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Title 3—THE PRESIDENT

Executive Order 10832

REVOCATION OF EXECUTIVE ORDER NO. 9887,¹ DESIGNATING CERTAIN PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

WHEREAS Executive Order No. 9887 of August 22, 1947, designated the Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization, as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act, approved December 29, 1945 (22 U.S.C. 288); and

WHEREAS those organizations have ceased to exist:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, it is ordered that Executive Order No. 9887 of August 22, 1947, be, and it is hereby, revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 18, 1959.

[F.R. Doc. 59-6972; Filed, Aug. 19, 1959; 9:15 a.m.]

Title 7—AGRICULTURE

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

[Milk Order No. 119]

PART 1019—MILK IN CONNECTICUT MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.),

¹12 F.R. 5723, 3 CFR, 1943-1948 Comp., p. 664.

and of the order regulating the handling of milk in the Connecticut marketing area (7 CFR Part 1019), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act:

(1) The provision "period between the 15th day of the month for which the price is computed and the 18th day of the preceding" and including the word "inclusive" as it appears in § 1019.40(b) (1) of the order.

The Class II price under the Connecticut order was intended to be established on the same basis as that used in the pricing of Class II milk under the Boston, Massachusetts, order as stated in the final decision on the Connecticut Class II price (24 F.R. 1049, Part II) dated February 11, 1959. The decision specifically point out that "The formula herein adopted would base the butterfat value of Class II milk on the Boston market quotations per 40-quart can of 40 percent bottling quality cream, as reported for the month by the United States Department of Agriculture".

The aforesaid provision proposed for termination was inadvertently included in the order language through error and should be terminated to conform to the intent of the decision.

During the period from the inception of the order, effective March 1, 1959 to the present time an alternative Class II price formula provided in the order which is based on the price of milk for manufacturing purposes has been used in the absence of a cream price to establish the Class II price. Recently, supplies of cream from producer receipts have declined to the extent that substantial quantities of outside cream have been received on the market. It appears likely that sufficient cream has been received to establish a weighted average cream price for the first month since the order became effective. Therefore, to prevent an inappropriate Class II price under the Connecticut order in relation to the Class II price in the other New England orders due to use of a different base period for quotations, the aforesaid provision should be terminated.

(Continued on p. 6755)

CONTENTS

THE PRESIDENT

Executive Order	Page
Revocation of Executive Order No. 9887, designating certain public international organizations entitled to enjoy certain privileges, exemptions, and immunities	6753

EXECUTIVE AGENCIES

Agricultural Marketing Service	
Proposed rule making:	
Milk in certain marketing areas:	
Central West Texas	6759
Inland Empire	6760
Rules and regulations:	
Milk in the Connecticut marketing area; order terminating certain provisions	6753
Agriculture Department	
<i>See also</i> Agricultural Marketing Service; Commodity Credit Corporation; Commodity Stabilization Service.	
Notices:	
Alabama; designation of area for production emergency loans	6787
Air Force Department	
Rules and regulations:	
Air Force Reserve Officers' Training Corps; decorations and awards; miscellaneous revisions and revocation	6759
Alien Property Office	
Notices:	
Vested property, intention to return:	
Bogenstatter, Rita, et al	6795
Honda, Minoru	6795
Kuh, Hermann	6795
Sandreczki-Huettmann, Ingrid Pauline	6795
Civil Aeronautics Board	
Notices:	
British West Indian Airways, Limited; prehearing conference	6787
Civil and Defense Mobilization Office	
Notices:	
Brownlee, James F.	6791



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(As of January 1, 1959)

The following Supplements are now available:

Titles 1-3 (\$1.00)

General Index (\$0.75)

All other Supplements and revised books have been issued and are now available.

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

CONTENTS—Continued

Committee for Reciprocity Information	Page
Notices:	
Trade agreement negotiations with governments which are contracting parties to the General Agreement on Tariffs and Trade regarding compensation for escape clause actions.....	6786
Commodity Credit Corporation	
Rules and regulations:	
Rice; loan and purchase agreement program, 1959 crop; support rates.....	6755

CONTENTS—Continued

Commodity Stabilization Service	Page
Proposed rule making:	
Peanuts; 1960 national marketing quota and apportionment of national acreage allotment to States.....	6771
Defense Department	
See Air Force Department.	
Federal Aviation Agency	
Proposed rule making:	
Emergency coverage for the flight engineer functions in the event of illness or incapacity.....	6772
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Millington Broadcasting Co. (WHEY) et al.....	6790
WACO Radio Co. et al.....	6789
Proposed rule making:	
Table of assignments; certain television broadcast stations.....	6783
Federal Power Commission	
Notices:	
Hearings, etc.:	
Adams, K. S., Jr., et al.....	6791
Algonquin Gas Transmission Co.....	6792
Mountain Fuel Supply Co.....	6793
Northwestern Public Service Co.....	6793
Sunray Mid-Continent Oil Co.....	6794
Food and Drug Administration	
Proposed rule making:	
Food additives; petition for issuance of tolerance.....	6772
Rules and regulations:	
Cheese, blue and Gorgonzola; standards of identity.....	6755
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions from tolerances (2 documents).....	6756
Health, Education, and Welfare Department	
See Food and Drug Administration.	
Interdepartmental Committee on Trade Agreements	
Notices:	
Trade agreement negotiations with governments which are contracting parties to the General Agreement on Tariffs and Trade regarding compensation for escape clause actions.....	6785
Interior Department	
See Land Management Bureau; Minerals Exploration Office; National Park Service; Oil Import Administration.	
Interstate Commerce Commission	
Notices:	
Motor carrier transfer proceedings.....	6794
Proposed rule making:	
Explosives and other dangerous articles.....	6772

CONTENTS—Continued

Interstate Commerce Commission—Continued	Page
Proposed rule making—Con.	
Issuance of expense bills by motor common carriers performing charter operations.....	6783
Justice Department	
See Alien Property Office.	
Land Management Bureau	
Notices:	
Proposed withdrawals and reservations of lands:	
Arizona.....	6788
Colorado.....	6787
Wyoming.....	6788
Minerals Exploration Office	
Rules and regulations:	
Federal assistance in financing explorations for mineral reserves, excluding organic fuels, in the U.S., its territories and possessions.....	6756
National Park Service	
Notices:	
Regional Directors; delegation of authority with respect to regularly scheduled overtime.....	6788
Rules and regulations:	
Grand Teton National Park; speed; fishing; camping; house trailers.....	6759
Oil Import Administration	
Rules and regulations:	
Definitions.....	6759
Securities and Exchange Commission	
Notices:	
Utah Power & Light Co.; hearing, etc.....	6794
Subversive Activities Control Board	
Notices:	
California Emergency Defense Committee; registration as a Communist-front organization.....	6796
Tariff Commission	
Notices:	
Trade agreement negotiations with governments which are contracting parties to the General Agreement on Tariffs and Trade regarding compensation for escape clause actions.....	6784
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.	
3 CFR	Page
Executive orders:	
9887 (revoked by EO 10832).....	6753
10832.....	6753
6 CFR	
421.....	6755

CODIFICATION GUIDE—Con.

7 CFR	Page
1019.....	6753
<i>Proposed rules:</i>	
729.....	6771
982.....	6759
1008.....	6760
14 CFR	
<i>Proposed rules:</i>	
42.....	6772
21 CFR	
19.....	6755
120 (2 documents).....	6756
<i>Proposed rules:</i>	
121.....	6772
30 CFR	
301.....	6756
32 CFR	
862.....	6759
878.....	6759
32A CFR	
<i>OIA (Ch. X):</i>	
OI Reg. 1.....	6759
36 CFR	
20.....	6759
47 CFR	
<i>Proposed rules:</i>	
3.....	6783
49 CFR	
<i>Proposed rules:</i>	
71—78.....	6772
172.....	6783

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

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

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

(3) This termination order is necessary to prevent variation in the Class II price as between this market and other New England markets. Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated effective upon publication in the FEDERAL REGISTER.

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

Issued at Washington, D.C., this 17th day of August 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-6927; Filed, Aug. 19, 1959; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

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

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Rice Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service (24 F.R. 2821) with respect to rice produced in 1959 which contain specific requirements for the 1959-Crop Rice Price Support Program are hereby amended as follows:

Section 421.4344(a) is amended to include the final value factors for head and broken rice so that the amended paragraph reads as follows:

§ 421.4344 Support rates.

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

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rice class or variety	Head rice	Broken rice
I.....	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	0.0889	0.0352
II.....	Blue Bonnet, Nira, and Rexark.	.0814	.0352
III.....	Century Patna, Toro, Fortuna, R.N., and Edith.	.0734	.0352
IV.....	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Magnolia, Zenith, Prelude, Lady Wright, and Nato.	.0734	.0352
V.....	Pearl, Calrose, Early Prolific, Calady, and other varieties.	.0644	.0352

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued at Washington, D.C., this 17th day of August 1959.

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

[F.R. Doc. 59-6928; Filed, Aug. 19, 1959; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Blue Cheese and Gorgonzola Cheese; Order Amending Standards of Identity

In the matter of amending the standards of identity for blue cheese and for gorgonzola cheese:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 8, 1959 (24 F.R. 3735), setting forth proposals by the National Cheese Institute, 110 North Franklin Street, Chicago, Illinois, to amend the identity standards for blue cheese and gorgonzola cheese to permit the use of certain vegetable food fats as optional ingredients for coating the rinds of these cheeses. This notice invited all interested persons to submit comments on the proposals.

On the basis of the relevant information available, including that submitted in comments, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered*, That the standards of identity for blue cheese and for gorgonzola cheese (21 CFR and 21 CFR, 1958 Supp., 19.565, 19.567) be amended as follows:

1. In § 19.565 *Blue cheese; identity*, paragraph (b) is amended by inserting, immediately preceding the last sentence, a new sentence reading as follows: "The rind of the cheese may be coated with a vegetable food fat or oil (which may be hydrogenated), or any combination of two or more such articles."

2. In § 19.567 *Gorgonzola cheese; identity*, paragraph (b) is amended by inserting, immediately preceding the last sentence, a new sentence reading as follows: "The rind of the cheese may be coated with a vegetable food fat or oil (which may be hydrogenated), or any combination of two or more such articles."

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

filing will be adversely affected by the order, shall specify the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

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

Dated: August 14, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 59-6922; Filed, Aug. 19, 1959;
8:48 a.m.]

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

Tolerances for Residues of 2,3-p-Dioxanedithiol S,S-Bis(O,O-Diethyl Phosphorodithioate)

A petition was filed, over objections of the Food and Drug Administration, by Hercules Powder Company, Inc., Wilmington 99, Delaware, requesting the establishment of tolerances for residues of 2,3-p-dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate), containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds in or on citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangelos, and tangerines. The objections of the Food and Drug Administration were based on deficiencies in the petition. These deficiencies have been eliminated by amendment to the petition. The request for tolerances on citrus citron and kumquats was later withdrawn.

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

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., Part 120 (24 F.R. 499, 1958)) are amended as indicated below:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (5) is amended by inserting as the fourth item in the list of cholinesterase-inhibiting compounds the item "2,3-p-Dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate) containing approximately 70 percent *cis* and *trans* isomers and approximately 30 percent related compounds."

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

§ 120.171 Tolerances for residues of 2,3-p-dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate).

Tolerances for residues of 2,3-p-dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate) in or on raw agricultural commodities incurred from the use of a pesticide chemical composed of a mixture of the *cis* and *trans* isomers of 2,3-p-dioxanedithiol S,S-bis(O,O-diethyl phosphorodithioate) approximately 70 percent, and of related compounds, approximately 30 percent, are established as follows: 2.8 parts per million in or on grapefruit, lemons, limes, oranges, tangelos, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a (d) (2))

Dated: August 14, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 59-6923; Filed, Aug. 19, 1959;
8:49 a.m.]

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

Exemption of Copper Oleate and Copper Sulfate Monohydrate From Requirement of Tolerances

No objection having been filed to the proposal published in the FEDERAL REGISTER of July 3, 1959 (24 F.R. 5423), with reference to exempting copper oleate and copper sulfate monohydrate from the requirement of tolerances for residues in or on raw agricultural commodi-

ties from preharvest application, and no request having been received for referral of the proposal to an advisory committee: *It is ordered*, That the regulations for tolerances for residues of pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.6) be amended as follows:

In § 120.6, paragraph (b) (1) is amended by inserting therein the items "copper oleate" and "copper sulfate monohydrate". As amended, § 120.6(b) (1) reads as follows:

§ 120.6 Exemptions from the requirement of a tolerance.

* * * * *

(b) * * * (1) The following copper compounds: Bordeaux mixture, copper acetate, basic copper carbonate (malachite), copperlime mixtures, copper oleate, copper oxochloride, copper silicate, copper sulfate basic, copper sulfate monohydrate, copper-zinc chromate, cuprous oxide, tetra copper calcium oxochloride.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 511, 516; 21 U.S.C. 346a (c), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.29(a)).

Any person who will be adversely affected by this order, may at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511 et seq.; 21 U.S.C. 346a)

Dated: August 13, 1959.

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

[F.R. Doc. 59-6924; Filed, Aug. 19, 1959;
8:49 a.m.]

Title 30—MINERAL RESOURCES

Chapter III—Office of Minerals Exploration, Department of the Interior

PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

There were published in the FEDERAL REGISTER of December 23, 1958 (23 F.R.

