	817,061.73	67,137.43	60,423.69	26,854.97
		[1] 5-31-44	993,195.96	817,035.05	67,004.04	61,694.96	26,801.63
		[1] 5-31-45	993,095.16	817,055.21	67,104.84	63,749.60	26,841.93
		[1] 5-31-46	992,508.99	817,172.44	67,691.01	37,702.96	15,874.93
Boston							
The Gillette Co., formerly: Gillette Safety Razor Co., Gillette Park, Boston, Mass.	Manufacture of safety razors, blades, and other shaving accessories.	12-31-44	3,510,802.00	2,188,902.96	131,158.07	124,600.17	52,463.22
		12-31-45	3,512,187.53	2,187,517.43	129,722.54	123,283.91	51,909.02
Merrimac Hat Corp., 60 Merrimac Street, Amesbury, Mass.	Felt hat and body manufacturing	[2] 12-31-42	341,385.54	236,807.26	79,464.46	17,070.45	None
		[2] 12-31-43	341,385.54	236,807.26	79,464.46	71,518.02	31,785.78
		[2] 12-31-44	346,385.54	231,807.26	79,464.46	75,491.23	31,785.78
Chicago							
Alden's Inc., formerly: Chicago Mail Order Co., 511 South Paulina Street, Chicago 7, Ill.	Retail mail order	[1] 12-31-42	677,979.54	681,859.96	None	77,545.00	34,464.43
The Beardsley & Piper Co., c/o Pettibone Mulliken Corp., successor, 2424 North Cicero Avenue, Chicago 39, Ill.	Manufacturer of foundry equipment.	[1] 12-31-41	75,276.80	117,848.96	14,973.20	10,710.26	3,320.23
		[1] 12-31-43	75,978.52	109,613.20	34,221.48	23,260.69	13,688.60
		[1] 12-31-44	84,130.68	101,461.04	26,069.32	19,603.95	10,427.73
Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.	Manufacturing hot water heating specialties.	[1] 12-31-40	86,252.70	611,830.38	18,650.38	5,787.23	None
		1-1-41 to [1] 11-30-41	105,767.58	593,766.26	36,116.26	16,524.43	4,264.30
		[1] 11-30-42	105,684.91	593,766.27	36,116.27	21,614.49	8,532.33
		[1] 11-30-43	99,733.73	593,766.27	36,116.27	29,134.06	14,446.50
		[1] 11-30-44	99,733.73	593,766.27	3,059.01	2,753.12	1,233.01
		[1] 11-30-45	99,733.73	593,766.27	36,116.27	24,765.67	14,446.51
		[1] 11-30-46	99,733.73	593,766.27	36,116.27	2,914.04	1,227.02
The Celotex Corp., 120 South La Salle Street, Chicago 3, Ill.	Manufacture and sale of insulating cane board, roofing and gypsum products.	[1] 10-31-42	679,639.42	2,086,494.25	20,819.00	92,543.28	35,299.22
		[1] 10-31-43	732,199.68	2,044,151.45	None	40,586.41	19,842.80
		[1] 10-31-45	827,710.26	2,072,747.13	3,494.18	55,910.22	26,310.31
Container Corp. of America, 38 South Dearborn Street, Chicago 3, Ill.	Paper products manufacturing	[1] 12-31-41	1,581,633.36	1,645,981.19	508,366.64	332,240.88	102,994.44
		[1] 12-31-42	1,521,157.12	1,846,530.18	578,842.88	511,958.60	227,537.15
		[1] 12-31-43	1,521,157.12	1,846,530.18	568,842.88	335,224.42	227,537.15
Eca Liquidating Co., formerly: Ace Fastener Corp., 3415 North Ashland Avenue, Chicago 13, Ill.	Wholesale trade—stapling devices	[1] 12-31-40	14,651.42	165,287.13	4,348.58	594.32	None
		[1] 12-31-41	16,928.15	220,010.40	10,621.85	5,310.93	1,646.39
		[1] 12-31-42	16,928.15	271,310.40	10,621.85	6,083.91	4,892.33
Griffin Wheel Co., 410 North Michigan Avenue, Chicago 11, Ill.	Manufacturing and processing chilled car wheels.	[1] 12-31-43	16,928.15	271,310.40	10,621.85	9,559.66	4,892.33
		1-1-41 to [1] 9-30-41	998,560.94	1,174,218.26	115,789.06	51,962.33	16,108.32
		[1] 9-30-42	998,560.94	1,174,218.26	115,789.06	78,228.99	27,782.40
		[1] 9-30-43	1,032,397.57	1,140,381.63	82,052.43	73,757.19	32,780.97
		[1] 9-30-44	1,032,397.57	1,140,381.63	81,952.43	76,824.79	32,780.97
		[1] 9-30-45	1,032,397.57	1,140,381.63	81,952.43	77,854.81	32,780.97
		[1] 9-30-46	1,032,397.57	1,140,381.63	81,952.43	19,623.68	8,262.60
Steel Sales Corp., 3348 South Pulaski Road, Chicago 23, Ill.	Jobbing Steel and other metal products.	[1] 12-31-40	310,984.92	472,385.22	84,316.78	34,964.68	None
		1-1-41 to [1] 11-30-41	412,056.13	478,728.06	118,713.87	65,178.80	20,205.43
		[1] 11-30-42	412,056.12	478,728.07	118,713.88	86,157.01	32,729.91
		[1] 11-30-43	458,619.71	432,164.48	72,150.29	64,935.26	28,860.11
		[1] 11-30-44	458,619.72	432,164.47	72,150.28	68,237.22	28,860.10
		[1] 11-30-45	458,619.72	432,164.47	72,150.28	68,542.76	28,860.07
		[1] 11-30-46	458,619.72	432,164.47	72,150.28	5,821.44	2,875.79
Cleveland							
The National Screw & Manufacturing Co., 2440 East 75th Street, Cleveland 4, Ohio.	Manufacturing of screws, nuts, bolts and other kindred products.	[2] 12-31-40	298,384.57	710,612.81	143,365.43	17,910.27	None
		1-1-41 to [2] 11-30-41	322,272.82	808,563.62	128,977.18	70,813.77	21,952.27
		[2] 11-30-42	362,710.97	768,125.47	88,539.03	45,700.70	24,410.57
Detroit							
B. D. Inc., formerly: Byrne Doors Inc., 1421 East Eight Mile Road, Ferndale, Detroit, Mich.	Manufacturers of hangars and hangar doors.	12-31-40	9,776.83	251,431.60	10,504.77	2,737.84	None
		12-31-41	21,544.29	240,924.55	8,547.71	4,273.85	1,324.90
Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich.	Public utility	[1] 12-31-41	9,260,585.35	1,983,977.46	239,414.65	143,648.79	44,531.12
		[1] 12-31-42	9,479,935.88	1,879,666.81	162,564.12	286,812.45	127,472.19
		[1] 12-31-43	9,487,957.73	1,871,644.96	154,542.27	139,088.05	61,816.91
		[1] 12-31-45	9,223,092.67	1,877,263.41	160,160.72	152,152.68	64,064.30
Copco Steel and Engineering Co., 14035 Grand River, Detroit 27, Mich.	Steel fabricated products and steel warehouse.	[2] 12-31-40	12,518.95	544,580.61	70,141.28	1,690.02	None
		[2] 12-31-41	16,327.38	941,850.03	84,358.62	75,300.39	23,343.12
		[2] 12-31-43	49,918.84	1,243,408.47	50,767.16	34,112.13	26,740.80
Greensboro							
A. C. Monk and Co., Inc., Farmville, N.C.	Leaf tobacco dealers	[1] 6-30-43	165,280.32	139,302.59	None	3,085.47	1,371.32
Los Angeles							
Basin Oil Co. of California, formerly: Basin Oil Co., 750 Subway Terminal Building, 417 South Hill Street, Los Angeles, Calif.	Crude oil production	[2] 3-31-41	69,421.86	74,032.05	58,828.14	21,065.59	None

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE, FISCAL YEAR ENDED JUNE 30, 1960—Continued