9918) regulations, as corrected in the FEDERAL REGISTERS of January 3, 10, 17 and February 3, 1959 (24 F.R. 55, 269, 423, 731), to be codified in Chapter III of Title 30, Code of Federal Regulations, prescribing the manner for obtaining and conditions governing Federal assistance in financing explorations for mineral reserves.

The regulations are now republished in order to consolidate in one document the previous publications, to effect changes in the designation of regional offices and to make minor editorial changes in language to render it more certain and free from ambiguity. No changes of substance are involved, and delay in effecting the changes in the designation of regional offices would increase administrative costs. It is found, therefore, that notice and public procedure thereon are impracticable and unnecessary, and accordingly these regulations shall become effective immediately upon publication.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 14, 1959.

GENERAL PROVISIONS

- Sec. 301.1 Purpose.
- 301.2 Definitions.
- 301.3 Eligible minerals or mineral products.
- 301.4 Operator's property rights.

APPLICATIONS

- 301.5 Form and filing.
- 301.6 Information required.
- 301.7 Criteria.
- 301.8 Approval.

EXPLORATION CONTRACTS

- 301.9 Government participation.
- 301.10 Allowance costs.
- 301.11 Repayment by operator.
- 301.12 Interest on amount of Government participation.
- 301.13 Limitation on amount of Government participation.
- 301.14 Government not obligated to buy.
- 301.15 Title to and disposition of property.

AUTHORITY: §§ 301.1 to 301.15, issued under sec. 2(e), 72 Stat. 700; 30 U.S.C. 642(e).

GENERAL PROVISIONS

§ 301.1 Purpose.

These regulations govern the obtaining of Federal financial assistance in conducting exploration for mineral reserves, excluding organic fuels, in the United States, its territories or possessions.

§ 301.2 Definitions.

As used in this part:

(a) "Exploration" means the search, including related development work, for new or unexplored mineral deposits within a specified area or parcel of ground where geologic conditions favor their occurrence. Exploration using recognized and sound procedures, including standard geophysical and geochemical methods, may be conducted from the surface or underground to obtain pertinent geological and mineralogical information. The work shall not go beyond a reasonable delineation and sampling of a mineral deposit, and shall not be conducted primarily for mining or preparation for mining.

(b) "Operator" means an individual, partnership, corporation, or other legal entity that is party to an exploration contract with the Government.

(c) "Secretary" means the Secretary of the Interior, or his authorized representative.

(d) "Government" and "Federal" mean the United States of America.

(e) "Commercial Sources" means banking institutions or other private sources of credit.

§ 301.3 Eligible minerals or mineral products.

The following are eligible for financial assistance:

- Antimony.
- Asbestos (strategic).
- Bauxite.
- Beryl.
- Cadmium.
- Chromite.
- Cobalt.
- Columbium.
- Copper.
- Corundum.
- Diamond (industrial).
- Fluorspar.
- Graphite (crucible flake).
- Kyanite (strategic).
- Lead.
- Manganese.
- Mercury.
- Mica (strategic).
- Molybdenum.
- Monazite.
- Nickel.
- Platinum group metals.
- Quartz Crystal (piezoelectric).
- Rare Earths.
- Rutile—Brookite.
- Selenium.
- Talc (block steatite).
- Tantalum.
- Thorium.
- Tin.
- Uranium.
- Zinc.

§ 301.4 Operator's property rights.

The operator must have and preserve the right to possession of the land (as owner, lessee, or otherwise) for a term at least sufficient to complete the exploration work. (See § 301.11(f) regarding repayment.) The operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances necessary to the purposes of the exploration.

APPLICATIONS

§ 301.5 Form and filing.

An application for Federal financial assistance must be submitted in quadruplicate on forms which may be obtained from and filed with either:

The Office of Minerals Exploration,
Department of the Interior,
Washington 25, D.C.

or the Office of Minerals Exploration Executive Officers. The regions which they serve and their Post Office addresses are as follows:

Region I: Alaska, Idaho, Montana, Oregon, and Washington—OME, South 157 Howard Street, Spokane 4, Washington. Applicants for Alaska projects may file applications with the United States Bureau of Mines, P.O. Box 2683, Juneau, Alaska, for forwarding to the OME Executive Officer, Region I.

Region II: California and Nevada—OME, Room 420 Customhouse, 555 Battery Street, San Francisco 11, California.

Region III: Arizona, Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming—OME, Federal Center, Denver 25, Colorado.

Region V: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin—OME, Room 2B, Post Office Building, Knoxville 2, Tennessee.

§ 301.6 Information required.

(a) Each application shall fully describe the proposed exploration, and shall include all detailed data called for by the application form. The Secretary may require the filing of additional information, including financial statements, reports, maps or charts, and exhibits and such physical on-site examination as he deems necessary.

(b) The application must include evidence that funds for the exploration work are unavailable on reasonable terms from commercial sources. The evidence shall include information as to the names of banks (including applicant's bank of account) or other private sources of credit to which applications were made for loans, the amounts and terms requested, and the reasons why loans were not obtained.

§ 301.7 Criteria.

The following factors will be considered and weighed in passing upon applications:

(a) The geologic probability of a significant discovery being made.

(b) The estimated cost of the exploration in relation to the size and grade of the potential deposit.

(c) The plan and method of conducting the exploration.

(d) The accessibility of the project area.

(e) The background and operating experience of the applicant.

(f) The applicant's title or right to possession of the property.

(g) The unavailability of funds from commercial sources on reasonable terms.

(h) Whether the applicant would normally undertake the exploration at his sole expense under current conditions or circumstances.

§ 301.8 Approval.

If the application is approved, the Government may enter into an exploration contract with the applicant upon terms and conditions which the Secretary deems necessary and appropriate as set forth in the contract form furnished by the Government.

EXPLORATION CONTRACTS

§ 301.9 Government participation.

The Government will contribute not more than fifty (50) percent of the total allowable costs of the exploration specified by the terms of the contract.

§ 301.10 Allowable costs.

(a) The Government, to the extent provided in the exploration contract, will contribute to:

(1) The necessary, reasonable, and direct actual costs of performing the exploration, including the costs of: Labor, supervision, and consultants; operating materials, supplies, and equipment; initial rehabilitation or repair of existing buildings, installations, fixtures, and operating equipment; construction of buildings, fixed improvements, and installations; repairs and maintenance of operating equipment; analytical work, accounting, payroll and sales taxes, and employers' liability or employees' compensation insurance; payments by the operator to independent contractors; and such other necessary, reasonable, and direct actual costs as may be approved by the Government in the course of work; and

(2) The fixed unit costs agreed upon by the operator and the Government in terms of units of work to be performed (per foot of drifting, per foot of drilling, etc.) in lieu of actual costs.

(b) The Government will not contribute to costs incurred before the date of the contract, or to costs of or incident to:

(1) Acquiring, owning or possessing land with any existing improvements, facilities, buildings, installations, and appurtenances, or the depreciation and depletion thereof;

(2) General overhead, corporate management, interest and taxes (other than payroll and sales taxes);

(3) Insurance (other than employers' liability or employees' compensation insurance); and

(4) Damages to persons or property (other than authorized repair to or replacement of equipment or other property used in the work).

§ 301.11 Repayment by the operator.

(a) If the Secretary considers that as a result of the exploration, mineral or metal production from the area covered by the contract may be possible, he shall so certify in writing to the operator within the time specified in the contract.

(b) When the Secretary determines not to certify, he shall promptly so notify the operator provided the operator has completed all obligations under the contract.

(c) The operator shall pay the Government a royalty on all minerals or metals produced from the land described in the contract:

(1) Irrespective of any certification of possible production—from the date of the contract to the date of notice that certification will not be made, or until the total amount contributed by the Government with interest is fully repaid, whichever occurs first; or

(2) Irrespective of any certification of possible production—if the Secretary, deeming it necessary and in the public interest, enters into an agreement to provide for royalty payments.

(3) If a certification of possible production is issued—for a period of ten years (or other period fixed by the contract not exceeding 25 years) from the date of the contract, or until the total

amount contributed by the Government, with interest, is fully repaid, whichever occurs first.

(d) The Government's royalty shall be 5 percent of the "gross proceeds" (including any bonuses, premiums, allowances, or other benefits) from the production sold, in the form sold (ore, concentrate, metal, or equivalent) at the point of delivery (the f.o.b. point) except, that charges of the buyer (not the operator or producer) arising in the regular course of his business, and shown on the buyer's settlement sheets as deductions (such as treatment processes performed by the buyer, sampling and assaying to determine the value of the production sold, and freight payable by the buyer to a carrier (not the operator or producer) shall be allowed as deductions in arriving at the "gross proceeds" as that term is used in this section. No costs of the operator or producer are deductible in arriving at the "gross proceeds" as that term is used in this section. The term "treatment processes", as used in this paragraph means those processes (such as milling, concentrating, smelting, refining, or equivalent) applied to the crude ore or other production after it is extracted from the ground to put it into a commercially marketable form, excluding fabricating or manufacturing.

(e) If any production (ore, concentrate, metal, or equivalent) remains unsold or is not used by the operator or producer in integrated manufacturing or fabricating operations (for instance, if it is stockpiled) after the lapse of six months from the date it is extracted from the ground, the Government, at its option, may require the computation and payment of its royalty on the value of such production in the form (ore, concentrate, metal, or equivalent) it is in at the time the Government elects to exercise its option. If any production is used by the operator or producer in integrated manufacturing or fabricating operations, the Government's royalty on such production shall be computed on the "value" thereof in the form in which and at the time when it is used. "Value" as used in this section means what is or would be gross income from mining operations for percentage depletion purposes in Federal income tax determination, or the market value, whichever is greater.

(f) (1) To secure the payment of the Government's royalty, the contract shall provide for a lien upon the operator's interest in the land, upon any production from the land, and upon any interests in the land other than the operator's interest. However, the Secretary may accept the undertaking of a surety company or third person in lieu of a lien upon interests in the land other than the operator's interest. In circumstances where the Secretary deems it to be in the public interest, the requirement for a lien or other undertaking concerning interests in land, other than the lien upon the operator's interest, may be omitted from the Contract.

(2) If the operator is not the producer (for example, if the operator transfers or does not retain his interest in production or in the land), the operator

shall remain liable for the payment of the Government's royalty.

(g) If, in any particular case, the Secretary finds that it would be more economical or practicable to compute the Government's royalty upon some basis other than "gross proceeds" or "value", as these terms are used in this section, or upon the production in some form other than that in which it is sold, held, or used in integrated operations, he may agree with the operator, either in the original exploration contract or by an amendment thereof, upon some other basis of computation.

(h) Nothing in this part shall be construed as imposing any obligation on the operator to engage in any mining or production operations.

(i) The Secretary may modify and adjust the terms and conditions of any contract to reduce the amount and terms of any royalty payment when he shall determine that such action is necessary and in the public interest.

§ 301.12 Interest on amount of Government participation.

(a) Simple interest is calculated from the date Federal funds are made available until the period specified for royalty payments expires or until the amount of Federal funds contributed, including interest, is fully repaid by royalty on production, whichever occurs first.

(b) The rate of interest shall be fixed by the Secretary at not less than the rate the Department of the Interior would be required to pay if it borrowed from the Treasury, plus a two percent interest charge in lieu of the actual cost to the Government of administering the contract.

(c) Paragraphs (a) and (b) of this section shall not be construed to increase the rate of royalty or to extend the period for which the royalty is payable as set forth in § 301.11.

§ 301.13 Limitation on the amount of Government participation.

No single contract shall authorize Government participation in excess of \$250,000.

§ 301.14 Government not obligated to buy.

Nothing in this part or in any contract entered into pursuant to this part shall be construed as imposing any obligation on the Government to purchase any materials mined or produced from the land which is the subject of such contract.

§ 301.15 Title to and disposition of property.

All facilities, buildings, fixtures, equipment, or other items or groups of items (such as pipe, rail, steel, etc.), costing more than \$50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contributions, and the exploration contract shall make suitable provisions for their disposal for the joint account of the operator and the Government.

[FR. Doc. 59-6906; Filed, Aug. 19, 1959; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

Grand Teton National Park; Speed; Fishing; Camping; House Trailers

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003); authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3); National Park Service Order No. 14 (19 F.R. 8824); and Regional Director, Region Two, Order No. 3 (21 F.R. 1494), amend 36 CFR 20.22 as set forth below. The purpose of this amendment is to establish a maximum speed limit for the heavily traveled Jackson Hole Highway in Grand Teton National Park, Wyoming, for which no legal speed limit now exists.

Due to the heavy traffic now on this highway, an emergency exists and it is essential that this amendment be made effective immediately. Therefore, notice and public procedure on this amendment are impracticable and contrary to the public interest and this amendment shall become effective upon publication in the FEDERAL REGISTER.

FRANK R. OBERHANSLEY,
Superintendent,
Grand Teton National Park.

JUNE 24, 1959.

1. A new subparagraph (4) is added to paragraph (a) of § 20.22 Grand Teton National Park as follows:

(4) Jackson Hole Highway between the south and east part boundary, 60 miles per hour.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C. 3)

[F.R. Doc. 59-6908; Filed, Aug. 19, 1959; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER F—RESERVE FORCES

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

SUBCHAPTER G—PERSONNEL

PART 878—DECORATIONS AND AWARDS

Miscellaneous Revisions and Revocation

§§ 878.76 to 878.84 [Revocation]

1. In Part 878, §§ 878.76 to 878.84, Badges, are revoked. (23 F.R. 4317, July 14, 1954)

1. In Part 862, §§ 862.3 and 862.4(t) are revised to read as follows:

§ 862.3 Purpose and objectives.