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (Subchapter E) tax resulting from the operation of section 722	Gross increase in the income (Chapter 1) tax resulting from the operation of section 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Louisville							
Standard Oil Co., Inc. (Kentucky), Starks Building, Louisville 2, Ky.	Petroleum products, etc	[1] 12-31-41	4,191,059.99	210,179.86	70,413.05	42,247.83	13,096.81
		[1] 12-31-42	4,191,839.38	1,176,940.05	70,413.05	63,371.74	28,165.24
		[1] 12-31-43	4,191,839.38	1,394,930.97	70,413.05	63,371.74	28,165.06
		[1] 12-31-44	4,191,839.38	1,404,134.61	70,413.05	66,892.40	28,165.23
		[1] 12-31-45	4,191,839.38	1,404,134.61	70,413.05	66,892.40	28,165.21
Manhattan							
Allied Chemical & Dye Corp., successor by merger to Semet Solvey Co., 61 Broadway, New York 1, N.Y.	Manufacture of coke and other by-products of coal.	[1] 12-31-40	1,883,232.82	403,713.58	62,367.18	31,183.59	None
		[1] 12-31-41	2,193,408.21	499,001.89	105,591.79	63,355.08	19,640.08
Celanese Corp. of America, successor by merger of Tubize Rayon Corp., formerly: Tubize Chatillon Corp., 180 Madison Avenue, New York 16, N.Y.	Manufacture of rayon and knitted cloth.	[1] 12-31-41	1,649,147.97	4,643,749.63	36,870.47	16,614.40	5,150.47
		[1] 12-31-42	1,541,628.29	4,751,270.78	70,651.18	140,629.82	62,502.15
		[1] 12-31-43	1,531,509.40	4,761,747.70	81,128.10	144,441.54	64,196.24
		[1] 12-31-44	1,384,600.07	4,967,884.74	287,265.18	334,996.29	141,051.07
		[1] 12-31-45	1,542,827.45	5,100,174.57	419,554.97	417,415.66	175,753.97
Dale Distributing Co., Inc., formerly: The Dale Radio Co., Inc., 40 East 32d Street, New York 16, N.Y.	Wholesale radios, tubes, and lamps	[2] 3-31-43	6,870.55	70,744.93	38,463.51	75,374.34	36,986.57
The Duplan Corp., 1407 Broadway, New York 18, N.Y.	Manufacture of silk, nylon, and rayon goods.	[1] 5-31-42	646,762.93	1,594,449.16	60,609.56	85,159.28	26,399.38
		[1] 5-31-43	625,754.34	1,569,905.26	36,065.66	43,784.58	19,459.82
		[1] 5-31-44	636,116.86	1,559,542.74	25,703.14	33,537.27	14,380.17
Headline Publications Inc., formerly: American Boys Comics Inc., 1790 Broadway, New York 19, N.Y.	Magazine publishers	[1] 11-30-45	1,632.30	19,780.70	7,867.70	8,487.67	2,422.81
International Distributors, Inc., Transferor, Irving Haim, Transferee, c/o International Brands, Inc., 60 Park Place, Newark, N.J.	Wholesale liquor distributors	[1] 9-30-43	16,133.71	206,410.01	39,966.29	32,296.74	18,715.86
J. J. Newberry Co. (California), 245 Fifth Avenue, New York 16, N.Y.	Limited price variety stores	[1] 12-31-41	410,059.43	74,659.80	46,799.37	25,739.66	7,979.28
		[1] 12-31-42	410,059.42	101,479.04	46,799.38	42,119.44	18,719.75
		[1] 12-31-43	410,059.42	138,017.51	46,799.38	42,119.44	18,719.75
J. J. Newberry Co (Delaware), 245 Fifth Avenue, New York 16, N.Y.	do	[1] 12-31-42	1,822,426.90	202,778.35	57,843.50	52,059.15	23,137.40
		[1] 12-31-43	1,822,426.90	202,778.35	57,843.50	52,059.15	23,137.40
		[1] 12-31-44	1,822,426.90	202,778.35	57,843.50	54,951.33	23,137.40
		[1] 12-31-45	1,870,481.63	288,367.77	143,432.92	136,261.27	57,373.17
J. J. Newberry Co., Inc. (Texas), 245 Fifth Avenue, New York 16, N.Y.	do	[1] 12-31-41	86,478.60	11,684.74	17,126.67	8,563.34	2,654.64
J. J. Newberry Co., Inc. (Virginia), 245 Fifth Avenue, New York 16, N.Y.	do	[1] 12-31-41	394,762.78	35,915.64	9,949.33	4,974.67	1,542.15
		[1] 12-31-42	394,762.78	35,915.64	9,949.33	8,954.39	3,979.74
		[1] 12-31-43	394,762.78	35,915.64	9,949.33	8,954.40	3,979.74
		[1] 12-31-44	394,762.78	35,915.64	9,949.33	7,626.45	3,979.74
Olin-Mathieson Chemical Corp., formerly: Mathieson Chemical Corp., formerly: The Mathieson Alkali Works Inc., 60 East 42d Street, New York 17, N.Y.	Manufacturer of industrial chemicals.	[1] 12-31-41	1,706,213.30	999,436.10	94,036.70	56,422.02	17,490.82
		[1] 12-31-42	1,695,841.85	1,005,064.73	99,665.33	89,698.79	39,866.13
		[1] 12-31-43	1,693,184.07	1,008,374.63	102,975.23	92,677.71	41,190.10
		[1] 12-31-44	1,700,876.69	1,004,351.12	98,951.72	94,004.13	39,580.70
		[1] 12-31-45	1,698,250.82	1,007,398.58	101,999.18	96,899.22	40,799.66
Milwaukee							
The Shaler Co., 21 East Jefferson Street, Waupun, Wis.	Manufacturers of hot patches, vulcanizers and oil products.	[1] 12-31-41	166,676.65	193,831.36	10,186.59	12,435.22	3,854.93
		[1] 12-31-42	168,269.98	186,594.79	6,726.60	6,053.94	2,690.63
		[1] 12-31-43	164,252.54	187,168.71	8,509.65	7,658.69	3,403.87
Omaha							
Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.	Natural gas pipeline	[1] 12-31-40	3,267,865.38	317,259.01	127,365.00	57,314.25	None
		[1] 12-31-41	3,762,537.89	1,211,738.77	569,755.64	341,853.39	105,974.54
		[1] 12-31-42	3,770,131.52	1,573,962.21	694,203.82	35,922.36	15,965.50
Pittsburgh							
H. J. Heinz Co., 1062 Progress Street, Pittsburgh, Pa.	Manufacture and sale of food products.	[2] 4-30-43	4,217,088.10	753,397.44	141,066.69	167,591.02	61,957.00
San Francisco							
Columbia Broadcasting System Inc. of California, formerly: Pacific Agricultural Foundation Ltd., Sheraton Palace Hotel, San Francisco, Calif.	Radio Broadcasting Station KQW	[2] 12-31-43	1,050.63	87,824.72	51,199.37	36,523.95	21,477.61
		[2] 12-31-45	5,145.23	130,781.35	47,104.77	24,524.03	20,910.79
Pacific Coast Grocery Co., Inc., d/b/a Coast Grocery Co., Inc., 495 Beach Street, San Francisco, Calif.	Wholesale grocery	[1] 12-31-43	9,072.18	79,847.82	None	2,765.87	891.22
		[1] 12-31-44	8,491.13	80,428.87	None	2,194.84	623.79
		[1] 12-31-45	7,805.01	81,114.99	None	850.44	241.70
SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1959							
Chicago							
Sola Electric Co., 4633 West 16th Street, Chicago 50, Ill.	Manufacturers of electric transformers and kindred products.	[3] 12-31-40	$12,788.06	$197,224.52	$16,813.94	$4,178.93	None
		[3] 12-31-41	31,190.40	178,822.18	44,809.60	12,929.68	$4,008.20
		[3] 12-31-42	34,656.00	175,356.58	41,344.00	41,696.47	19,876.49
		[1] 12-31-43	18,434.84	191,577.73	57,565.16	41,897.57	26,950.67
		[1] 12-31-44	28,669.14	181,343.44	47,330.86	33,082.07	23,325.42
		[1] 12-31-45	37,298.67	172,713.90	38,701.33	28,993.66	19,988.08
Greensboro							
Clark Publishing Co., 218 West Morehead Street, Charlotte, N.C.	Publishers	12-31-45	1,699.32	13,596.48	2,338.18	2,221.27	631.31
Kansas City							
Panhandle Eastern Pipe Line Co., 1221 Baltimore Avenue, Kansas City, Mo.	Natural gas	[1] 12-31-40	3,920,020.55	688,136.40	164,979.45	81,314.20	None
		[1] 12-31-41	4,697,820.23	1,201,613.62	242,179.77	145,307.86	45,045.42

[1] Allowance in accordance with a decision of the Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.

[2] Allowance in accordance with a decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[3] Allowance made during fiscal year ended June 30, 1959, represents an addition by the Tax Court of the United States, to relief previously allowed by the Commissioner and published September 23, 1954.

DANA LATHAM,
Commissioner of Internal Revenue.

[F.R. Doc. 8378; Filed, Sept. 15, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

INTERSTATE QUARANTINE

Discharge of Vessel Wastes in Fresh Water Rivers and Lakes—the Great Lakes and Connecting Waters

Notice is hereby given that pursuant to § 72.121 of the Interstate Quarantine Regulations of the Public Health Service (42 CFR 72.121) the Surgeon General of the Public Health Service has designated the areas described herein adjacent to the below listed domestic water intakes in the Great Lakes and connecting waters as restricted areas within which the discharge of sewage, or ballast or bilge water from vessels is prohibited.

Except as otherwise specifically indicated, in each case the restricted area includes the water within a circle having a radius of three miles with the domestic water intake as its center, in no event, however, extending beyond the international boundary line with Canada.

This restriction applies to all vessels which are under way, moored or anchored within the restricted areas subject to the following provisions:

1. Vessels moored at docks shall not discharge sewage, ballast or bilge water overboard if dock facilities for the disposal of such waste are available.

2. Vessels required to anchor within a restricted area under an emergency condition for the safety of the vessel are exempted.

3. Vessels which provide sewage or waste treatment approved by the Surgeon General are exempted from that portion of the restriction applicable to sewage.

These designations will become effective on October 1, 1960.

The list of intakes and the extent of the restricted areas may be revised from time to time by the Surgeon General. Copies of this designation and revisions, if any, may be obtained from the following sources:

Surgeon General, Public Health Service, Department of Health, Education, and Welfare, Washington 25, D.C.

Regional Medical Director, Public Health Service, Department of Health, Education, and Welfare, Room 712, New Post Office Building, 433 West VanBuren Street, Chicago 7, Ill.

Regional Medical Director, Public Health Service, Department of Health, Education, and Welfare, Room 1200, 42 Broadway, New York 4, N.Y.

Regional Medical Director, Public Health Service, Department of Health, Education, and Welfare, 2305 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.

Medical Officer in Charge, Foreign Quarantine Station, c/o American Consulate General, 1558 McGregor Street, Montreal 25, Canada.

Dated: August 30, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: September 9, 1960.

EDWARD FOSS WILSON,
Acting Secretary of Health, Education, and Welfare.

DOMESTIC WATER INTAKES IN THE GREAT LAKES AND CONNECTING WATERS

Source, State, and consumer served	Intake location by U.S. Lake Survey Chart Number	Intake location by geographical coordinates					
		North Latitude			West Longitude		
		Deg.	Min.	Sec.	Deg.	Min.	Sec.
ST. LAWRENCE RIVER							
New York:							
Reynolds Metals Co.[1]	11	44	59	10	74	45	15
Aluminum Co. of America[1]	11	44	57	29	74	55	23
Ogdensburg[1]	14	44	41	10	75	30	58
Morristown[1]	14, 113	44	35	07	75	39	21
Alexandria Bay[1]	115, 116	44	20	11	75	55	27
Thousand Island State Park[1]	16, 116	44	17	33	76	01	58
Clayton[1]	16, 17, 21, 117	44	14	25	76	06	31
Cape Vincent[1]	18, 21	44	07	44	76	20	32
LAKE ONTARIO							
New York:							
Oswego	22, 225	43	28	40	76	33	20
Wolcott Village	22, 23	43	18	45	76	54	40
Sodus Point Village	234	43	16	28	76	59	54
Sodus Village	23	43	16	58	77	03	48
Williamson Water District	23	43	17	25	77	11	17
Ontario Water District	23	43	16	55	77	17	15
Monroe County Water Authority	23, 238	43	17	38	77	37	07
Rochester	23	43	17	40	77	37	50
Hilton	24	43	20	40	77	47	10
Brockport	24	43	21	55	77	55	20
Lyndonville	24	43	22	40	78	23	20
Barker	25	43	22	12	78	33	25
Wilson	25	43	19	12	78	49	40
NIAGARA RIVER							
New York:							
Niagara Falls[1]	31, 312	43	03	40	79	00	12
Lockport[1]	31, 312	43	02	00	78	53	40
North Tonawanda[1]	31, 312	43	01	35	78	53	27
Tonawanda[1]	31, 312	43	01	20	78	53	30
Grand Island[1]	31, 312	42	57	55	78	58	15
Town of Tonawanda[1]	31, 312	42	57	15	78	56	10
LAKE ERIE							
New York:							
Buffalo	31, 312, 314	42	52	47	78	54	46
Erie County Water Authority	31	42	48	00	78	52	20
Wanakah	31	42	44	50	78	54	28
Erie County Water Authority	31, 312	42	41	40	79	03	00
Angola	32	42	39	25	79	04	05
Silver Creek	32	42	33	07	79	10	40
Dunkirk	32	42	29	50	79	21	15
Pennsylvania, Erie (2 intakes)	33, 332	42	07	50	80	10	15
		42	09	45	80	09	10
Ohio:							
Conneaut	33	41	57	55	80	34	40
Union Carbide Metals Co	34	41	55	25	80	45	55
Ashtabula	34, 342	41	54	30	80	48	38
Lake County	34	41	50	00	81	04	40
Industrial Rayon Co	34	41	47	15	81	12	50
Diamond Alkali Co	34, 346	41	46	06	81	15	46
Fairport	34, 346	41	45	46	81	17	20
Painsville	34, 346	41	45	46	81	18	11
Mentor Township Park	34	41	43	35	81	22	10
Cleveland: (a) Nottingham plant	35	41	37	10	81	37	05
(b) Baldwin	35	41	32	55	81	45	00
(c) Division Ave	35	41	32	50	81	45	50
(d) Clague Rd	35	41	31	10	81	53	00
Avon Lake	35	41	30	40	82	03	00
Lorain	35, 357	41	28	22	82	11	40
Elyria	35	41	27	24	82	13	15
Vermillion	35, 36	41	25	45	82	22	15
Huron	36, 363	41	24	20	82	33	24
Plum Brook Ordnance Works	36	41	25	50	82	35	40
Sandusky	36, 39, 364, 365	41	27	55	82	38	55
Kelleys Island	36, 39, 364	41	35	30	82	42	35
Put-In-Bay	36, 39, 364	41	38	45	82	48	45
Marblehead	36, 39, 364	41	32	40	82	43	40
Lakeside	36, 39, 364	41	32	50	82	44	45
Port Clinton	36, 37, 39, 364	41	31	15	82	56	20
Camp Perry	37, 39	41	33	50	83	01	10
Toledo	37, 39	41	42	00	83	15	35
Michigan:							
Monroe	37, 39, 376	41	56	15	83	14	20
Enrico Fermi Atomic Power Plant	37, 39	41	57	20	83	14	15
DETROIT RIVER							
Michigan:							
Wyandotte[1]	41, 412	42	12	35	83	08	25
Wayne County Water Authority[1]	41, 412	42	13	40	83	07	55
Detroit[1]	41, 416	42	21	00	82	57	20
LAKE ST. CLAIR							
Michigan:							
Grosse Pointe Farms	42, 416	42	24	12	82	52	45
Mount Clemens	42	42	33	25	82	49	40
New Baltimore	42	42	40	40	82	43	55
Ira Township	42	42	40	10	82	39	20
ST. CLAIR RIVER							
Michigan:							
The Old Club[1]	42, 43	42	32	15	82	40	05
The Colony[1]	42, 43	42	37	50	82	38	45
Algonac[1]	42, 43	42	37	15	82	31	35
Marine City[1]	43	42	43	05	82	29	25
East China Township[1]	43	42	45	20	82	28	25
St. Clair[1]	43	42	49	30	82	28	50
Marysville[1]	43	42	54	25	82	27	50
Port Huron[1]	43, 51	42	59	00	82	25	30

See footnotes at end of table.

Source, State, and consumer served	Intake location by U.S. Lake Survey Chart Number	Intake location by geographical coordinates					
		North Latitude			West Longitude		
		Deg.	Min.	Sec.	Deg.	Min.	Sec.
LAKE HURON							
Michigan:							
Harbor Beach	51	43	51	30	82	38	45
Port Hope	51	43	56	45	82	42	00
Point aux Barques	52	44	04	15	82	55	20
Bay City	52, 524	43	43	02	83	54	05
Saginaw-Midland	52	44	06	30	83	31	45
Pinconning	52	43	51	25	83	54	10
Alabaster	52	44	11	35	83	33	15
East Tawas	52	44	16	40	83	29	30
Alpena	53	45	02	40	83	25	50
Stoneport	6, 53, 537	45	17	55	83	25	05
St. Ignace	6, 60, 70	45	49	45	84	42	25
Mackinac Island	6, 60, 70	45	50	50	84	37	50
LAKE MICHIGAN							
Michigan:							
Traverse City	70, 706	44	46	20	85	37	30
Ludington	77	43	57	45	86	28	30
Muskegon	76, 767	43	12	25	86	21	05
Muskegon Heights	76	43	10	50	86	19	40
Grand Haven	76, 765	43	03	00	86	14	45
Grand Rapids	76	42	58	15	86	14	45
Holland	76, 763	42	48	00	86	13	40
South Haven	76	42	24	00	86	17	40
Benton Harbor	75, 758	42	07	50	86	29	10
St. Joseph	75, 758	42	05	50	86	30	10
Bridgman	75	41	56	35	86	35	05
Menominee	702, 723	45	06	40	87	35	55
Escanaba	70, 701, 718	45	44	35	87	02	15
Gladstone	70, 701, 718	45	50	40	86	59	50
Nahma	70, 701	45	50	00	86	39	40
Indiana:							
Long Beach	75	41	45	00	86	51	25
Michigan City	75	41	44	10	86	54	10
Gary	75, 751	41	38	35	87	20	40
East Chicago	75, 751	41	39	50	87	24	25
Whiting	75, 751, 755	41	40	50	87	28	25
Hammond	75, 751, 755	41	42	15	87	29	50
Illinois:							
Chicago: (a) 68th St. crib [2]	75, 751	41	47	10	87	31	55
(b) Four Mile crib [2]	75, 751	41	52	50	87	32	45
(c) Harrison crib [2]	75, 751, 752	41	55	00	87	34	20
(d) Wilson Ave. crib [2]	75, 751	41	58	00	87	35	30
Evanston	75, 751	42	03	45	87	39	15
Wilmette	75	42	05	15	87	41	00
Kenilworth	75	42	06	00	87	42	10
Winnetka	75	42	07	15	87	43	30
Glencoe	75	42	08	45	87	44	30
Highland Park	75	42	11	45	87	46	55
Highwood	75	42	12	30	87	47	25
Fort Sheridan	75	42	13	40	87	47	40
Lake Forest	75	42	16	15	87	48	50
Great Lakes Naval Training Center	75	42	18	50	87	48	05
North Chicago	75	42	19	25	87	48	45
Waukegan	74, 75	42	21	30	87	48	25
Wisconsin:							
Kenosha	74	42	35	45	87	47	55
Racine	74, 745	42	44	45	87	45	30
Oak Creek	74	42	52	45	87	50	00
Carrolville	74	42	53	00	87	50	00
South Milwaukee	74	42	54	05	87	50	15
Cudahy	74	42	57	20	87	50	00
Milwaukee: (a) North intake	74	43	04	55	87	50	50
(b) South intake	74	43	00	10	87	51	15
Whitefish Bay	74	43	08	10	87	53	00
Port Washington	74	43	23	30	87	51	00
Sheboygan	73	43	46	35	87	41	10
Manitowoc	73, 735	44	04	44	87	38	55
Two Rivers	73	44	07	55	87	33	25
Green Bay	70, 73, 703	44	30	15	87	27	35
Marinette	702, 723	45	05	00	87	35	00
LAKE SUPERIOR							
Michigan:							
White Pine	95	46	50	10	89	34	15
Calumet	94	47	16	45	88	32	10
Copper Harbor	94	47	28	25	87	53	20
Baraga	94, 943	46	46	40	88	28	50
L'Anse	94, 943	46	45	45	88	27	30
Marquette	93, 935	46	32	45	87	21	55
Munising	93, 931	46	26	40	86	40	50
Sault Ste. Marie [1]	63, 92	46	29	30	84	25	20
Wisconsin:							
Ashland	96, 961, 964	46	36	20	90	52	30
Washburn	96, 961, 964	46	40	25	90	52	50
Superior	96, 966	46	43	05	92	02	05
Minnesota:							
Duluth	96	46	51	40	91	57	30
Two Harbors	96	47	01	10	91	39	25
Beaver Bay	96, 97	47	15	10	91	18	00
Silver Bay	97	47	17	50	91	14	30
Grand Marias	97	47	44	40	90	20	45