The purpose and specific objectives of this program are:

(a) To select and motivate cadets to serve as career Air Force officers in fields as specifically required by the United States Air Force.

(b) To develop in cadets by precept, example, and participation the attributes of character, personality, and attitudes essential for leadership.

(c) To develop in cadets an interest in, and understanding of, the Air Force mission, organization, operations, problems, and techniques.

(d) To provide that military education and training which will give cadets a general background and sound foundation on which to build an officer career.

§ 862.4 Definitions.

(t) *Friendly foreign nations.* Those nations outside of Communist domination or influence or which are known to have military or political pacts with the United States. (Individual cases, when there is doubt as to the status of the nation concerned, should be forwarded to Hq USAF for final determination.)

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 8540, 9381-9387, 70A Stat. 527, 568-571; 10 U.S.C. 9381-9387) [AFR 45-48A, August 6, 1959]

[SEAL] CHARLES M. McDERMOTT,
Colonel, U.S. Air Force, Deputy
Director of Administrative
Services.

[F.R. Doc. 59-6920; Filed, Aug. 19, 1959; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Reg. 1, Rev. 1, Amtd. 1]

OIL IMPORT REGULATION

Definitions

In § 22 *Definitions*, paragraph (i) "refinery inputs" is amended to read as follows:

(i) "Refinery inputs" include all crude oil, imported unfinished oils, natural gasoline mixed in crude oil, and plant and field condensates mixed in crude oil, which are further processed, other than by blending by mechanical means, but do not include:

(1) Unfinished oils which have not been imported, and

(2) Crude oil and unfinished oils imported into the United States by pipeline, rail, or other means of overland transportation from the country where they were produced, which country, in the case of unfinished oils, is also the country of production of the crude oils from which the unfinished oils were processed or manufactured.

The purpose of this amendment is to bring the definition of "refinery inputs" into conformity with the revisions made in paragraph (c) of section 1 of Presidential Proclamation 3290 (24 F.R. 3527). Therefore, neither notice of pro-

posed rule making nor a delayed effective date would serve any useful purpose and this amendment shall become effective upon publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

AUGUST 14, 1959.

[F.R. Doc. 59-6907; Filed, Aug. 19, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

[Docket No. AO-238-A10]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Windsor Hotel, Abilene, Texas, beginning at 10:00 a.m., c.s.t., on August 25, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central West Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central West Texas Producers Association:

Proposal No. 1. Amend § 982.51(c) by deleting the words "for the months of February through July".

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 35225, Airlawn Station, Dallas, Texas, or 2842 So. Seventh, Abilene, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department

of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 17th day of August 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-6913; Filed, Aug. 19, 1959;
8:47 a.m.]

[7 CFR Part 1008]

[Docket No. AO-275-A5]

**MILK IN INLAND EMPIRE MARKETING
AREA**

**Decision on Proposed Amendments to
Tentative Marketing Agreement
and to 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 Spokane, Washington, on May 13, 1959, pursuant to notice thereof issued on April 23, 1959 (24 F.R. 3298).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on July 22, 1959 (24 F.R. 5969) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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

- (1) Provision for the diversion of milk between pool plants by a cooperative association as a handler.
- (2) Revision of location differentials.
- (3) Revision of the schedule of monthly delivery percentages used in computing "new producer" bases.
- (4) Modification of the supply-demand adjuster in the Class I price formula.
- (5) An increase in the administrative expense assessment.
- (6) Revision of the provision governing the classification of transfers and diversions of milk to other pool plants and to nonpool plants.
- (7) Minor changes for order clarification.

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

- (1) The definition of "handler" should be modified.

The present definition of handler includes a non-operating or bargaining-type, cooperative association with respect to milk diverted for the account of an association from a pool plant to a nonpool plant. One such association proposed that the definition be revised to include this type of association with respect to milk which it causes to be diverted from one pool plant to another pool plant.

Historically, and at present, the Inland Empire market primarily is a market for Class I milk. There are few facilities in the regulated plants for handling appreciable amounts of reserve milk over and above the quantities actually disposed of as Class I items.

The proponent bargaining-type cooperative, representing a substantial proportion of the producers, is obligated, under its membership contract, to find a market outlet for the milk of each member producer. In many instances the volume of milk requiring a different outlet is not sufficient to warrant the movement of the milk to a nonpool plant for disposal because the nearest of such plants is located at some distance from the Inland Empire market. A more economical means of disposition would be to divert the milk from its former pool plant outlet to another pool plant. At times, however, a pool plant may be reluctant to receive such milk since, under present order terms, the milk automatically becomes a part of the producer receipts of the plant when accepted there, and consequently increases the quantity of milk (in relation to receipts) which must be utilized in Class I to maintain the plant's status as a pool plant. This difficulty would be avoided if, as the proposal provides, the diverting association could accept responsibility for the milk as a handler and the milk could be omitted from the category of "producer milk" at the receiving pool plant.

It is concluded that a provision which will permit a nonoperating association the opportunity to divert milk from one pool plant to another for a period of 90 days in any instance will tend to promote orderly marketing and encourage more efficient use of the market supply. Since there is no apparent reason for a different method for classifying such diverted milk, it should be classified on the same basis as other producer milk at the plant where received.

- (2) Price adjustments for location of plants should be revised.

Technological changes and efficiencies in the handling and transportation of milk, which have reduced the cost of moving milk from farms to the principal consuming center of the marketing area have taken place in the period since the present location differentials were established. This has resulted primarily from the growth of the bulk tank system of delivery from farm to plant.

Milk delivered directly to a plant located at Spokane, the principal consuming center of this marketing area, which must draw its supplies from relatively long distances is worth more, at least by the cost of transportation, than is other milk to be utilized within the marketing area but delivered to a plant located at a considerable distance from Spokane where a lesser cost is involved in moving milk from farms to the plant. Location differentials represent reasonable allowances per hundredweight for moving milk from outlying supply plants at varying distances to plants in the major consuming center where the milk is processed for Class I uses. They reflect also the values of Class I milk at different locations in the milkshed in relation to its

value at the principal center of consumption.

While transportation costs vary depending upon many factors, including the size of load, the schedule of location differentials proposed by the producer organizations are reasonably representative of present costs experienced in the movement of milk by over-the-road tank trucks in this area. Such proposed rates are in line also with the rates recently adopted for the Puget Sound marketing area where similar hauling services are available. In this connection official notice is taken of the June 26, 1959 decision of the Assistant Secretary on amendments to the Puget Sound order.

The schedule of rates proposed by producers should be modified, however, to fit the present rate schedule in the Inland Empire order, which sets forth rates by 10-mile zones for plant locations beyond 50 miles from the City Hall in Spokane, Washington. Thus, it is concluded that the rate of location differential for any plant located in a zone beyond such distance from Spokane should be computed at 2.0 cents per hundredweight of milk for each 10-mile zone (or major fraction thereof) for plants that are located beyond 50 miles but within a distance of 200 miles from Spokane, and an additional 1.0 cent per hundredweight for each 10 miles beyond a radius of 200 miles from Spokane.

- (3) The provisions governing new producer bases should be revised.

The provisions relating to the establishment of bases for producers entering the market on their own volition for the first time, and providing an alternative method for establishing base for any producer who desires to cancel his base and be treated as a new producer under the limitations prescribed, should be revised.

The conditions under which a new producer might receive a base, or a regular producer might cancel base and be treated as a new producer in respect of his base, were set out in the original Inland Empire order and the reasons therefor were described in the initial decision issued by the Assistant Secretary on January 4, 1956, supporting the introduction of the order. Official notice is taken of the reasons set forth in such decision for the new producer base provision.

Since the percentage of delivery schedule on which new producer bases are computed was first established, the pattern of production has changed seasonally, and under present conditions producers are provided encouragement, under the provision, to cancel base in favor of treatment as new producers. The privilege of relinquishing base was included to relieve possible cases of hardship, but was not intended to offer the individual producer the means of general avoidance of the regular method of base computation, in order to gain an increased return at the expense of other producers. Unless revised, the present new producer base provisions would make the base plan increasingly ineffective.

The producers' associations' proposal to reduce the schedule of delivery per-

centages 5 points during the months of December through March will reflect the change in the market-wide relationship between base milk to total receipts of producer milk in these months and will be in the interest of maintaining the effectiveness of the base plan. The proposal should be adopted to be effective for March 1960. This will provide reasonable advance notice to producers of the effective date.

(4) The supply-demand adjustment formula should be revised.

The present order contains a formula for the automatic adjustment of Class I prices as supply and demand conditions change in relation to a "norm". Under this formula a "current supply-demand ratio", indicating the relationship of producer supplies to Class I milk requirements during the second and third months preceding the month of application, is computed. This ratio then is compared with a predetermined ratio considered as normal (representing a balanced supply) for the corresponding months of the year, and for each percentage point of difference in the ratios, the Class I price is adjusted 5 cents per hundredweight up or down, as the case may be. Such formula was suspended effective February 1, 1959, for an indefinite period, pending review in this hearing, on a determination that the formula was resulting in erratic price movements not reflecting the longer-term trend in supply-demand relationships in the Inland Empire market, and if allowed to operate, would seriously threaten the market supply.

The difficulties which led to the suspension of the formula are reflected in the statistical material presented for the record. On an annual basis producer receipts were reasonably well equated with fluid sales in 1958, with 72.9 percent of producer milk utilized in Class I milk. Likewise, in 1957 the market was not unduly short of milk with 74.8 percent of producer milk in Class I milk. Even though in these two years the annual difference in the supply-demand relationship was not marked, the monthly and seasonal differences were quite significant when viewed in terms of an appropriate supply-demand formula which is expected at any given time to predict with reasonable accuracy the future trend in the supply-demand situation. For example, in 1957 the percentages of producer milk utilized in Class I in January and February were 84.3 and 82.1 percent, respectively. In the same months of 1958, these percentages were 73.9 and 73.6, respectively. Conversely, in 1957 when the larger proportions of producer milk were used in Class I in January and February, relatively smaller percentages were so used in September and October. September and October 1957 percentages were 77.1 and 78.3, respectively, while the percentages for the corresponding months of 1958 were 80.5 and 84.5, respectively. In both years the November Class I utilization was 79.6 percent of producer milk, but while in 1957 the December percentage dropped 6 points from November, the December percent-

age in 1958 decreased only 2 points from the preceding month.

During the three months of lowest production relative to sales in 1958 (September, October, and November), the Class I percentage increased 4 points from September to October and decreased 5 points from October to November. In 1957 there was an increase of 1.3 points from September to October and another increase of 1.3 points from October to November. The flush season percentages likewise show little consistency. From April to May in 1957 the ratio decreased 12 points, whereas in 1958 a decrease of only 7 points took place. Although May and June percentages were at the same level for each year, respectively, the July percentage exceeded that of June by 4.8 points in 1957 and was higher by 10 points in 1958.

Because of limited manufacturing facilities and the uncertainty of future requirements for Class I milk, it is appropriate to continue to employ a price mover in the order to reflect the basic trends in the supply-sales relationship, and thereby to tend to equate as nearly as possible the producer receipts with the needs for inspected milk. A Class I utilization of 73 percent annually (with appropriate seasonal adjustments) may be considered to reflect an adequate but not burdensome producer milk supply in this market. Modification of the formula which was operative prior to February this year is necessary, however, to eliminate the erratic price adjustments which have resulted from time-to-time without significant changes in the longer-term relationship of supply to Class I sales. This may be accomplished by (a) revising the "standard utilization percentages", or norm, by providing a range (3 percentage points) within which the supply-sales relationship may fluctuate without any adjustment in price, and (b) reducing the initial rate of adjustment per percentage point of change in the supply-sales relationship from 5 cents to 1 cent per hundredweight, but providing an increase in the adjustment rate as sales continue to change in the same direction in relation to supplies. The establishment of the norm as "percentage ranges" will overcome the temporary aberrations in the supply-sales relationship which have resulted in undue price adjustments under the prior formula. This may be achieved without changing the general character of the formula as a "two-month mover", i.e., an indicator based upon comparative changes in the supply-sales relationship of a recent two-month period with the normal range for the corresponding months.

To safeguard further against erratic price adjustments but to reflect promptly significant changes in the trend of sales to receipts, it is concluded that the rate of adjustment for variations from the standards adopted should be nominal when such variations first appear, but should be increased progressively as a variation of like direction and amount persists through two or three consecutive two-month periods. Such a provision will serve as a brake on the rapidity of price changes and will avoid substantial

price increases or decreases based on short-term non-recurring deviations from the established norm. Substantial price adjustments would occur, however, whenever undersupply or oversupply representing a significant variation from the established norm persists for any period of time.

This is accomplished by providing that for each percentage point of deviation from the norm the price shall be adjusted one cent, plus one cent for each percentage point for which there was a deviation of like extent and character computed for the preceding month, plus an additional cent for each percentage point for which there was a deviation of like extent and character in the percentage computed for the second preceding month.

For the year 1958 it is estimated that the revised formula would have provided an average annual adjustment per hundredweight of Class I milk of less than minus one-cent per hundredweight as compared with the actual annual average adjustment of minus 20 cents per hundredweight pursuant to the formula then in effect. For the first five months of 1959, the revised formula would have resulted in zero adjustments each month. The prior formula resulted in a minus 10-cent adjustment in January this year but was suspended February 1 because of erratic results.