[1] Restricted area extends from three miles upstream to one-half mile downstream of the intake.
[2] Restricted area is a circle having a radius of four miles around this intake.

[F.R. Doc. 60–8578; Filed, Sept. 15, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLORIDA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Florida a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Brevard.	Marion.
Broward.	Martin.
Charlotte.	Okeechobee.
Collier.	Orange.
Dade.	Osceola.
De Soto.	Palm Beach.
Flagler.	Pasco.
Glades.	Pinellas.
Hardee.	Polk.
Hendry.	Putnam.
Highlands.	Sarasota.
Hillsborough.	Seminole.
Indian River.	St. Johns.
Lake.	St. Lucie.
Lee.	Sumter.
Manatee.	Volusia.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of September 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60–8610; Filed, Sept. 15, 1960; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–30]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Hearing on Application for License

Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the regulations in Parts 2, 10 CFR, "Rules of Practice," notice is hereby given that a hearing will be held to consider the issuance of a facility license to the above-named applicant under sections 104c and 185 of the Act for a 60 megawatt (thermal) heterogeneous, light water cooled and moderated, test reactor located at the NASA Plum Brook Facilities, Sandusky, Ohio. The hearing will commence at 10:30 a.m. on October 18, 1960, or on such later date as may be designated by the Presiding Officer, and will be held

in the Auditorium of the AEC Headquarters, Germantown, Maryland. For further information all interested persons are referred to the application which is available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the utilization facility authorized for construction by Construction Permit No. CPTR–3, dated July 21, 1958, as amended by Amendment No. 1 thereto, dated December 28, 1959, issued to National Aeronautics and Space Administration, has been constructed in compliance with the terms and conditions of the construction permit and will operate in conformity with the application as amended, and the provisions of the Act and of the rules and regulations of the Commission;

2. Whether the processes to be performed, the operating procedures, the facility and equipment, the use of the facility, and other technical specifications, collectively, provide reasonable assurance that National Aeronautics and Space Administration will comply with the Commission's regulations and that the health and safety of the public will not be endangered;

3. Whether National Aeronautics and Space Administration is technically and financially qualified to operate the facility, to assume financial responsibility for payment of Commission charges for special nuclear material, to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations; and

4. Whether the issuance of a license to National Aeronautics and Space Administration to operate the facility, pursuant to Parts 30, 50, and 70 of the AEC regulations, Title 10, CFR, will be inimical to the common defense and security or to the health and safety of the public.

Petitions for leave to intervene must be received in the Office of the Secretary or in the AEC's Public Document Room not later than October 17, 1960, or, in the event of a postponement of the hearing date specified above, at such time as the Presiding Officer may provide. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Answers to this notice shall be filed by National Aeronautics and Space Administration pursuant to § 2.736 of the "Rules of Practice" on or before October 4, 1960.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall serve five copies of each.

Pursuant to section 182b of the Atomic Energy Act of 1954, as amended, notice is hereby given that reports of the Advisory Committee on Reactor Safeguards in this matter are available for public inspection at the Commission's Public Document Room. A later report of the Advisory Committee on Reactor Safeguards will be available for public inspection in the AEC's Public Document Room prior to the hearing herein scheduled. Copies of such report, and of any prior ACRS report in this matter, may be obtained by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation. If the later report is not published and made available prior to the scheduled date of hearing, the hearing will be rescheduled.

The hearing will be conducted by a Presiding Officer to be designated by Samuel W. Jensch, Chief Hearing Examiner, Office of Hearing Examiners, Atomic Energy Commission. The Presiding Officer will render a decision pursuant to § 2.751(a) of the Commission's "Rules of Practice."

Dated at Germantown, Md., this 13th day of September 1960.

For the Atomic Energy Commission.

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

[F.R. Doc. 60–8658; Filed, Sept. 15, 1960; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 17

Notice of Adoption of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has adopted as final the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 17 as published in the FEDERAL REGISTER issue of August 4, 1960, 25 F.R. 7339).

Dated: September 13, 1960.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60–8613; Filed, Sept. 15, 1960; 8:48 a.m.]

Office of the Secretary

WALLACE E. CARROLL

Statement of Changes in Financial Interests

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

A. Deletions: No change.

B. Additions: Binks Manufacturing Co., Consolidated Paper Co.

This statement is made as of August 18, 1960.

WALLACE E. CARROLL.

SEPTEMBER 7, 1960.

[F.R. Doc. 60–8607; Filed, Sept. 15, 1960; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10501]

MODERN AIR TRANSPORT, INC., AND JOHN P. BECKER; AIRCRAFT LEASE, CONTROL AND INTERLOCKING RELATIONSHIPS

Notice of Hearing

In the matter of the application of Modern Air Transport, Inc., and John P. Becker for approval, under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, of an aircraft lease and of control and interlocking relationships,

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 23, 1960, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., September 13, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60–8619; Filed, Sept. 15, 1960; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13760]

HARRY E. GILLIKIN

Order To Show Cause

In the matter of Harry E. Gillikin, 938 North 31st Road, Hollywood, Florida, Docket No. 13760; order to show cause why there should not be revoked the license for Radio Station WH–8011 aboard the vessel "Mildred Ann."

There being under consideration the matter of certain alleged violations of Commission rules in connection with the operation of the above-captioned radio station;

It appearing that pursuant to § 1.61 of the Commission's rules written notice of violation of Commission rules was served upon the above-named licensee as follows:

An Official Notice of Violation (FCC Form 793) dated June 10, 1959, alleging

that on May 20, 1959, at 11:44 a.m., e.s.t., the subject radio station was observed in violation of Commission rules, viz:

(a) Section 8.367(a)(2)—a copy of Part 8 of the Commission's rules and regulations was not on board the vessel at the time of inspection of the radio station;

(b) Section 8.368(a)(5)—official station log entries were not made so as to indicate periods of time during which a listening watch was maintained on the frequency 2182 Kc., as required by § 8.223 (b) of the Commission's rules;

It further appearing that letters from the Commission to the licensee were received as follows:

(1) Letter dated November 4, 1959, sent by certified mail, return receipt requested (No. 97164) and received by the licensee on November 12, 1959, as evidenced by his signature to a Post Office Department return receipt card;

(2) Letter dated January 27, 1960, sent by certified mail, return receipt requested (No. 97156) and received by the licensee on January 30, 1960, as evidenced by the signature of his agent, Lee Gillikin, to a Post Office Department return receipt card;

(3) Letter dated July 6, 1960, sent by certified mail, return receipt requested (No. 97343) and received by the licensee on July 12, 1960, as evidenced by his signature to a Post Office Department return receipt card; and

It further appearing that the above-described letters requested the licensee to state the measures which had been taken or were being taken to bring the operation of the radio station into compliance with the Commission's rules, and warned that failure to respond to such letters might result in the institution of proceedings for the revocation of his radio station license;

It further appearing that no response was made by the licensee to such Official Notice of Violation or Commission letters, although the Official Notice of Violation requested that written reply be made within ten days of its receipt and each of the letters specifically requested that reply be made within fifteen days of receipt; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 9th day of September 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—return receipt requested to the said licensee.

Released: September 12, 1960.

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

[F.R. Doc. 60-8620; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket No. 13765; FCC 60-1060]

PEOPLES BROADCASTING CORP.