It is concluded that the supply-demand adjuster adopted herein will provide for appropriate adjustment of the Class I price under the conditions prevailing in the market. The maximum amount of price adjustment will continue to be 50 cents per hundredweight increase or decrease. There was no testimony to revise this limitation.

The making effective of § 1008.51(d) of the order in its amended form, in the manner provided in the attached amendatory order, shall be deemed to constitute also the lifting of the suspension order which became effective February 1, 1959, relative to such provision.

(5) The maximum expense of administration assessment should be increased from 4 to 5 cents per hundredweight of milk.

It was proposed that the maximum assessment on handlers to cover the expenses of administering the order be increased from 4 cents to 5 cents per hundredweight of milk.

Salaries and most other costs of operating an office and an auditing staff have increased since the order first became fully effective on April 1, 1956. Typical increases in expense items are salaries, 10 percent; postage, 33 1/3 percent; and travel, 10 percent. Additional expense obligations such as contributions to the employees' retirement system and costs involved in regulating more distant supply plants which have entered the market since the inception of the order also have been assumed. The reserve funds available to operate the market administrator's office until all order obligations are satisfied in the event of order liquidation have been nearly depleted.

The maintenance of the necessary functions and services financed by the

administrative fund require additional monies. It is concluded, therefore, that the maximum administrative expense assessment should be increased from 4 to 5 cents per hundredweight. The hearing developed no opposition testimony to the proposal.

(6) The provisions governing interplant movements of milk should be revised.

It is customary for the larger handlers to service some of the smaller distributing plants under the order with milk from time to time when the latter are short of supply. When milk was received mostly in cans, it was impractical to divert milk to other pool plants without the milk being received first in the plant of the diverting handler. With the rapid change to bulk tank pick-up at the farms, the diversion of the milk to the second plant is more economical and convenient for the plant operators involved. To permit the diversion at this time will simplify the supply problem for plants having temporary shortages and will tend to promote more efficient utilization of the total market supply. The rules governing interplant movements of milk therefore are revised to accomplish this result.

The inadequacy of manufacturing facilities at pool plants sometimes requires the disposition of producer milk supplies to nonpool plants. The present order provides for such disposition, but requires an accounting as Class I milk of all transfers or diversions made to any nonpool plant engaged in the distribution of milk in fluid form. At times, however, the relatively few manufacturing-type plants available to which milk may be moved are supplied fully with milk from their own regular sources and are reluctant to accept milk from this market. This is particularly true in the season of flush production. Producers contend that it is desirable to provide that under certain conditions unneeded milk may be shipped in bulk to nonpool plants having Class I utilization, when it is necessary to do so, without such milk being classified as Class I milk. To achieve this it is *Provided* That if the nonpool plant, which distributes milk in fluid form, can show that it was adequately furnished with milk of the quality required for such use by the dairy farmers who constitute its regular source of supply or by supplies of milk classified as Class I milk under another Federal order, the transferred or diverted quantity should be permitted a Class II classification. In this connection it is noted that pursuant to the order for the Puget Sound marketing area, milk under such order moved to a nonpool plant outside such marketing area must be classified as Class I milk. Thus, the two orders in this region will be coordinated if disposition from both markets to the same nonpool plant occurs.

It is concluded that such a provision will tend to promote orderly marketing conditions for Inland Empire producers. Accordingly, appropriate language is included in the order.

(7) Clarification of language.

The phrase "receipts of milk qualified as described in § 1008.11" is employed in

the definition of pool plant, as is the phrase "receipts of milk from producers". The inadvertent use of the two phrases in connection with the same definition has necessitated an administrative interpretation of their application. It is concluded that the definition should be clarified to remove any doubt as to the sources of milk to which specific reference is made in such provision.

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

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

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

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

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

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, 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, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof

are two documents entitled respectively, "Marketing agreement regulating the handling of milk in the Inland Empire marketing area", and "Order amending the order regulating the handling of milk in the Inland Empire marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. The order has been redrafted in its entirety to incorporate various prior amendments, as well as the current amendments resulting from the May 13, 1959, hearing. This has been done for the convenience of interested parties.

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

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Inland Empire marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1959 is hereby determined to be the representative period for the conduct of such referendum.

Alexander Swants is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 14th day of August.

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the Inland Empire Marketing Area

Sec. 1008.0 Findings and determinations.

DEFINITIONS

1008.1	Act.
1008.2	Secretary.
1008.3	Department.
1008.4	Person.
1008.5	Cooperative association.
1008.6	Inland Empire marketing area.
1008.7	Plant.
1008.8	Pool plant.
1008.9	Nonpool plant.
1008.10	Dairy farmer.
1008.11	Producer.
1008.12	Producer milk.
1008.13	Other source milk.

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

- Sec.
- 1008.14 Other order milk.
- 1008.15 Handler.
- 1008.16 Producer-handler.
- 1008.17 Base.
- 1008.18 Base milk.
- 1008.19 Excess milk.

MARKET ADMINISTRATOR

- 1008.20 Designation.
- 1008.21 Powers.
- 1008.22 Duties.

REPORTS, RECORDS AND FACILITIES

- 1008.30 Monthly reports of receipts and utilization.
- 1008.31 Payroll reports.
- 1008.32 Other reports.
- 1008.33 Records and facilities.
- 1008.34 Retention of records.
- 1008.35 Handler report to producers.

CLASSIFICATION

- 1008.40 Skim milk and butterfat to be classified.
- 1008.41 Classes of utilization.
- 1008.42 Shrinkage.
- 1008.43 Responsibility of handlers and reclassification of milk.
- 1008.44 Interplant movements.
- 1008.45 Computation of the quantity of producer milk in each class.

MINIMUM PRICES

- 1008.50 Basic formula price to be used in determining Class I prices.
- 1008.51 Class prices.
- 1008.52 Butterfat differentials to handlers.
- 1008.53 Location adjustment credits to handlers.
- 1008.54 Use of equivalent prices.

DETERMINATION OF BASE

- 1008.60 Computation of producer bases.
- 1008.61 Base rules.

DETERMINATION OF UNIFORM PRICE

- 1008.70 Computation of value of milk.
- 1008.71 Computation of uniform price.

PAYMENTS

- 1008.80 Time and method of payment to producers and to cooperative associations.
- 1008.81 Location adjustments to producers.
- 1008.82 Producer butterfat differential.
- 1008.83 Producer-settlement fund.
- 1008.84 Payments to the producer-settlement fund.
- 1008.85 Payments out of the producer-settlement fund.
- 1008.86 Adjustments of accounts.
- 1008.87 Marketing services.
- 1008.88 Expense of administration.
- 1008.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

- 1008.90 Effective time.
- 1008.91 Suspension or termination.
- 1008.92 Continuing obligations.
- 1008.93 Liquidation.

MISCELLANEOUS PROVISIONS

- 1008.100 Agents.
- 1008.101 Separability of provisions.

AUTHORITY: §§ 1008.0 to 1008.101 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1008.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such find-

ings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

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

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (i) other source milk (except other order milk) classified as Class I milk, and (ii) milk received from producers, including such handler's own production.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the terms and conditions of the amended order are as follows:

DEFINITIONS

§ 1008.1 Act.

"Act" means Public Act No. 10, 73d Congress as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1008.2 Secretary.

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

§ 1008.3 Department.

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

§ 1008.4 Person.

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

§ 1008.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1008.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1008.6 Inland Empire marketing area.

"Inland Empire marketing area" (hereinafter called the "marketing area") means that portion of Bonner County, Idaho, lying south of Township 60 and west of Range 2 East Boise Meridian; all of Kootenai County, Idaho, except that portion lying east of Range 3 West Boise Meridian and south of Township 53; Boundary County, Idaho; Benewah County, Idaho; Spokane County, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above-described area.

§ 1008.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling, or processing of milk or milk products: *Provided*, That this definition shall not include any platform or depot used primarily for the transfer of milk from one conveyance to another in the original milk containers.

§ 1008.8 Pool plant.

"Pool plant" means any plant, other than the plant of a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pur-

suant to the Act, which is approved by any health authority having jurisdiction in the marketing area as a plant for the receiving of milk qualified for consumption as fluid milk in the marketing area and from which:

(a) Class I milk pursuant to § 1008.41 (a) (1), (2), and (3) in an amount not less than 20 percent of receipts thereof of milk from producers and from plants qualified under paragraph (b) of this section is distributed within the marketing area on routes (for the purpose of this section "route" shall mean a delivery to retail or wholesale outlets, including a delivery by a vendor or sale from a plant or plant store of milk or milk products classified as Class I milk pursuant to § 1008.41(a) (1), (2), and (3) other than a delivery to another pool plant): *Provided*, That the total quantity of Class I milk disposed of from such plant during the month, either inside or outside the marketing area on routes is not less than 40 percent of such plant's receipts of milk from producers and from plants qualified under paragraph (b) of this section in any of the months of February through August, inclusive, and not less than 50 percent of such receipts in any of the months of September through January, inclusive.

(b) Milk, skim milk, or cream is forwarded to a plant described in paragraph (a) of this section: *Provided*, That no plant forwarding milk in such manner shall be a pool plant if the percentage which the quantity of either butterfat or skim milk in milk, skim milk, and cream so forwarded is of the amount thereof contained in milk (qualified as described in § 1008.11) received from dairy farmers at such plant is less than 50 percent in the current month during the period October through December, and 20 percent in the current month during the period January through September, except if the percentage forwarded was more than 50 percent of such receipts for the entire period October through December, no percentage shall be required for such months of January through September immediately following: *And provided further*, That any such plant which otherwise meets the requirements of this paragraph but is not a plant qualified as a pool plant under paragraph (a) of this section may withdraw from pool plant status for any month in the January-September period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

(c) For the purpose of computing the percentages specified in this section plant receipts of milk from dairy farmers or producers, as the case may be, shall not include, at either plant involved, milk diverted in the manner described in § 1008.15(b) (2).

§ 1008.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant.

§ 1008.10 Dairy farmer.

"Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1008.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 1008.12 Producer milk.

"Producer milk" or "milk received from producers" means milk of any producer qualified as described in § 1008.11 and either (a) received directly from a farm at a pool plant, or (b) caused to be diverted by a handler for his account from such plant to a nonpool plant during any of the months of February through August: *Provided*, That milk from the same producer (or from a producer who previously held such producer's base) was received at a pool plant during some portion of the period September through January immediately preceding: *And provided further*, That for all purposes under this order such diverted milk shall be deemed to have been received at the pool plant from which diverted.

§ 1008.13 Other source milk.

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

(a) Receipts of milk and milk products in any of the forms specified in § 1008.41 (a) (1), (2) and (3) (including other order milk), except (1) such milk and milk products received from a pool plant(s) and (2) producer milk; and

(b) Products other than those specified in § 1008.41(a) (1), (2) and (3) from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1008.14 Other order milk.

"Other order milk" means all skim milk and butterfat in any of the forms specified in § 1008.41(a) (1), (2) or (3), received by a handler but the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the Act for any other milk marketing area.

§ 1008.15 Handler.

"Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant(s) or any other plant from which milk in any of the forms specified in § 1008.41(a) (1), (2), and (3) is disposed of, either directly or indirectly, to any place or establishment within the marketing area other than a plant.

(b) Any cooperative association which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for its account (1) from a pool plant to a nonpool plant during any of the months of February through August, and (2) from one pool plant to another pool plant,

but not exceeding a period of 90 consecutive days for any producer.

§ 1008.16 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care, and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 1008.17 Base.

"Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 1008.60 (a) and (b), respectively.

§ 1008.18 Base milk.

"Base milk" means milk received from a producer at a pool plant during the month in an amount which is not in excess of:

(a) Such producer's daily base computed pursuant to § 1008.60 (a) multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the intervening days of nondelivery shall be considered as days of delivery for the purposes of this section and § 1008.60; or

(b) His base computed pursuant to § 1008.60(b).

§ 1008.19 Excess milk.

"Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1008.20 Designation.

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

§ 1008.21 Powers.

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

(a) To administer its terms and provisions;

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

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1008.22 Duties.

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

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to

the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1008.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1008.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

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

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

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 1008.30 to 1008.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1008.80 to 1008.88, inclusive;

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1008.70-(a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1008.70(a)(5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 1008.80(a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1008.87 and 1008.88.

(2) Each handler whose total value of milk is computed pursuant to § 1008.70-(b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1008.51(a) and the Class I butterfat differential pursuant to § 1008.52(a), both for the current month; and the respective minimum prices for Class II-A milk and Class II milk pursuant to § 1008.51(b) and (c) and the Class II butterfat differential pursuant to § 1008.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 1008.71 and the butterfat differential(s) computed pursuant to § 1008.82, both applicable to producer milk received during the preceding month.

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

REPORTS, RECORDS, AND FACILITIES

§ 1008.30 Monthly reports of receipts and utilization.

On or before the 7th day of each month, in the detail and on forms prescribed by the market administrator, each handler shall submit to the market administrator a report for such handler's pool plant(s) and with respect to milk or milk products subject to payments required under § 1008.70(b), containing the following information for the preceding month:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

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

(c) The quantities of skim milk and butterfat contained in other source milk (including other order milk) received (except manufactured milk products of the types covered by Class II-A milk and Class II milk in § 1008.41 disposed of in the form in which received without further processing by the handler);

(d) Inventories of items included in Class I milk on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including (1) the pounds of skim milk and butterfat on hand at the end of each month as items

included in Class I milk; and (2) a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area;

(f) The aggregate quantities of base milk and excess milk received; and

(g) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 1008.31 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1008.32 Other reports.