Order Designating Application for Hearing on Stated Issues

In re application of Peoples Broadcasting Corporation, Trenton, New Jersey, Docket No. 13765, File No. BPH-3059, Req.: 94.5 Mc, No. 233; 30 kw; 238 ft., for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of September 1960;

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

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

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated July 28, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity, and that a copy of the aforementioned letter is available for public inspection in the Commission's offices; and

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

It further appearing that the main studio is to be located outside the city of Trenton, New Jersey, and not at the transmitter site and such is not in accordance with § 3.205(a) of the Commission's rules; however, the main studio is to be located in a new building presently housing the studios of Station WTTM(AM), same licensee, located very close to the political boundaries of Trenton, and the applicant has shown sufficient grounds to warrant a waiver of said section; and

It further appearing that the applicant proposes to mount the FM antenna on one of the towers of the directional antenna system of WTTM, and that, in the event of a grant of this application it should contain the condition hereinafter ordered; and

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

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

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

2. To determine whether the instant proposal would involve objectionable interference with Stations WIBG-FM, Philadelphia, Pennsylvania, WNTA-FM, Newark, New Jersey, and WJLK-FM, Asbury Park, New Jersey, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service of at least 1 mv/m to such areas and populations.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-described application of the Peoples Broadcasting Corporation should be made.

It is further ordered, That the Seaboard Radio Broadcasting Corporation, licensee of Station WIBG-FM, Philadelphia, Pennsylvania; the NTA Radio Broadcasting Company, licensee of Station WNTA-FM, Newark, New Jersey; and the Asbury Park Press, Inc., licensee of Station WJLK-FM, Asbury Park, New Jersey, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the application, § 3.205(a) of the Commission's rules shall be waived to permit the main studio to be located

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

outside the city limits of Trenton, New Jersey and not at the site of the transmitter.

It is further ordered, That in the event of a grant of the application, the construction permit shall contain a condition stating that Station WTTM shall request permission from the Commission to determine power of WTTM by the indirect method; that during installation of the FM antenna WTTM shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of construction WTTM shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna of common point resistance, WTTM shall submit Forms 302 to report the change.

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

Released: September 13, 1960.

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

[F.R. Doc. 60-8621; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket No. 13763; FCC 60-1037]

SHIRLEY BASIN TRANSMISSION CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Shirley Basin Transmission Company, Docket No. 13763, File No. 2900-C1-P-59, for a construction permit to establish a common carrier point-to-point microwave station 12 miles East of Laramie, Wyoming; File No. 2901-C1-P-59, for a construction permit to establish a common carrier point-to-point microwave station at Shirley Mountain, Wyoming; File No. 2902-C1-P-59, for a construction permit to establish a common carrier point-to-point microwave station 6.9 miles South of Casper, Wyoming.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 7th day of September 1960;

The Commission having under consideration the above-entitled applications for construction permits to construct a three-hop, three-channel common carrier point-to-point microwave system from an off-the-air pick-up point near Laramie, Wyoming and terminating near Casper, Wyoming, which will enable a proposed CATV customer simultaneously to receive any three of the four Denver, Colorado television stations; and

It appearing that the proposed customer is now subscribing to a similar two-channel service between the above-mentioned points, which is being provided by The Mountain States Telephone and Telegraph Company over the facilities stations KOM71, KON60, KON61, KON62, KON63 and KON64; and

It further appearing that the proposed customer has stated that, when applicant can provide the service proposed herein, it intends to discontinue the service of The Mountain States Telephone and Telegraph Company; and

It further appearing that a question is presented as to the need for two like common carrier point-to-point microwave systems to provide what appears to be an essentially identical service at Casper, Wyoming; and

It further appearing that the American Telephone and Telegraph Company has contended that a grant of the captioned applications would result in harmful electrical interference to its existing transcontinental facilities and also may inhibit or impair the future growth of its transcontinental radio communications route; and

It further appearing that the Commission advised the applicant herein, The Mountain States Telephone and Telegraph Company and the American Telephone and Telegraph Company, by letter dated January 19, 1960, pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, as to the reasons why the captioned applications cannot be granted without hearing, which letter was replied to by applicant and The Mountain States Telephone and Telegraph Company, and those replies having been considered; and

It further appearing that applicant is legally, technically and financially qualified to be a licensee in this service;

It is ordered, That pursuant to the provisions of section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereinafter specified, upon the following issues:

1. To determine the nature and extent of the service rendered by The Mountain States Telephone and Telegraph Company over the facilities of stations KOM71, KON60, KON61, KON62, KON63 and KON64, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

2. To determine the nature and extent of the service proposed by Shirley Basin Transmission Company, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto.

3. To determine the area to be served by the stations proposed by Shirley Basin Transmission Company, the area served by stations KOM71, KON60, KON61, KON62, KON63 and KON64, and the extent to which duplication of service may result from the establishment of the proposed stations.

4. To determine the need for such duplication of service, if any, as may be shown under issue 3.

5. To determine the nature and extent of any differences in the services now provided by The Mountain States Telephone and Telegraph Company over stations KOM71, KON60, KON61, KON62, KON63 and KON64, and the service proposed by Shirley Basin Transmission Company.

6. To determine the nature and extent of the interference, if any, which may be occasioned by operation of the proposed facilities in the vicinity of TH radio circuits presently licensed to the American Telephone and Telegraph Company, and to determine, if interference is shown, whether such interference would be undesirable or intolerable.

7. To determine whether the facilities proposed by applicant will impair or inhibit the future growth and use of A. T. & T.'s transcontinental radio communication route and facilities.

8. To determine, in the light of the evidence adduced on all the foregoing issues, whether a grant of the subject applications would serve the public interest, convenience or necessity.

It is further ordered, That The Mountain States Telephone and Telegraph Company and the American Telephone and Telegraph Company are made parties intervenors to the proceedings herein; and

It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.140 of the Commission's rules.

Released: September 13, 1960.

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

[F.R. Doc. 60-8622; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket Nos. 13639, 13640; FCC 60M-1507]

SOUTHEASTERN BROADCASTING SYSTEM, INC. (WMJM) AND WASHINGTON BROADCASTING CO., INC. (WSNT)

Order Continuing Hearing

In re applications of Southeastern Broadcasting System, Inc. (WMJM), Cordele, Georgia, Docket No. 13639, File No. BP-12389; Washington Broadcasting Company, Inc. (WSNT), Sandersville, Georgia, Docket No. 13640, File No. BP-13105; for construction permits.

In accordance with developments explained on the record of a prehearing conference held this date in the above-entitled matter;

It is ordered, This 9th day of September 1960, that a further prehearing conference will be held at 9:15 a.m., September 29, 1960, in the Commission's offices in Washington, D.C.; and

It is further ordered, That the hearing now scheduled for September 29, 1960 is postponed to a date to be subsequently determined.

Released: September 12, 1960.

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

[F.R. Doc. 60-8623; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket No. 13764; FCC 60–1056]

STEPHENS COUNTY BROADCASTING CO. (WNEG)

Order Designating Application for Hearing on Stated Issues

In re application of Stephens County Broadcasting Company (WNEG), Toccoa, Georgia, Docket No. 13764, File No. BP–12827, Has: 1320 kc, 1 kw, D, Req: 630 kc, 500 w, D; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 7th day of September, 1960;

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

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

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 24, 1960, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the Commission's letter of June 24, 1960, advised the applicant and Foothills Broadcasting, Incorporated, licensee of Station WIRC, Hickory, North Carolina, that the proposed operation of Station WNEG would cause interference to Station WIRC; that Foothills Broadcasting, Incorporated, failed to respond to the Commission's letter; that in view of the fact that Foothills Broadcasting has failed to respond and in view of the further fact that the interference which would be received by WIRC from the WHEG proposal would be slight, Foothills Broadcasting, Incorporated, is not being made a party to the hearing ordered below; and

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

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

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

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

2. To determine whether interference received from Station WSAU, Savannah, Georgia, WIRC, Hickory, North Carolina and WAVU, Albertville, Alabama would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Station WNEG, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

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

It is further ordered, That, in the event of a grant of the application of Station WNEG, the construction permit shall contain a condition that the permittee shall be required to submit a nondirectional proof of performance to establish that the antenna system will meet the minimum efficiency requirements of 175 mv/m/kw.

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

Released: September 13, 1960.

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

[F.R. Doc. 60–8624; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket Nos. 13436–13438; FCC 60–1021]

TOT INDUSTRIES, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of TOT Industries, Inc., Medford, Oregon, Docket No. 13436, File No. BPCT–2641; Radio Medford, Inc., Medford, Oregon, Docket No. 13437, File No. BPCT–2655; Medford Telecasting Corporation, Medford, Oregon, Docket No. 13438, File No. BPCT–2697; for construction permits for new televison broadcast stations (Channel 10).

1. The Commission has before it for consideration (1) a petition for modification of the issues, filed April 11, 1960, by Radio Medford, Inc. (KMED); (2) an opposition filed April 25, 1960 by TOT Industries, Inc. (TOT); (3) a reply to the petition filed April 25, 1960, by the Chief, Broadcast Bureau (Bureau); and (4) a reply to Bureau's reply and TOT's opposition, filed May 5, 1960, by KMED.

2. By Order dated March 16, 1960 (Mimeo. No. 85473; FCC 60–251) the Commission designated for hearing the above-captioned applications. In the order of designation TOT was found to be financially qualified but an issue relative to the financial qualifications of KMED was included (Issue No. 1). KMED requests (1) that this issue be deleted and (2) that such an issue be added relative to TOT. Both requests are opposed by TOT. The Commission's Broadcast Bureau opposes the first request and supports the latter request.

3. It is not essential for present purposes to set forth in detail the factual allegations and arguments advanced by the parties in their respective pleadings. It is sufficient to note that critical to the question of the financial qualifications of KMED and TOT are factual allegations which are in dispute. Under the circumstances, the Commission is of the view that a determination of their financial qualifications should be made on the basis of an evidentiary record.