(a) At such times and in such manner as the market administrator may prescribe each handler shall report to the market administrator such information in addition to that required under § 1008.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

(b) As requested by the market administrator, each producer-handler shall report to the market administrator relative to his receipts, utilization, and disposition of milk and milk products.

(c) As requested by the market administrator, each handler shall report the total quantity of milk received from each producer and the number of days of such delivery for each month beginning with September 1956.

(d) Each handler dumping skim milk shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1008.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 1008.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations (and summaries thereof customarily maintained) and such facilities as are necessary for the

market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 1008.30, 1008.31, and 1008.32 and to payments required to be made pursuant to §§ 1008.80 through 1008.88.

§ 1008.34 Retention of records.

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

§ 1008.35 Handler report to producers.

(a) In making payments to producers pursuant to § 1008.80, each handler, on or before the 17th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 1008.80; (4) the rate(s) used in making the payment, if such rate(s) is other than the required minimum rate(s); (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate pursuant to § 1008.80(b) each handler upon request shall furnish to the cooperative association, on or before the 16th day of each month, with respect to each producer for whom such payment is made, all the information specified in paragraph (a) of this section.

CLASSIFICATION

§ 1008.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 1008.30 shall be classified by the market administrator pursuant to the provisions of §§ 1008.41 through 1008.45, inclusive.

§ 1008.41 Classes of utilization.

Subject to the conditions set forth in §§ 1008.42, 1008.43, and 1008.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat: (1) Disposed of in fluid or frozen form as milk, skim milk (including fortified skim milk), skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream (sweet or sour), but not including any of the above items if sterilized and packaged in metal containers hermetically sealed; (2) used in the production of concentrated milk, skim milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk; (ii) flavored milk or flavored milk drink sterilized and packaged in metal containers hermetically sealed; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section); (3) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, cocoa mixes, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt); (4) shrinkage of producer milk in excess of that pursuant to paragraph (b) (6) of this section and shrinkage allocated to receipts from other handlers pursuant to § 1008.42(b); and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) used to produce any product other than those included under paragraphs (a) (1), (2), (3) and (c) of this section; (2) disposed of (skim milk only) for livestock feed or dumped (skim milk only) in any month; *Provided*, That in the case of skim milk dumped the conditions of § 1008.32(d) are met by the handler; (3) disposed of in bulk in any of the forms specified in paragraph (a) (1), (2) and (3) of this section (i) to bakeries, soup companies and candy manufacturing establishments in their capacity as such, (ii) to nonpool plants subject to the conditions of § 1008.44(b) (2); (4) disposed of in any of the forms specified in paragraph (a) (1), (2) and (3) of this section if sterilized and packaged in metal containers hermetically sealed; (5) contained in inventories of items included in paragraph (a) (1), (2) and (3) of this section on hand at the end of the month; (6) in actual shrinkage of producer milk computed pursuant to § 1008.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk; and (7) in actual shrinkage of other source milk computed pursuant to § 1008.42.

(c) Class II-A milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes, and cottage, pot and bakers' cheeses (and shall be included in Class

II milk for all purposes of this order except as otherwise expressly stated).

§ 1008.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

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

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers.

§ 1008.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 1008.30.

(c) Except as provided in § 1008.44 (b) (1), any skim milk or butterfat classified on the basis of its use in one product shall be reclassified if used or reused by any handler in another product.

§ 1008.44 Interplant movements.

Skim milk and butterfat moved in bulk form as any item specified in § 1008.41(a) (1), (2), or (3) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to another pool plant: (1) As Class I milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month within which the transfer (or diversion) was made: *Provided*, That if either or both plants received any other source milk, the quantity moved shall be classified at both plants so as to allocate the highest possible utilization to producer milk; *And provided further*, That (i) milk received from a plant subject to location adjustments shall be assigned to Class I milk in the transferee-plant after producer milk receipts and any receipts from plants subject to no location adjustment are assigned to Class I milk; and (ii) if milk is received from more than one transferor-plant, assignment to the available Class I milk in the transferee-plant shall be made in sequence according to the location adjustment applicable at each transferor-plant beginning with the plant having at least location adjustment.

(2) On a pro rata basis to each class according to the total use of producer milk in each class at the plant where physically received, in the case of milk diverted by a cooperative association in the manner described in § 1008.15(b) (2).

(b) Except as provided in paragraph (c) of this section, from a pool plant to

a nonpool plant: Such transfer(s) (also diverted milk) shall be classified as provided below, except that if the market administrator is not permitted to audit the records of the nonpool plant(s) for the purpose of use verification, the entire transfer shall be classified as Class I milk.

(1) As Class I milk if the transfer (or diversion) is to a nonpool plant which is engaged in the distribution of milk for consumption in fluid form (except as provided in subparagraph (2) of this paragraph), to the extent that milk is disposed of as any of the items specified in § 1008.41(a) (1), (2), and (3) from the receiving plant in amounts greater than could be supplied from such plant's regular dairy farm receipts of Grade A milk (or the equivalent thereof) and from receipts of milk classified as Class I milk under another Federal order as determined by audit of the market administrator, otherwise as Class II milk.

(2) As Class II milk, if the transfer (or diversion) is to a nonpool plant which is not engaged in the distribution of milk for consumption in fluid form or is engaged in the processing and distribution of milk for fluid consumption which is sterilized and packaged in metal containers hermetically sealed: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 1008.41(a) (1), (2), and (3) to any other nonpool plant distributing milk in fluid form, such disposition, up to the quantity of milk transferred or diverted to the first nonpool plant, shall be classified as Class I milk: *And provided further*, That with respect to the milk to which the preceding proviso does not apply, the remaining transferred or diverted quantity shall be deemed to have been utilized first for the manufacture of Class II-A milk products to the extent that such products were produced at such nonpool plant.

(c) From a pool plant to a nonpool plant in which milk subject to the classification and class price provisions of another marketing agreement or order issued pursuant to the Act is received: Such transfer(s) (also diverted milk) shall be classified as provided below:

(1) As Class II milk if the transfer is made in bulk form (other than in consumer packages customarily used for route distribution) and is allocated in the transferee-plant, pursuant to the terms of the marketing agreement or order to which such plant is subject, to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

(2) As Class I milk if the transfer is made in consumer-type packages, or is made in bulk form and allocated to Class I milk as defined in the marketing agreement or order to which the transferee-plant is subject.

§ 1008.45 Computation of the quantity of producer milk in each class.

For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute

the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids;

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 1008.41(b) (6);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received (other order milk to be subtracted last) and in overage allocated to other source milk (§ 1008.70(a) (4)): *Provided*, That if more than one source of other source milk is involved, the skim milk shall be subtracted in sequence beginning with the source at greatest distance from the City Hall, Spokane, Washington: *And provided further*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk in Class II-A milk and in Class I milk;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of items included in § 1008.41(a), (1), (2) and (3) on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted in sequence from the pounds of skim milk remaining in Class II-A milk and in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class pursuant to § 1008.44;

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

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section; and

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 1008.50 Basic formula price to be used in determining Class I prices.

The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month:

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That if no price is reported from Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 1008.51 Class prices.

Subject to the differentials provided in §§ 1008.52 and 1008.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II-A, and Class II milk:

(a) *Class I milk*. For each month the price for Class I milk shall be the basic formula price rounded to the nearest cent, plus \$1.90 adjusted by the amount, but not in excess of 50 cents for any month, computed pursuant to paragraph (d) of this section.

(b) *Class II-A milk*. The price for Class II-A milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for spray and roller process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

(d) *Supply-demand adjustment.* On or before the 6th day of each month the market administrator shall make the following computations based upon information obtained from handler's reports of receipts and utilization:

(1) Determine the total receipts of producer milk by all handlers (including receipts from a handler's own farm production) during the second and third months preceding;

(2) Determine the total pounds of milk and milk products disposed of from pool plants as Class I milk (excluding shrinkage, unaccounted for milk, and any duplications resulting from inter-handler transfers) during the same two months;

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, and adjust to the nearest full percentage point. The resulting percentage shall be known as the "Class I utilization percentage";

(4) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero.

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is the "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January.....	October-November....	79	82
February.....	November-December....	76	79
March.....	December-January....	73	76
April.....	January-February....	73	76
May.....	February-March....	72	75
June.....	March-April.....	70	73
July.....	April-May.....	68	71
August.....	May-June.....	63	66
September.....	June-July.....	65	68
October.....	July-August.....	69	72
November.....	August-September....	73	76
December.....	September-October....	77	80

(5) For a minus net deviation percentage the Class I price shall be decreased, and for a plus net deviation percentage the Class I price shall be increased, as follows:

(i) One cent for each such full percentage point of net deviation; plus

(ii) One cent for the lesser of:

(a) Each such percentage point of net deviation, or

(b) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding, plus

(iii) One cent for the least of:

(a) Each such percentage point of net deviation;

(b) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the month immediately preceding; or

(c) Each percentage point of net deviation of like direction computed pursuant to subparagraph (4) of this paragraph for the second preceding month.

§ 1008.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 1008.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 1008.51) for each one-tenth of one percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Add three cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply the result by 0.123, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu

of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class II-A milk.* Add 3 cents to the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply the result by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1008.53 Location adjustment credits to handlers.

The price for Class I milk at a pool plant located more than 50 miles from the City Hall, Spokane, Washington, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk pursuant to § 1008.51(a), less a location adjustment per hundredweight of milk computed as follows: 2.0 cents for each 10 miles, or major fraction thereof, up to 200 miles and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington.

§ 1008.54 Use of equivalent prices.

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

DETERMINATION OF BASE

§ 1008.60 Computation of producer bases.

Subject to the rules set forth in § 1008.61 the market administrator shall determine bases for producers in the following manner:

(a) The daily base of each producer whose milk was received at a pool plant(s) on not less than 120 days during the months of September through January, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered to a pool plant in such five-month period by the number of days from the date of his first delivery to the end of such five-month period: *Provided*, That the daily base of any producer who delivered milk on not less than 120 days during such September-January period to a plant which subsequently qualified as a pool plant shall be computed, in similar manner, on the basis of such producer's deliveries to such plant in such September-January period. The base so computed, which shall be recomputed each year, shall become effective on the first day of March next following and shall remain in effect

through the month of February of the next succeeding year.

(b) The base of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to this section because of lack of available information concerning such producer's deliveries in the applicable September-January period) shall be a quantity, to be effective for the current month only, computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	75
February	70
March	65
April	60
May	60
June	60
July	65
August	70
September	75
October	80
November	80
December	75

Provided, That the percentages to be used for December 1959, January 1960, and February 1960 shall be 80, 80 and 75, respectively.

§ 1008.61 Base rules.

The following rules shall be observed in determination of bases:

(a) A base computed pursuant to § 1008.60(a) may be transferred in its entirety to another producer upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases, or otherwise conveys his herd to the same producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part: *Provided*, That all deliveries of milk by a producer who has transferred his base to another producer shall be excess milk until March 1 next following such transfer.

(b) A producer who ceases deliveries to a pool plant for more than 45 consecutive days shall lose his base if computed pursuant to § 1008.60(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1008.60(b), until he can establish a new base under § 1008.60(a), to begin the next March 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1008.60(a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next March 1 such producer's base shall be computed in the manner provided by § 1008.60(b).

(d) As soon as bases computed by the market administrator under § 1008.60(a) and (b) are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member.

Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list (or lists) showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 1008.11 may establish or earn a base pursuant to the provisions of § 1008.60(a) or (b) and only one base shall be allotted with respect to milk produced by two or more persons where the land, buildings, or equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 1008.70 Computation of value of milk.

(a) The total value of milk received during any month by each handler, including any cooperative association which is a handler, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 1008.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 1008.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of the reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 1008.45 by the applicable class price: *Provided*, That if (i) overage results in a pool plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such nonpool plant, and the transferor-handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity;

(5) Add, with respect to other source milk (including overage allocated to other source milk but excluding other order milk) received at each pool plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk (other than Class II-A) prices adjusted, respectively, by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk): *Provided*, That if the plant supplying such milk is located outside the marketing area and more than 50 miles from the City Hall,

Spokane, Washington, the rate of payment per hundredweight of milk otherwise required by this subparagraph shall be reduced by the rate of location adjustment provided in § 1008.53 for the distance such plant is located from the City Hall, Spokane, Washington, but not to exceed \$1.90 per hundredweight;

(6) Add the amount computed by multiplying the difference between the Class II price (§ 1008.51(c)) for the preceding month and the Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1008.45(b)(4) and (c) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1008.45(b)(3) and (c) for the current month, whichever is less;

(7) Subtract the monetary value of any payment claimed by the handler to be applicable under any other marketing agreement or order issued pursuant to the Act to transfers of skim milk or butterfat in bulk form by the handler under the conditions of § 1008.44(c)(2) as "other source milk" under such other marketing agreement or order: *Provided*, That the applicability of such payment at the transferee-plant is confirmed by the market administrator of such other marketing agreement or order.

(b) The value of milk (except other order milk) of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of in the marketing area as any item included in Class I milk pursuant to § 1008.41(a)(1), (2) or (3) shall be a sum of money computed by the market administrator by multiplying the hundredweight of other source milk so disposed of by the difference between the Class I and Class II milk (other than Class II-A) prices, adjusted by the butterfat differentials provided in § 1008.52 (based on the butterfat test of such other source milk), and by the same rate of location differential, if any, provided in paragraph (a)(5) of this section: *Provided*, That a producer-handler shall not be obligated for payments under this paragraph with respect to that portion of other source milk represented by his own farm production.

§ 1008.71 Computation of uniform price.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made the reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate of values of the location adjustments on base milk allowable pursuant to § 1008.81;

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4 percent, or add, if such average butterfat content is less than 4 percent, an amount computed by multiplying the amount by which the average butterfat content of base and excess milk varies from 4 percent by the appropriate butterfat differentials computed pursuant to § 1008.82, and multiply the resulting figures by the respective hundredweights of base and excess milk;

(e) Multiply the hundredweight of excess milk by the Class II (other than Class II-A) price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the sum of the amount obtained in paragraph (e) of this section and any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 1008.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 1008.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further*, That, if by such date such handler has not received full payment for such month pursuant to § 1008.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a

total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1008.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which is a handler for skim milk and butterfat received, including any milk received by diversion pursuant to § 1008.15(b)(2), from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1008.41) by the class price.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

§ 1008.81 Location adjustments to producers.

In making payment to producers pursuant to § 1008.80 for milk received at a pool plant to which the provisions of § 1008.53 apply, the uniform price per hundredweight for base milk shall be reduced at the same rate per hundredweight as is applicable to Class I milk at such plant pursuant to § 1008.53.

§ 1008.82 Producer butterfat differential.

In making payments pursuant to § 1008.80(a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 1008.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known

as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to § 1008.84 and out of which he shall make all payments to handlers pursuant to § 1008.85.

§ 1008.84 Payments to the producer-settlement fund.

(a) On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, whose obligation is computed pursuant to § 1008.70(a) shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80(a).

(b) Each handler (including any handler who may also have an obligation pursuant to paragraph (a) of this section) who disposes of milk as described in § 1008.70(b) shall pay the amount computed for him pursuant to such paragraph.

§ 1008.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 1008.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 1008.80(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1008.84, 1008.86, 1008.87, and 1008.88: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1008.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1008.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1008.80(a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per

hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1008.80(a) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1008.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler but not including a producer-handler, shall pay to the market administrator on or before the 14th day after the end of each month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk (except other order milk) classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 1008.89 Termination of obligations.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the

handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

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

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

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

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

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

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1008.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1008.91.

§ 1008.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this

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

§ 1008.92 Continuing obligations.

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

§ 1008.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1008.100 Agents.

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

§ 1008.101 Separability of provisions.

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

[F.R. Doc. 59-6912; Filed, Aug. 19, 1959; 8:47 a.m.]

Commodity Stabilization Service [7 CFR Part 729]

PEANUTS

Notice of Proposed Proclamation With Respect to 1960 National Marketing Quota and Apportionment of National Acreage Allotment to States

The Secretary of Agriculture is required by section 358(a) of the Agricul-

tural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393 and Supp.) to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358(a) of the Act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358(a) of the Act also requires that the national marketing quota be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

Section 358(c)(1) of the Act provides that the national acreage allotment for any year, less the acreage to be allotted to new farms under section 358(f) of the Act, shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the Act, the national acreage allotment for the 1960 crop of peanuts will be apportioned to States on the basis of their share of the 1959 national acreage allotment.

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States and determining the percentage of the national acreage allotment to be reserved for new farms, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C. this 17th day of August 1959.

WALTER C. BERGER,
Administrator, Commodity
Stabilization Service.

[F.R. Doc. 59-6929; Filed, Aug. 19, 1959;
8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Issuance of Regulation Establishing Tolerance for Polyoxyethylene (20) Sorbitan Monostearate in Cake Icings and Cake Fillings That Contain Shortening

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1736; 21 U.S.C. 348(b)(5)), the following notice is issued:

A petition has been filed by Atlas Powder Company, Wilmington 99, Delaware, proposing the issuance of a regulation providing that polyoxyethylene (20) sorbitan monostearate (also known as polysorbate 60) may be used as an emulsifier in cake icings and cake fillings containing shortening, the total weight of said emulsifier not to exceed 0.45 percent of the weight of the finished icing or filling. The petitioner further proposes that the emulsifier may be introduced as such or in admixture with the shortening used in the icing or filling.

Dated: August 13, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 59-6925; Filed, Aug. 19, 1959;
8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 42]

[Reg. Docket No. 92; Draft Release No. 59-12]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Emergency Coverage for the Flight Engineer Functions in the Event of Illness or Incapacity

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 42 of the Civil Air Regulations as herein-after set forth.

Section 42.41(e) describes the circumstances under which a certificated flight engineer is a required flight crew member. However, Part 42 does not contain provisions which would require at least one other flight crew member to be sufficiently qualified so that, in the event of illness or other incapacity, emergency coverage could be provided for the flight engineer functions. Such a requirement is contained in both §§ 40.261(d) and 41.77 and we believe such a rule should be included in Part 42 since an increasing number of 4-engine aircraft exceeding 80,000 pounds maximum take-

off weight are being used in irregular air carrier operations.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by Oct. 20, 1959, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424).

In consideration of the foregoing, it is proposed to amend Part 42 of the Civil Air Regulations as follows:

By amending § 42.41 by adding a new paragraph (g) to read:

§ 42.41 Composition of flight crew.

(g) On flights requiring a flight engineer, at least one other flight crew member shall be sufficiently qualified so that, in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for such emergency coverage.

Issued in Washington, D.C., on August 14, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6897; Filed, Aug. 19, 1959;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71-74, 77, 78]

[Docket No. 3666; Notice 40]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

AUGUST 5, 1959.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the Appendix set forth below.

Application for the proposed amendments have been the subject of ex-

changes and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before September 2, 1959. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 18 U.S.C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. McCoy,
Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

In § 71.13 cancel paragraph (a)(3) (18 F.R. 3133, June 2, 1953) as follows:

§ 71.13 Emergency regulations.

- (a) * * *
- (3) [Canceled.]

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F.R. 8266, 8269, 8270, 8273, Dec. 2, 1950) (17 F.R. 9833, Nov. 1, 1952) (21 F.R. 3008, May 5, 1956) (21 F.R. 7597, Oct. 4, 1956) (23 F.R. 2322, April 10, 1958) as follows:

§ 72.5 List of explosives and other dangerous articles.

- (a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Aluminum triethyl.....	F. L.....	No exemption, 73.134.....	Red.....	2 ounces.
Aluminum trimethyl.....	do.....	No exemption, 73.134.....	do.....	Do.
Charged oil well jet perforating guns (total explosive contents in guns exceeding 20 pounds per motor vehicle).	Expl. A.....	No exemption, 73.53 (u), 73.80.....	.....	Not accepted.
Do.....	Expl. C.....	No exemption, 73.53 (u), 73.110.....	.....	Do.
Pyroforic fuel.....	F. L.....	No exemption, 73.134.....	Red.....	2 ounces.
Pyroforic solutions.....	do.....	No exemption, 73.134.....	do.....	Do.
Zinc ethyl.....	do.....	No exemption, 73.134.....	do.....	Do.
(Add)				
Di iso octyl acid phosphate.....	Cor. L.....	73.244, 73.296.....	White.....	1 quart.
Methyl bromide and nonflammable, non-liquefied compressed gas mixtures, liquid.	Pois. B.....	No exemption, 73.353.....	Poison.....	300 pounds.
*Organic phosphates, n.o.s. mixed with compressed gas.	Pois. A.....	No exemption, 73.334.....	Poison gas.....	Not accepted.

PART 73—SHIPPERS
Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

1. In § 73.31 paragraph (g) (9), amend table 1 (22 F.R. 4789, July 9, 1957) (21

F.R. 4563, June 26, 1956) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

- * * * * *
- (g) * * *
- (9) * * *

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests ^{h 1}				Safety valve retest years	Interior heater systems retest				Tank test psi.	Safety valve psi.*	Safety valve vapor tight psi. minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
		Up to 10 years	10-22 years	Over 10 years	Over 22 years		Up to 10 years	10-22 years	Over 10 years	Over 22 years					
(Change)															
ICC-103A.....	d.....	5	3	1	3	5	3	1	60	*35	28	10	20		
ICC-103A-W.....	d.....	5	3	1	3	5	3	1	60	*35	28	10	20		
ICC-103A-N-W.....	c,d.....	5	3	1	3	5	3	1	60	*35	28	10	20		
ICC-111A100-W-2.....	.....	5	3	1	3	5	3	1	100	*75	60	10	20	

TABLE 3—(AAR CLASSIFICATIONS) RETEST PERIODS AND PRESSURES

* Tanks and safety valves in chlorine service must be retested every two years at any time during the calendar month the retest falls due. See § 73.314(a) Note 18.

Subpart B—Explosives; Definition and Preparation

2. In § 73.53 amend paragraph (u) (17 F.R. 9835, Nov. 1, 1952) to read as follows:

§ 73.53 Definition of class A explosives.

(u) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. Shaped charges must be of a type described in paragraph (h) (1) of this section, except that each shaped charge installed in the steel tube or metallic strip shall contain not over 4 ounces of high explosive. Charged oil well jet perforating guns must not be transported with blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns.

3. In § 73.65 amend the introductory text of paragraphs (a), (b), and (f) (15 F.R. 8289, Dec. 2, 1950) (21 F.R. 670, Jan. 31, 1956) (23 F.R. 7646, Oct. 3, 1958) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.

(a) High explosives containing no liquid explosive ingredient nor any chlorate if their sensitiveness to percussion is not greater than that measured by the blow delivered by an 8-pound weight dropping from a distance of 7 inches on a compressed pellet of the explosive three-hundredths of an inch thick and two-tenths of an inch in diameter, confined rigidly between hard steel surfaces as in the standard Impact Testing Apparatus of the Bureau of Explosives, must be packed in cartridges, or in bags or metal containers in outside boxes. They must be packed in cartridges when their sensitiveness is greater than the limit prescribed in this section. Such explosives when dry may be packed in strong sift-proof bags securely closed so as to prevent leakage therefrom or metal containers of capacity not exceeding 60 pounds. These explosives must be packed in outside containers complying with the following specifications;

(b) Amatol consisting of 80 percent ammonium nitrate and 20 percent trinitrotoluene, ammonium picrate, nitroguanidine, nitrourea, urea nitrate, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, pentolite, cyclotrimethylenetrinitramine (desensitized), and soda amatol, in dry condition, in addition to containers prescribed in paragraphs (a) (1) to (5) and (7) of this section, may be shipped in containers complying with the following specifications:

(f) Amatol when cast or pressed in a block or column, in addition to the containers prescribed in paragraphs (a) (1) to (5) and (7) of this section, may be shipped in specification containers as follows:

4. In § 73.80 amend paragraphs (a), (b), (c), (d), (e), and (f) (17 F.R. 9836, Nov. 1, 1952) to read as follows:

§ 73.80 Charged oil well jet perforating guns.

(a) Charged oil well jet perforating guns, when transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 20 pounds per such vehicle, are classed as class C explosives. See § 73.110.

(b) Charged oil well jet perforating guns of the steel tube type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in specially constructed bodies of motor vehicles operated by private carriers engaged in oil well operations whose motor vehicles transporting such guns must have specially built racks or carrying cases designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. Shaped charges assembled in the steel tubes must be of the type described in § 73.53(h) (1), except that each shaped charge shall contain not over 4 ounces of high explosive and each shaped charge if not completely enclosed in glass or metal must be fully protected by a metal cover after installation in the gun.

(c) Charged oil well jet perforating guns of the metallic strip or tubular framework type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in specially constructed bodies of motor vehicles operated by private carriers engaged in oil well operations whose motor vehicles transporting such guns must have specially built racks or carrying cases designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. Shaped charges assembled in the metallic strips or tubular framework must be of the type described in § 73.53(h) (1), except that each shaped charge shall contain not over 4 ounces of high explosive and each shaped charge if not completely enclosed in glass or metal must be fully protected by a metal cover after installation in the gun.

(d) The charged oil well jet perforating guns described in paragraphs (b) and (c) of this section and the bodies of motor vehicles transporting such guns must be so designed and constructed so that the guns are held securely in place during transportation and are not sub-

ject to damage by contact, one to the other or other articles or materials carried on the vehicle. The assembled gun or guns packed as required by paragraphs (b) or (c) of this section must not extend beyond the body of the vehicle and must be secured in the body of the motor vehicle in a fixed position so as to prevent movement relative to each other or in the body of the motor vehicle.

(e) Blasting caps, electric blasting caps, or other firing devices transported on any motor vehicle operated by private carriers engaged in oil well operations transporting charged oil well jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Blasting caps, electric blasting caps, or other firing devices shall be carried in a container having individual pockets for each such device or in a fully enclosed steel container lined with nonsparking material. No more than two blasting caps, electric blasting caps, or other firing devices per gun shall be transported on the same motor vehicle transporting oil well jet perforating guns.

(f) Charged oil well jet perforating guns must not be offered for transportation or transported by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

5. In § 73.110 amend paragraphs (a) and (b) (17 F.R. 9836, Nov. 1, 1952) to read as follows:

§ 73.110 Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle.

(a) Charged oil well jet perforating guns transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 20 pounds per such vehicle must be packed as prescribed in § 73.80 (b), (c), (d) and (e).

(b) Charged oil well jet perforating guns must not be offered for transportation or transported by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

6. In § 73.113 amend paragraph (a) (23 F.R. 7647, Oct. 3, 1958) to read as follows:

§ 73.113 Detonating fuzes, class C explosives.

(a) Detonating fuzes, class C explosives, must be packed in specification containers as follows:

(1) Spec. 12H (§ 78.209 of this chapter). Fiberboard boxes without liners, with well secured inside pasteboard cartons.