Accordingly, it is ordered, This 7th day of September 1960, That the petition to delete Issue No. 1 is denied; and

It is further ordered, That the petition to enlarge the issues to include an issue as to the financial qualifications of TOT Industries, Inc., is granted, and Issue No. 1 is amended to read as follows: To determine whether TOT Industries, Inc., and Radio Medford, Inc., are financially qualified to construct, own and operate their respective proposed television broadcast stations.

Released: September 12, 1960.

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

[F.R. Doc. 60–8625; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket Nos. 13436–13438; FCC 60M–1506]

TOT INDUSTRIES, INC., ET AL.

Order Continuing Hearing

In re applications of TOT Industries, Inc., Medford, Oregon, Docket No. 13436, File No. BPCT–2641; Radio Medford, Inc., Medford, Oregon, Docket No. 13437, File No. BPCT–2655; Medford Telecasting Corporation, Medford, Oregon, Docket No. 13438, File No. BPCT–2697; for construction permits for new television broadcast stations (Channel 10).

The Hearing Examiner having under consideration a proposed change of date for commencement of hearing;

It appearing that the Commission on September 7, 1960, added a new issue with respect to one of the applicants in this proceeding; and

It further appearing that an informal conference was held on September 9, at which a new schedule was agreed upon by all parties and the Hearing Examiner with the following dates to be observed: Engineering conference, September 15 at 3:00 p.m.; exchange of exhibits with respect to the new financial issue, September 23; notification of any additional witnesses, September 28; commencement of hearing on lay issues, October 10;

It is ordered, This 9th day of September 1960, that the foregoing schedule will be observed and that the hearing

is continued from September 13 to October 10, 1960, with an additional prehearing conference at 3:00 p.m. on September 15, 1960.

Released: September 12, 1960.

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

[F.R. Doc. 60-8626; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket No. 12856; FCC 60M-1510]

WSAZ, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of WSAZ, Incorporated, Complainant v. American Telephone and Telegraph Company, Defendant, Docket No. 12856.

On the oral request of all counsel: *It is ordered*, This 9th day of September 1960, that the hearing now scheduled for October 10 is rescheduled to Tuesday, October 11, 1960 at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 12, 1960.

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

[F.R. Doc. 60-8627; Filed, Sept. 15, 1960; 8:49 a.m.]

[Docket Nos. 13211-13212; FCC 60M-1503]

ZEPHYR BROADCASTING CORP. AND MYRON A. RECK (WTRR)

Order Continuing Hearing

In re applications of Zephyr Broadcasting Corp., Zephyrhills, Florida, Docket No. 13211, File No. BP-12291; Myron A. Reck (WTRR), Sanford, Florida, Docket No. 13212, File No. BP-12900; for construction permits.

Upon the Hearing Examiner's own motion: *It is ordered*, This 9th day of September 1960, that the hearing now scheduled in this proceeding for September 12, 1960, be, and the same is hereby continued to October 10, 1960, 10:00 a.m., in the Commission Offices, Washington, D.C.

Released: September 9, 1960.

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

[F.R. Doc. 60-8628; Filed, Sept. 15, 1960; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ARKANSAS

Notice of Duration of Catastrophe and Amendment to Notice of Major Disaster

I do hereby determine the duration of the catastrophe, causing the damage determined a major disaster by the President in his declaration of August 6, 1960, amending his May 28, 1960, declaration, to have been from the 26th day of June, 1960, to and including the 26th day of July 1960.

Notice of Major Disaster for the State of Arkansas, dated June 20, 1960 (25 F.R. 6155) as amended August 15, 1960 (25 F.R. 8172) is hereby further amended to include the following counties among those determined to have been adversely affected by the catastrophe declared a major disaster by the President in his amending declaration of August 6, 1960:

Carroll. Washington.

Dated: September 6, 1960.

LEO A. HOEGH,
Director.

[F.R. Doc. 60-8617; Filed, Sept. 15, 1960; 8:48 a.m.]

CARLTON S. DARGUSCH

Appointee's Statement of Changes in Business Interests

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

No changes since last submission (25 F.R. 3016), other than the sale of my stock in the Ohio National Bank.

Dated: September 5, 1960.

CARLTON S. DARGUSCH.

[F.R. Doc. 60-8618; Filed, Sept. 15, 1960; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3900]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale at Competitive Bidding of Principal Amount of Debentures

SEPTEMBER 9, 1960.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30,000,000 principal amount of __ percent Debentures, Series O due 1985. The interest rate (a multiple of ⅛ percent) and the price (exclusive of accrued interest) to be paid for the Debentures (not less than 98½ percent nor more than 101½ percent of the principal amount) will be determined by the bidding.

The Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, Trustee, now Morgan Guaranty Trust Company of New York, dated June 1, 1950, as heretofore supplemented and as to be further supplemented by a Thirteenth Supplemental Indenture, to be dated October 1, 1960.

Columbia will use the net proceeds from the proposed sale of debentures to purchase additional securities of its subsidiaries to assist them in completing their 1960 construction programs, presently estimated at not in excess of $90,000,000, and for other corporate purposes.

The fees and expenses to be paid in connection with the transactions will be filed by amendment.

It is represented that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 27, 1960 at 5:30 p.m., request in writing that a hearing be held on the matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. BUBOIS,
Secretary.

[F.R. Doc. 60-8603; Filed, Sept. 15, 1960; 8:46 a.m.]

[File No. 812-1335]

INVESTMENT TRUST OF BOSTON

Notice of Filing of Application for Order Permitting Certain Reinvestments of Dividend Distributions at Net Asset Value

SEPTEMBER 9, 1960.

Notice is hereby given that Investment Trust of Boston ("Applicant"), a registered open-end management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the offering of certain shares of Applicant at net asset value where such shares represent investments of dividends paid under the Applicant's Planned Withdrawal Program described below.

Applicant presently makes available to investors a dividend reinvestment plan under which holders of its shares valued in excess of $2,000 may reinvest distributions representing capital gains in additional shares of Applicant at net asset value and may reinvest other dividends

in additional shares at the public offering price. Applicant also makes available Planned Withdrawal Programs to shareholders who own or purchase shares valued at not less than $5,000 at the current public offering price under which such shareholders may request that a specified sum of money be paid to them either monthly or quarterly by the program agent. Under these Programs, as presently administered, income dividends payable in cash are received by the program agent and held for payment to the investor under the terms of the Programs. Distributions of capital gains declared payable in additional shares, are reinvested in additional shares at net asset value and credited to the account of the investor. Applicant proposes to also reinvest cash dividends from income on shares held under the Programs in additional shares at net asset value. It is contemplated that the amount of periodic withdrawals under such Programs will be in excess of dividends from income. It is stated in the application that Applicant and its principal underwriter will exercise their rights to reject any application for a Program where the amounts specified to be withdrawn under the Program do not exceed current investment income.

Section 22(d) of the Act, with certain exceptions not applicable here, prohibits a principal underwriter of a registered investment company from selling redeemable securities of such registered investment company except at a current public offering price described in the prospectus. Since the proposal set forth above may involve the offering of shares of Applicant below the normal public offering price thereof described in the prospectus in contravention of the provisions of section 22(d) of the Act, Applicant seeks an order pursuant to section 6(c) of the Act exempting such transactions from the provisions of section 22(d) of the Act.

Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 26, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–8604; Filed, Sept. 15, 1960; 8:47 a.m.]

[File No. 1–3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

SEPTEMBER 12, 1960.

The common stock, par value 10¢ per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, September 13, 1960 to September 22, 1960, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–8605; Filed, Sept. 15, 1960; 8:47 a.m.]

[File No. 24S–1761]

UTAHCAN, INC.

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

SEPTEMBER 12, 1960.

I. Utahcan, Inc. (issuer), a Washington corporation, 1831 East Sprague Avenue, Spokane 3, Washington, filed with the Commission on May 31, 1960 a notification on Form 1–A and an offering circular relating to an offering of 663,624 shares of 10¢ par value common stock as a mining speculation, 185,000 shares to be offered at 50¢ and the balance to be exchanged for existing debts and shares loaned to the company at 25¢ for an aggregate stated offering of $258,305.50 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The aggregate offering price of the securities to be offered, as computed in accordance with Rule 254, will exceed $300,000.

B. The offering circular and other material filed therewith contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose all securities offered and sold within the last year by the issuer, its officers, directors and underwriters, and the resulting contingent liability therefrom under section 5 of the Securities Act of 1933, pursuant to Item 9 of Form 1–A.

2. The failure to disclose all the shares held by the officers and directors of the issuer in accordance with Item 9(c) of Schedule I.

3. The failure to disclose that the issuer's bank account had been attached.

4. The failure to disclose that the issuer's bank accounts are in the name of its president.

5. The inclusion of unreliable and inaccurate financial statements in the offering circular, particularly with respect to the understatement of liabilities.

6. The failure to disclose adequately the extent of the issuer's long-term liabilities, particularly with respect to certain production notes which were repayable at twice their face amount in smelter returns or in stock at the election of the holder.

7. The failure to disclose the existence of certain production notes which became subject to foreclosure on August 1, 1960.

8. The failure to disclose that at least 4% of any smelter returns would be set aside to pay for said notes.

9. The failure to disclose adequately the amount of royalties payable on the issuer's properties.

10. The failure to disclose adequately and clearly the nature and extent of the ore or mineralization known to exist on the company's properties.

11. The failure to disclose adequately and clearly the operations conducted and to be conducted on the issuer's properties and the cost thereof.

12. The failure to disclose the basis for increasing the price of the stock 100 percent over the prior offering price.

13. The failure to disclose adequately and clearly that 7,650,000 shares of outstanding stock had been issued for properties which had since been abandoned and the failure to disclose the funds expended on these properties.

14. The failure to disclose that the issuer has, contrary to usual mining prac-

tices, proceeded with mill construction without knowing whether an adequate ore supply will be found to operate it over an appreciable period.

C. The offering would be made in violation of Section 17 of the Securities Act of 1933, as amended.

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

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

By the Commision.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60-8606; Filed, Sept. 15, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order 58, Amdt. 1]

LOUISIANA

Authorization to Railroads To Transport Livestock Feed and Hay at Reduced Rates

It appearing that due to the drouth conditions existing in certain portions of the State of Louisiana the Commission issued its Drouth Order No. 58 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area in Louisiana at reduced rates.

And it further appearing that the Honorable Jimmie H. Davis, Governor of the State of Louisiana has with the concurrence of the United States Department of Agriculture requested the Commission to enter an order authorizing the same authority to eight additional parishes in the State of Louisiana.

It is ordered, That the first ordering paragraph of Drouth Order No. 58 is hereby amended by adding thereto the parishes of Avoyelles, Evangeline, Iberville, La Fayette, Pointe Coupee, West Baton Rouge, St. Martin (North portion only) and St. Landry, all in the State of Louisiana.

It is further ordered, That in all other respects Drouth Order No. 58 shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association - Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 12th day of September 1960.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-8611; Filed, Sept. 15, 1960; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL COUNSEL, REGION VII, ET AL.

Designation of Acting Regional Administrator, Region VII (Puerto Rico and Virgin Islands)

The Regional Counsel, Region VII (Puerto Rico and Virgin Islands), Housing and Home Finance Agency, is hereby designated to serve as Acting Regional Administrator, Region VII, during the vacancy in the position of Regional Ad-Administrator, Region VII, with all the powers, functions, duties, and responsibilities delegated or assigned to the Regional Administrator.

In the absence of the Regional Counsel, the Regional Director of Urban Renewal or, in his absence, the Regional Engineer is hereby designated to serve as Acting Regional Administrator, Region VII.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 12th day of September, 1960.

[SEAL] NORMAN P. MASON, *Housing and Home Finance Administrator.*

[F.R. Doc. 60-8612; Filed, Sept. 15, 1960; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 21 (Rev. 4)]

DIRECTOR, OFFICE OF PROCUREMENT AND TECHNICAL ASSISTANCE

Delegation of Authority

1. Pursuant to the authority delegated to the Deputy Administrator for Procurement and Technical Assistance by the Administrator by Delegation of Authority No. 20 (Revision 4), 1960, there is hereby delegated to the Director, Office of Procurement and Technical Assistance, the following authority:

A. *Procurement and technical assistance.* 1. To take any and all actions relating to SBA prime contracting authority.

2. To negotiate and carry out joint agreements and memoranda of understanding with other Government contracting procurement or disposal agencies.

3. To take any and all actions relating to matters involving joint determinations including the initiation thereof.

4. To take any and all actions relating to matters involving Certificates of Competency, including the issuance or denial of such Certificates.

5. To take any and all actions necessary to carry out SBA's authority to make a complete inventory of all productive facilities of small business concerns.

6. To take any and all actions necessary to carry out SBA's authority to utilize effectively the productive facilities of small business concerns.

7. To take any and all actions necessary to carry out SBA's authority to encourage the letting of subcontracts by prime contractors to small business concerns.

8. To take any and all actions necessary to carry out SBA's authority to enable small business to obtain materials from its normal sources.

9. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total sales of Government property be made to small business concerns.

10. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of Government contracts for research and development be placed with small business concerns and to assist small business concerns to obtain the benefits of research and development performed under Government contracts or at Government expense.

11. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total Government procurements be made from small business.

12. To take any and all action relating to the appraisal of collateral offered to SBA on those loans for which an SBA appraisal or reappraisal is requested.

13. To take any and all actions necessary to carry out SBA's authority for assistance in the development of industrial potential in surplus labor areas.

B. *Administration.* 1. To authorize or approve his personal travel after approval of travel schedule by the Deputy Administrator for Procurement and Technical Assistance. To authorize and approve travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

2. To approve (a) sick and annual leave, except advance sick and annual leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

C. *Correspondence.* To sign all nonpolicy-making correspondence, except Congressional correspondence, relating to the functions of the Office of Procurement and Technical Assistance.

II. The specific authority delegated in subsections IA4, 1B1, and 1B2 (b) and (c), may not be redelegated.

III. All authorities delegated herein may be exercised by any employee of the SBA designated as Acting Director, Office of Procurement and Technical Assistance.

IV. All previous authority delegated by the Deputy Administrator for Procurement and Technical Assistance to the Director, Office of Procurement and Technical Assistance in Delegation of Authority No. 21 (Revision 3), dated February 21, 1958 is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Dated: September 7, 1960.

DONALD A. HIPKINS,
Deputy Administrator for Procurement and Technical Assistance.

[F.R. Doc. 60-8615; Filed, Sept. 15, 1960; 8:48 a.m.]

[Disaster Area Declaration 290, Amdt. 1]

FLORIDA

Declaration of Disaster Area; Amendment

Declaration of Disaster Area 290, dated August 8, 1960, for the State of Florida, is hereby amended as follows: Add the words, "High Winds, Rain and" immediately preceding the word "Flood" in paragraph 1 thereof.

Dated: September 9, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-8616; Filed, Sept. 15, 1960; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI61-72, RI61-73]

KERR-McGEE OIL INDUSTRIES, INC., AND PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rates To Become Effective Subject to Refund [1]

SEPTEMBER 9, 1960.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In both filings the natural gas is sold at 14.65 psia. The proposed changes are designated as follows:

Kerr-McGee Oil Industries, Inc., Docket No. RI61-72; Pan American Petroleum Corporation (Operator), et al., Docket No. RI61-73.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI61-72	Kerr-McGee Oil Industries, Inc.	12	18	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.).	8- 3-60	8- 8-60	9-13-60	9-14-60	9.11238	9.58761	G-14729
RI61-73	Pan American Petroleum Corp. (Operator), et al.	57	19	Phillips Petroleum Co. (Hugoton Field, Sherman, and Hansford Counties, Texas and Texas County, Okla.).	8-10-60	8-11-60	9-13-60	9-14-60	9.11238	9.58761	G-13538

[1] The stated effective dates are those requested by respondents.

In support of its proposed periodic increases, Kerr-McGee states that the contract was negotiated at arm's length; the proposed rate is designed to compensate Kerr-McGee in part for developing, equipping, drilling, producing and operating the lease; that such rate is no higher than necessary to encourage further exploration and development; and that the rate is less than the "current going price" for gas in the same area.

In support of its proposed periodic increase, Pan American states that the proposed rate is an integral part of the initial rate filing and is not a change in rate schedule; the price of gas is substantially less that that of competing fuels; the Commission has terminated a number of suspension proceedings in the Permian Basin area pursuant to the "Reef Fields Doctrine", and the proposed rate is less than the going price for gas in the area.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon both of the above-designated supplements are hereby suspended and the use thereof deferred until September 14, 1960, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) The above-designated supplements shall be effective as of September 13, 1960: *Provided, however,* That within 20 days from the date of the issuance of this order, Respondents shall execute and file with the Secretary of the Commission their respective agreement and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder (prescribed by Order No. 215 and Order No. 215A), signed in each instance by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Respondents are advised to the contrary within 15 days after the filing of such agreement and undertakings, their agreement and undertakings shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

[1] This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 24, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–8599; Filed, Sept. 15, 1960; 8:46 a.m.]

[Docket No. CP 60–103 etc.]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Notice of Applications and Date of Hearing

SEPTEMBER 9, 1960.

Panhandle Eastern Pipe Line Company, Docket No. CP60–103; Shell Oil Company, et al., Docket No. CI60–660; Pioneer Production Corporation, Docket No. CI60–689; Calvert Petroleum Company, Docket No. CI60–691; Ashland Oil and Refining Company, Docket No. CI60–738; Union Oil Company of California, Docket No. CI60–802; King Stevenson Oil Company, Inc., Docket No. CI60–813.

Take notice that Panhandle Eastern Gas Pipe Line Company (Panhandle) filed on May 18, 1960, an application, as supplemented on June 24, July 12 and July 18, 1960, in Docket No. CP60–103, for authorization under section 7(c) of the Natural Gas Act, to construct and operate 200 miles of pipeline from the Elk City Field, Beckham County, Oklahoma, northeasterly to the suction side of Panhandle's existing main line Haven compressor station in Reno County, Kansas, subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle proposes to construct 50 miles of 22-inch pipeline and 150 miles of 24-inch pipeline. The proposed line would transect or pass close by producing areas in Woodward, Woods, Major, Alfalfa, and Dewey Counties, all in Oklahoma. It is proposed that the major supply of gas would be obtained in the Elk City Field, and be gathered and delivered to Panhandle at a central field point by Shell Oil Company, the unit operator.

The estimated cost of Panhandle's proposed facilities is $15,700,000, which is proposed to be financed initially from cash on hand and bank loans.