(2) In addition to specification containers prescribed in this section, detonating fuzes, class C explosive, may be packed in well secured strong, tight outside wooden or metal boxes. The gross weight of the outside wooden or metal box must not exceed 190 pounds.

Subpart C—Flammable Liquids; Definition and Preparation

7. In § 73.122 add paragraph (a) (4) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.122 Acrolein, inhibited.

(a) * * *

(4) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) with chime reinforcement for bottom head chime seam and having fixed heads, not over 55 gallons capacity. The openings shall be located in one head and shall not exceed 2.3" in diameter.

8. In § 73.134 amend paragraph (b) (24 F.R. 904, Feb. 6, 1959) to read as follows:

§ 73.134 Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, or zinc ethyl.

* * * * *

(b) Aluminum triethyl, aluminum trimethyl, pyroforic fuel, pyroforic solutions, or zinc ethyl when offered for transportation by rail express must be packed in glass ampules not over 2 ounces capacity each, securely cushioned with absorbent material in sufficient quantity to completely absorb contents in event of breakage, within an inside metal container, spec. 2R (§ 78.34 of this chapter), enclosed in a strong wooden box.

9. In § 73.141 amend paragraph (a) (7) (21 F.R. 7600, Oct. 4, 1956) to read as follows:

§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(7) Spec. 105A300-W, 105A400-W, 105A500-W, 105A600-W, or 111A100-W-1 (§ 78.286, § 78.287, § 78.288, § 78.289, or § 78.303 of this chapter). Tank cars. Spec. 111A100-W-1 (§ 78.303 of this chapter) tank cars equipped with bottom outlets must have bottom outlets effectively sealed.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

10. In § 73.176 amend paragraph (c) (2) (24 F.R. 3597, May 5, 1959) to read as follows:

§ 73.176 Matches.

* * * * *

(c) * * *

(2) Individual containers must be wrapped in paper with not more than 12 boxes or individual containers in each paper-wrapped package, except that paper wrapping is not required for boxes that have a center holding or protecting strip of cardboard of the size and type detailed in subparagraph (3) of this paragraph placed over the matches in the manner specified or as otherwise provided herein. Paper-wrapped packages must be secured on the ends and on the lapping side with glue, or similar satisfactory adhesive, making each 12 boxes

or less of matches a serviceably wrapped and well secured package. Chipboard or fiberboard boxes constructed of material not less than 0.018 inch thick, having flaps secured by adhesive or closed by specially designed flaps or tabs formed to secure tight closures, are not required to be wrapped in paper.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

11. In § 73.247 amend paragraph (a) (14) (23 F.R. 2325, April 10, 1958) to read as follows:

§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuric chloride, silicon chloride, sulfur chloride (mono and di), sulfuric chloride, thionyl chloride, tin tetrachloride (anhydrous) and titanium tetrachloride.

(a) * * *

(14) Spec. 103A, 103A-W, or 111A100-W-2 (§ 78.266, § 78.281, or § 78.304 of this chapter). Tank cars. Authorized for titanium tetrachloride, anhydrous only. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading.

12. In § 73.257 amend paragraphs (a) (6) and (b) (1) (24 F.R. 3597, May 5, 1959) (19 F.R. 3260, June 3, 1954) to read as follows:

§ 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) * * *

(6) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant nonfragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single-wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401(c) shall not be required. Inside containers shall be packed to prevent movement within the box (see §§ 78.205-34 and 78.206-19 of this chapter). Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers (see § 78.205-33 of this chapter); gross weight of completed package shall not exceed 65 pounds, except when acid is packed in individual inside containers the gross weight shall be not over 75 pounds. Complete package, closed as for shipment, with inside containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from

a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

(b) * * *

(1) In one inside glass bottle of not over 1 gallon capacity, tightly and securely closed, packed in a strong outside container and cushioned therein on all sides with incombustible absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage. Outside container must be so blocked, braced or stayed within or on the vehicle that it cannot change position during transit.

13. In § 73.263 add paragraph (a) (21) and (22) (15 F.R. 8317, Dec. 2, 1950) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(21) Spec. 12C (§ 78.206 of this chapter). Fiberboard boxes with inside 5-gallon nominal capacity polyethylene bottles having minimum wall thickness of 0.015 inch and constructed with screw-type closures. Authorized gross weight not over 65 pounds. (See § 78.206-19 of this chapter.)

(22) Spec. 21B (§ 78.223 of this chapter). Fiber drums constructed for a gross weight of at least 150 pounds, with inside polyethylene carboys, spec. 2T (§ 78.21 of this chapter). Authorized only for acid not over 30 percent strength.

14. In § 73.271 amend paragraph (a) (9) and add paragraph (a) (15) (24 F.R. 3598, May 5, 1959) (15 F.R. 8321, Dec. 2, 1950) to read as follows:

§ 73.271 Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(9) Spec. 103A, 103A-W, or 111A100-W-2 (§ 78.266, § 78.281, or § 78.304 of this chapter). Tank cars. Spec. 103A (§ 78.266 of this chapter) tanks must be lead lined steel or made of steel at least 10 percent nickel clad. Spec. 103A-W or 111A100-W-2 (§ 78.281 or § 78.304 of this chapter) tanks must be lead lined steel or made of steel with a minimum thickness of nickel cladding of $\frac{1}{16}$ inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

(15) Spec. MC 311 (§ 78.331 of this chapter). Tank motor vehicle. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Authorized for

phosphorus oxychloride and phosphorus trichloride only.

15. In § 73.272 add paragraph (f) (5) and (6) (15 F.R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 Sulfuric acid.

(f) * * *

(5) Spec. 21B (§ 78.223 of this chapter). Fiber drums constructed for a gross weight of at least 150 pounds, with inside polyethylene carboys, spec. 2T (§ 78.21 of this chapter).

(6) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip) with inside polyethylene containers, spec. 2T (§ 78.21 of this chapter). Removable heads of steel drums may have holes of suitable size to provide for protruding neck and closure of inner container.

16. In § 73.273 amend paragraph (a) (4) (22 F.R. 4791, July 9, 1957) to read as follows:

§ 73.273 Sulfur trioxide, stabilized.

(a) * * *

(4) Spec. 103A, 103A-W, or 111A100-W-2 (§ 78.266, § 78.281, or § 78.304 of this chapter). Tank cars. Authorized only for stabilized sulfur trioxide. Tank cars shall have safety valves of approved design and not subject to rapid deterioration by the lading. Cars equipped with interior heater coils not permitted.

17. In § 73.287 amend paragraph (a) (5) (23 F.R. 7649, Oct. 3, 1958) to read as follows:

§ 73.287 Chromic acid solution.

(a) * * *

(5) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open (see § 78.205-34 of this chapter).

18. Add § 73.296 (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.296 Di iso octyl acid phosphate.

(a) Di iso octyl acid phosphate must be packed in specification containers as follows:

(1) Spec. 17E (§ 78.116 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter.

(2) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter). Tank motor vehicles.

(3) Spec. 103A-W, 103C-W, or 103E-W (§ 78.281, § 78.283, or § 78.298, of this chapter). Tank cars.

Subpart F—Compressed Gases; Definition and Preparation

19. In § 73.308 amend paragraph (a) Table (19 F.R. 8527, Dec. 14, 1954) as follows:

§ 73.308 Compressed gases in cylinders.

(a) * * *

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
(Change)		
Carbon monoxide.....	Note 13.....	ICC-3A1800; ICC-3AA1800; ICC-3.
Monochlorodifluoromethane..	105.....	ICC-3A240; ICC-3AA240; ICC-3B240; ICC-4B240; ICC-4BA240; ICC-4B240ET; ICC-4L.

20. In § 73.314 amend paragraph (a) Table (22 F.R. 4791, July 9, 1957) as follows:

§ 73.314 Compressed gases in tank cars.

(a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Change)		
Liquefied petroleum gas (pressure not exceeding 150 pounds per square inch at 105° F.).	Note 3.....	ICC-105A200-W, 105A200AL-W, Note 9.

Subpart G—Poisonous Articles; Definition and Preparation

21. In § 73.334 amend the heading and introductory text of paragraph (a) (17 F.R. 4295, May 10, 1952) to read as follows:

§ 73.334 Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas.

(a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s., mixed with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, tetraethyl pyrophosphate, or other class B poison organic phosphate mixtures, n.o.s. must be packed in specification containers as follows:

22. In § 73.346 add paragraph (a) (21) and (22) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) * * *

(21) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with not more than one inside glass bottle not over 1-gallon capacity. Shipper must have established that the completed package meets test requirements prescribed by § 78.210-10 of this chapter.

(22) Spec. 29 (§ 78.226 of this chapter). Mailing tubes, with polyethylene bottles not over 2 quarts capacity each.

23. In § 73.348 cancel paragraph (a) (3) (23 F.R. 2328, April 10, 1958) as follows:

§ 73.348 Arsenic acid.

(a) * * *

(3) [Canceled.]

24. In § 73.353 amend the heading and introductory text of paragraph (a) and add paragraph (e) (23 F.R. 2328, April 10, 1958) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid, must be packed in specification containers as follows:

(e) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicles having a design pressure not less than 250 pounds per square inch equipped with an approved spring-relief safety valve. Outage must be sufficient to prevent tank from becoming entirely filled with liquid at 130° F. Authorized for methyl bromide-ethylene dibromide mixture only.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

25. In § 73.406 amend paragraph (b) (21 F.R. 323, Jan. 17, 1956) to read as follows:

§ 73.406 Flammable solids and oxidizing materials label.

(b) Yellow label for flammable solids and oxidizing materials for shipment by air.

[No change in label.]

26. In § 73.412 amend paragraph (b) (21 F.R. 674, Jan. 31, 1956) to read as follows:

§ 73.412 Explosives, class B, label for express shipment.

(b) Explosives label for shipment of class B explosives by air.

[No change in label.]

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

1. In § 74.526 amend paragraph (b) (24 F.R. 3599, May 5, 1959) to read as follows:

§ 74.526 Loading explosives into cars.

(b) Shipments of explosive bombs, unfuzed explosive projectiles, rocket ammunition, and jet thrust units when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs, rocket ammunition, or jet thrust units which, due to size, cannot be loaded in closed cars may be loaded in open-top cars or on flat cars but must be protected against accidental ignition.

Subpart B—Loading and Storage Chart of Explosives and Other Dangerous Articles

2. In § 74.538 paragraph (a) Chart amend footnote e (22 F.R. 7839, Oct. 3, 1957) to read as follows:

§ 74.538 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

* Does not include nitrocarbonitrate, ammonium nitrate or ammonium nitrate fertilizer grade (without organic coating) which may be loaded, transported, or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

Subpart C—Placards on Cars

3. In § 74.556 amend the placard in paragraph (a) (24 F.R. 5641, July 14, 1959) to read as follows:

§ 74.556 Flammable poison gas placard.

(a) * * *

FLAMMABLE POISON GAS PLACARD
(Reduced size)

17 Inches

DO NOT REMAIN ON OR NEAR THIS
CAR UNNECESSARILY

Lading must not be transferred en route under any conditions before shipper and Bureau of Explosives are notified.

FLAMMABLE
POISON GAS

NAME OF CONTENTS

This car must not be next to a car placarded "Explosives."
Beware of liquid and of gas leaking from tank or fittings.

WHEN LADING IS REMOVED THIS
PLACARD MUST BE REVERSED

18 Inches

or rated (marked) capacity plus 2 percent plus 1 quart whichever is the greater.

5. In § 78.133-5 paragraph (a) table, amend footnote 2 (23 F.R. 2330, April 10, 1958) to read as follows:

§ 78.133 Specification 37P; steel drums with polyethylene liner.

§ 78.133-5 Parts and dimensions.

(a) * * *

One hole not over $\frac{5}{16}$ inch in diameter permitted in body or a head.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

6. In § 78.205-34 amend the heading and paragraph (a) (23 F.R. 7651, Oct. 3, 1958) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205-34 Special box; authorized only for polyethylene, or other suitable plastic, tight-fitting inside containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open.

(a) Box shall comply with this specification except that top of box shall be closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. Complete package, closed as for shipment, with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds. (See §§ 78.257(a)(6), and 78.287(a)(5) of this chapter.)

7. Add § 78.206-19 (15 F.R. 8478, Dec. 2, 1950) to read as follows:

§ 78.206 Specification 12C; fiberboard boxes.

§ 78.206-19 Special box; authorized only for polyethylene, or other suitable plastic, tight-fitting inside containers having minimum wall thickness of 0.015 inch and so designed as to maintain their configuration when standing empty and open.

(a) Box shall comply with this specification except that top of box shall be

§ 78.60-22 Markings.

(a) * * *

(2) A serial number and an identifying symbol (letters) grouped above or below the ICC mark. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks, and Boxes

3. In § 78.131-2 amend paragraph (a) (20 F.R. 4419, June 23, 1955) to read as follows:

§ 78.131 Specification 37A; steel drums. § 78.131-2 Rated capacity.

(a) Rated capacity as marked, see § 78.131-9(a)(2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent for containers not over 12 gallons capacity. Maximum actual capacity of containers not over 12 gallons capacity shall be not greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent whichever is the greater; for others, minimum actual capacity shall be not less than rated (marked) capacity plus 2 percent and maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2 percent whichever is the greater.

4. In § 78.132-2 amend paragraph (a) (20 F.R. 4419, 4420, June 23, 1955) to read as follows:

§ 78.132 Specification 37B; steel drums. § 78.132-2 Rated capacity.