The following producers have filed application for certificates under section 7(c) of the Natural Gas Act to sell gas to Panhandle in connection with this project.

Docket Nos.; Applicant; Location; and Initial Price

CI60–660; Shell Oil Co., et al.; Elk City Field, Beckham and Washita Counties, Okla.; 20.5 cents.

CI60–689; Pioneer Production Corp.; West Chester Field, Woodward County, Okla.; 17.0 cents.

CI60–691, Calvert Petroleum Co.; Avard and Unnamed Fields, Major, Woods, Dewey, and Alfalfa Counties, Okla.; 17.0 cents.

CI60–738; Ashland Oil and Refining Co.; West Chester and Northeast Seiling Fields, Woods, Woodward, Major and Dewey Counties, Okla.; 17.0 cents.

CI60–802; Union Oil Co., of California; various acreage, Woodward and Dewey Counties, Okla.; 17.0 cents.

CI60–813; King Stevenson Oil Co., Inc.; Northeast Seiling and Unnamed Fields, Dewey and Major Counties, Okla.; 17.0 cents.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 11, 1960, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 28, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–8600; Filed, Sept. 15, 1960; 8:46 a.m.]

[Docket No. RI 61–51 etc.]

PIONEER OIL AND GAS CO., INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

SEPTEMBER 8, 1960.

In the Order Providing For Hearings On And Suspension Of Proposed Changes In Rates, issued August 17, 1960 and published in the FEDERAL REGISTER on August 25, 1960 (F.R. Doc. 60–7910, 25 F.R. 8171): Change the second sentence of the first paragraph to read as follows: "In each filing the pressure base for the sale of the natural gas is 14.65 psia, with the exception of Pioneer, where it is 15.025 psia."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–8601; Filed, Sept. 15, 1960; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, Second Session.

Approved September 14, 1960

S. 1092 ..... Public Law 86–787
An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes.

S. 1670 ..... Public Law 86–789
An Act to provide for the granting of mineral rights in certain homestead lands in the State of Alaska.

S. 2761 ..... Public Law 86–790
An Act to validate payments made for certain emergency conservation measures under the program authorized by the Third Supplemental Appropriation Act, 1957.

S. 2959 ..... Public Law 86–786
An Act to clarify the right of States to select certain public lands subject to any outstanding mineral lease or permit.

S. 3267 ..... Public Law 86–792
An Act to amend the Act of October 17, 1940, relating to the disposition of certain public lands in Alaska.

S. 3533 ..... Public Law 86–793
An Act to protect farm and ranch operators making certain land use changes under the Great Plains conservation program against loss of acreage allotments.

H. J. Res. 784 ..... Public Law 86–788
Joint Resolution amending the Act of July 14, 1960, to extend the time within which the United States Constitution One Hundred and Seventy-fifth Anniversary Commission shall report to Congress and including certain amendments relating to housing.

H.R. 816 ..... Public Law 86–791
An Act to convey certain lands in Oklahoma to the Cheyenne and Arapaho Indians, and for other purposes.

H.R. 4306 ..... Public Law 86–785
An Act to provide education and training for the children of veterans dying of a disability incurred after January 31, 1955, and before the end of compulsory military service and directly caused by military, naval, or air service, and for other purposes.

H.R. 7810 ..... Public Law 86–782
An Act to credit periods of internment during World War II to certain Federal employees of Japanese ancestry for purposes of the Civil Service Retirement Act and the Annual and Sick Leave Act of 1951.

H.R. 10087 ..... Public Law 86–780
An Act to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit.

H.R. 10586 ..... Public Law 86–784
An Act to enable the Oregon Short Line Railroad Company to convey title to certain lands in Idaho to the Pocatello First Corporation of the Church of Jesus Christ of Latter-day Saints.

H.R. 10960 ..... Public Law 86–779
An Act to amend section 5701 of the Internal Revenue Code of 1954 with respect to the excise tax upon cigars, and for other purposes.

H.R. 12536 ..... Public Law 86–781
An Act relating to the treatment of charges for local advertising for purposes of determining the manufacturers sale price.

H.R. 12759 ..... Public Law 86–783
An Act to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR

Page

PROCLAMATIONS:
- 2416 — 8485
- 3369 — 8593
- 3370 — 8633

EXECUTIVE ORDERS:
- Aug. 2, 1915 — 8485
- Nov. 16, 1918 — 8485
- May 14, 1920 — 8485
- 6761 — 8485
- 9234 — 8725
- 10743 — 8471
- 10885 — 8471
- 10886 — 8633

5 CFR

- 6 — 8366, 8472, 8634, 8855

6 CFR

- 331 — 8472
- 446 — 8472
- 475 — 8594

7 CFR

- 201 — 8769
- 301 — 8705
- 722 — 8708, 8711, 8737
- 725 — 8775
- 903 — 8634
- 907 — 8634
- 909 — 8711
- 913 — 8634
- 921 — 8634
- 922 — 8537, 8737, 8807
- 925 — 8634
- 933 — 8737, 8738
- 939 — 8807
- 940 — 8738
- 941 — 8634
- 951 — 8739
- 953 — 8537, 8739, 8807
- 954 — 8634
- 957 — 8739
- 958 — 8740, 8808
- 967 — 8634
- 969 — 8538, 8903
- 977 — 8473
- 986 — 8903
- 991 — 8634
- 993 — 8808
- 1001 — 8365
- 1008 — 8634
- 1011 — 8634
- 1016 — 8634
- 1017 — 8809
- 1019 — 8712
- 1020 — 8365
- 1023 — 8634
- 1101 — 8775
- 1104 — 8775

PROPOSED RULES:
- 29 — 8784
- 51 — 8641
- 319 — 8823
- 902 — 8745
- 909 — 8746
- 912 — 8646
- 927 — 8610
- 938 — 8746
- 944 — 8646
- 949 — 8722
- 961 — 8656

7 CFR—Continued

Page

PROPOSED RULES—Continued
- 965 — 8909
- 984 — 8656
- 989 — 8656, 8887
- 997 — 8722
- 1003 — 8618
- 1010 — 8656
- 1032 — 8559

9 CFR

- 71 — 8480
- 72 — 8480

10 CFR

- 20 — 8595
- 50 — 8712

PROPOSED RULES:
- 40 — 8619

12 CFR

- 224 — 8904
- 545 — 8775
- 563 — 8604

13 CFR

- 107 — 8855

PROPOSED RULES:
- 107 — 8683
- 121 — 8683

14 CFR

- 27 — 8481
- 60 — 8538
- 302 — 8856
- 405 — 8713
- 406 — 8713
- 418 — 8714
- 507 — 8740, 8741, 8861
- 600 — 8483, 8540–8542, 8635, 8714, 8741, 8809, 8810, 8861, 8862
- 601 — 8365, 8483, 8484, 8540–8544, 8604, 8635, 8714, 8715, 8741, 8742, 8810, 8811, 8861–8863
- 602 — 8484, 8542, 8811
- 608 — 8365, 8483, 8485, 8544, 8545, 8635, 8637, 8715, 8741, 8812, 8862, 8863
- 610 — 8857

PROPOSED RULES:
- 40 — 8381
- 41 — 8381
- 42 — 8381
- 241 — 8784
- 507 — 8750, 8794
- 514 — 8909
- 600 — 8489, 8490, 8576, 8722, 8723, 8751, 8823, 8826–8830, 8887, 8888
- 601 — 8490–8493, 8576, 8722, 8723, 8751, 8823–8830, 8887, 8888, 8910, 8911.
- 602 — 8493, 8494, 8723, 8831
- 608 — 8365, 8483, 8485, 8544, 8545, 8636, 8637
- 626 — 8911

15 CFR

- 384 — 8638

17 CFR

PROPOSED RULES:
- 270 — 8382

19 CFR

- 14 — 8605

19 CFR—Continued

Page

PROPOSED RULES:
- 3 — 8549
- 4 — 8549

20 CFR

- 325 — 8863
- 404 — 8605

21 CFR

- 3 — 8769
- 17 — 8366
- 27 — 8366, 8769
- 51 — 8366
- 120 — 8545, 8638
- 121 — 8366–8368, 8605

PROPOSED RULES:
- 120 — 8577, 8578
- 121 — 8578

22 CFR

- 202 — 8605

24 CFR

- 200 — 8486

26 (1939) CFR

- 17 — 8375

26 (1954) CFR

- 1 — 8369, 8776, 8904

PROPOSED RULES:
- 1 — 8550, 8554, 8641
- 48 — 8782

29 CFR

- 672 — 8812
- 673 — 8742
- 675 — 8743
- 677 — 8813

PROPOSED RULES:
- 545 — 8747

32 CFR

- 157 — 8606
- 561 — 8607
- 562 — 8638
- 577 — 8545
- 590 — 8375
- 592 — 8375
- 596 — 8375
- 598 — 8375
- 601 — 8375
- 602 — 8375
- 605 — 8375
- 606 — 8375
- 836 — 8715

33 CFR

- 203 — 8906
- 207 — 8378, 8379, 8906

36 CFR

- 211 — 8379

38 CFR

- 3 — 8639
- 6 — 8776
- 8 — 8776

41 CFR

- 9–7 — 8864
- 9–15 — 8873

42 CFR

PROPOSED RULES:
- 73 — 8886

43 CFR

46 CFR

47 CFR

49 CFR

50 CFR

Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Titles 1–3, $1.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 45, Revised ($3.75); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1950 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

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