(a) Rated capacity as marked, see § 78.132-9(a)(2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent for containers not over 12 gallons capacity. Maximum actual capacity of containers shall be not greater than rated (marked) capacity plus 5 percent or rated (marked) capacity plus 4 percent plus 1 quart whichever is the greater; for others, minimum actual capacity shall be not less than rated (marked) capacity plus 2 percent and maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent

"GLX-50-W 2480" (22 F.R. 3927, June 5, 1957) to read as follows:

§ 78.51 Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.

§ 78.51-20 Authorized steel.

(a) * * *

TABLE I—AUTHORIZED MATERIALS	
Designation	Chemical analysis—limits in percent
Carbon.....	GLX-50-W 2480
Manganese.....	0.10/0.20.
Phosphorus.....	0.50/1.00.
Sulfur.....	0.04 maximum.
Silicon.....	0.05 maximum.
Chromium.....	0.10 maximum.
Molybdenum.....	
Zirconium.....	
Copper.....	
Nickel.....	
Aluminum.....	0.010/0.040.
Heat treatment authorized.....	(3).
Maximum stress.....	35,000.

[No change in notes.]

2. In § 78.60-4 paragraph (a) table, amend the column headed "Designation" and add the column headed "GLX-50-W 2480"; in § 78.60-22 amend paragraph (a) (2) (21 F.R. 3014, May 5, 1956) (15 F.R. 8424, Dec. 2, 1950) to read as follows:

§ 78.60 Specification 8AL; steel cylinders with approved porous filling for acetylene.

§ 78.60-4 Authorized steel.

(a) * * *

TABLE I—AUTHORIZED MATERIALS	
Designation	Chemical analysis—limits in percent
Carbon.....	GLX-50-W 2480
Manganese.....	0.10/0.20.
Phosphorus.....	0.50/1.00.
Sulfur.....	0.04 maximum.
Silicon.....	0.05 maximum.
Chromium.....	0.10 maximum.
Molybdenum.....	
Zirconium.....	
Copper.....	
Nickel.....	
Aluminum.....	0.010/0.040.
Heat treatment authorized.....	(3).
Maximum stress.....	35,000.

[No change in notes.]

Subpart E—Handling by Carriers by Rail Freight

4. In § 74.589 amend paragraph (c) (20 F.R. 953, Feb. 15, 1955) to read as follows:

§ 74.589 Handling cars.

* * *

(c) *Switching cars containing explosives or poison gas or placarded trailers on flat cars.* A car placarded "Explosives" or placarded "Poison Gas" or any flat cars carrying a trailer placarded "Explosives," "Poison Gas," "Dangerous," or "Dangerous-Radioactive Material" shall not be cut off while in motion. No car moving under its own momentum shall be allowed to strike any car placarded "Explosives" or placarded "Poison Gas" or any flat car carrying a trailer placarded "Explosives," "Poison Gas," "Dangerous," or "Dangerous-Radioactive Material," nor shall any such car be coupled into with more force than is necessary to complete the coupling.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart C—Loading and Storage Chart of Explosives and Other Dangerous Articles

In § 77.848 paragraph (a) Chart amend footnote e (22 F.R. 7339, Oct. 3, 1957) to read as follows:

§ 77.848 Loading and storage chart of explosives and other dangerous articles.

(a) * * *

* Does not include nitrocarbamitate, ammonium nitrate or ammonium nitrate fertilizer grade (without organic coating) which may be loaded, transported, or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart C—Specifications for Cylinders

1. In § 78.51-20 paragraph (a) table, amend the first column headed "Designation" and add the column headed

closed by means of slotted flaps so arranged as to provide protection for the neck of the inside container and be fitted with fill-in pieces as necessary. Top may have die-cut area of suitable size to provide for easy opening. Complete package, closed as for shipment, with inside container filled to rated capacity with water, must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete without leakage or serious rupture of box. Authorized gross weight not over 65 pounds. (See § 73.257(a) (6) of this chapter.)

8. In § 78.223-2 add paragraph (b) (1) (15 F.R. 8481, Dec. 2, 1950) to read as follows:

§ 78.223 Specification 21B; fiber drums.

§ 78.223-2 Sidewalls and ends.

(b) * * *

(1) When fiber drum is authorized as an overpack for inside polyethylene carboy as prescribed in Part 73 of this chapter, one end may have a hole of suitable size to provide for projecting closure and neck of inside carboy. Representative drum samples without holes in ends must be capable of withstanding tests required by § 78.223-4.

9. In § 78.226-3 amend paragraph (a) (15 F.R. 8481, Dec. 2, 1950) to read as follows:

§ 78.226 Specification 29; mailing tubes.

§ 78.226-3 Construction.

(a) Of fiber at least $\frac{1}{8}$ " thick; metal bottom and metal screw-cap top, or telescope type with fixed metal ends.

Subpart I—Specifications for Tank Cars

10. In § 78.266-14 amend the heading and paragraphs (a) and (b) and add paragraphs (d) and (e); in § 78.266-19 redesignate paragraph (a) (5), (6) and (7) to (a) (6), (7) and (8), respectively, and add paragraph (a) (5) (21 F.R. 4571, June 26, 1956) (23 F.R. 7655, 7656, Oct. 3, 1958) to read as follows:

§ 78.266 Specification ICC-103A; riveted steel tanks to be mounted on or forming part of a car.

§ 78.266-14 Safety relief devices.

(a) A safety vent shall be applied unless the specific detailed characteristics of the commodity require the use of a safety valve. Safety valve shall be of approved design, made of metal not subject to rapid deterioration by the lading, and mounted on top of the expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 45 pounds per square inch.

(b) Each tank or compartment thereof must be equipped with a safety vent; or with a safety valve if the specific detailed characteristics of the lading are such as to require a safety valve. The safety vent must be of approved design, at least $\frac{1}{4}$ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved

material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 78.266-12(a). Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(d) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch.

(e) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in paragraph (d) of this section with a tolerance of plus or minus 3 pounds.

§ 78.266-19 Marking.

(a) * * *

(5) When safety valves are applied; date on which safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "----(naming material)---- clad tank". Lined tanks must be stenciled on the tank, or jacket if lagged, "----(naming material)---- lined tank." These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

11. In § 78.281-16 amend the heading and paragraphs (a) and (b) and add paragraphs (e) and (f); in § 78.281-21 redesignate paragraph (a) (5), (6), and (7) to (a) (6), (7), and (8) respectively, and add paragraph (a) (5) (21 F.R. 4590, June 26, 1956) (23 F.R. 7657, Oct. 3, 1958) to read as follows:

§ 78.281 Specification ICC-103A-W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.281-16 Safety relief devices.

(a) A safety vent shall be applied unless the specific detailed characteristics of the commodity require the use of a safety valve. Safety valve shall be of approved design, made of metal not sub-

ject to rapid deterioration by the lading, and mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 45 pounds per square inch.

(b) Each tank or compartment thereof must be equipped with a safety vent; or with a safety valve if the specific detailed characteristics of the lading are such as to require a safety valve. The safety vent must be of approved design, at least $\frac{1}{4}$ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 78.281-14 (a). Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(e) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch.

(f) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in paragraph (e) of this section with a tolerance of plus or minus 3 pounds.

§ 78.281-21 Marking.

(a) * * *

(5) When safety valves are applied; date on which safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "----(naming material)---- clad tank." Lined tanks must be stenciled on the tank, or jacket if lagged, "----(naming material)---- lined tank." These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

12. In § 78.291-4 amend paragraph (a) (24 F.R. 3601, May 5, 1959) to read as follows:

§ 78.291 Specification ICC-103AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291-4 Thickness of plates.

(a) The plate thickness shall not be less than that obtained by calculation using the following formula, and in no case be less than 1/2 inch:

$$t = \frac{Pd}{2SE}$$

where

- t = thickness in inches of thinnest plate;
- P = calculated bursting pressure, pounds per square inch;
- d = inside diameter in inches;
- S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	= 9,500 psi.
ASTM B-209 Alloy 990A-1100	= 11,000 psi.
ASTM B-209 Alloy M1A-3003	= 14,000 psi.
ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.
ASTM B-209 Alloy GM31A-5454	= 31,000 psi.
ASTM B-209 Alloy GR20B-5652	= 25,000 psi.
ASTM B-209 Alloy GR40B-5254	= 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

13. In § 78.292-4 amend paragraph (a) (24 F.R. 3602, May 5, 1959) to read as follows:

§ 78.292 Specification ICC-103A-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.292-4 Thickness of plates.

(a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than 1/2 inch:

$$t = \frac{Pd}{2SE}$$

where

- t = thickness in inches of thinnest plate;
- P = calculated bursting pressure, pounds per square inch;
- d = inside diameter in inches;
- S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	= 9,500 psi.
ASTM B-209 Alloy 990A-1100	= 11,000 psi.
ASTM B-209 Alloy M1A-3003	= 14,000 psi.
ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.
ASTM B-209 Alloy GM31A-5454	= 31,000 psi.
ASTM B-209 Alloy GR20B-5652	= 25,000 psi.
ASTM B-209 Alloy GR40B-5254	= 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

14. In § 78.294-4 amend paragraph (a) (24 F.R. 3602, May 5, 1959) to read as follows:

§ 78.294 Specification ICC-105A100-AL-W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.294-4 Thickness of plates.

(a) The wall thickness of the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

- t = thickness in inches of thinnest plate;

P = calculated bursting pressure, pounds per square inch;

d = inside diameter in inches;

S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	= 9,500 psi.
ASTM B-209 Alloy 990A-1100	= 11,000 psi.
ASTM B-209 Alloy M1A-3003	= 14,000 psi.
ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.
ASTM B-209 Alloy GM31A-5454	= 31,000 psi.
ASTM B-209 Alloy GR20B-5652	= 25,000 psi.
ASTM B-209 Alloy GR40B-5254	= 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

15. In § 78.299-15 amend the heading and paragraphs (a) and (b) and add paragraphs (e) and (f); in § 78.299-20 redesignate paragraph (a) (5) and (6) to (a) (6) and (7) respectively, and add paragraph (a) (5) (21 F.R. 4624, June 26, 1956) (23 F.R. 7661, Oct. 3, 1958) to read as follows:

§ 78.299 Specification ICC-103A-N-W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.

§ 78.299-15 Safety relief devices.

(a) A safety vent shall be applied unless the specific detailed characteristics of the commodity require the use of a safety valve. Safety valve shall be of an approved design, made of metal not subject to rapid deterioration by the lading, and mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 45 pounds per square inch.

(b) Each tank or compartment thereof must be equipped with a safety vent, or with a safety valve if the specific detailed characteristics of the lading are such as to require a safety valve. The safety vent must be of approved design, at least 1 3/4 inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 78.299-13(a). Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch.

(f) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in paragraph (e) of this section, with a tolerance of plus or minus 3 pounds.

§ 78.299-20 Marking.

(a) * * *

(5) When safety valves are applied; date on which safety valves were last tested, pressure to which tested, place

where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

16. In § 78.300-4 amend paragraph (a) (24 F.R. 3603, May 5, 1959) to read as follows:

§ 78.300 Specification ICC-105A300-AL-W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.300-4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank shall be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

- t = thickness in inches of thinnest plate;
- P = calculated bursting pressure, pounds per square inch;
- d = inside diameter in inches;
- S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.
ASTM B-209 Alloy GM31A-5454	= 31,000 psi.
ASTM B-209 Alloy GR20B-5652	= 25,000 psi.
ASTM B-209 Alloy GR40B-5254	= 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

17. In § 78.302-4 amend paragraph (a) (24 F.R. 3603, May 5, 1959) to read as follows:

§ 78.302 Specification ICC-109A100-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.302-4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

- t = thickness in inches of thinnest plate;
- P = calculated bursting pressure, pounds per square inch;
- d = inside diameter in inches;
- S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	= 9,500 psi.
ASTM B-209 Alloy 990A-1100	= 11,000 psi.
ASTM B-209 Alloy M1A-3003	= 14,000 psi.
ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.
ASTM B-209 Alloy GM31A-5454	= 31,000 psi.
ASTM B-209 Alloy GR20B-5652	= 25,000 psi.
ASTM B-209 Alloy GR40B-5254	= 30,000 psi.

PROPOSED RULE MAKING

E =efficiency of longitudinal welded joint =90 percent.

18. In § 78.304-11 amend paragraph (a) (5); in § 78.304-20 amend the heading and paragraphs (a) and (b) and add paragraphs (e) and (f) (22 F.R. 4303, July 9, 1957) (23 F.R. 7662, Oct. 3, 1958) to read as follows:

§ 78.304 Specification ICC-111A100-W-2; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.304-11 Marking.

(a) * * *

(5) When safety valves are applied; date on which safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

§ 78.304-20 Safety relief devices.

(a) A safety vent shall be applied unless the specific detailed characteristics of the commodity require the use of a safety valve. Safety valve shall be of approved design, made of metal not subject to rapid deterioration by the lading and mounted on a suitable nozzle securely attached to the tank. Total valve discharge capacity must be sufficient to prevent building up pressure in the tank in excess of 85 pounds per square inch.

(b) Each tank or compartment thereof must be equipped with a safety vent, or with a safety valve if the specific detailed characteristics of the commodity are such as to require a safety valve. The safety vent must be of approved design, at least $1\frac{3}{4}$ inches inside diameter, made of material not subject to rapid deterioration by the lading and be closed with a frangible disc of lead, or other approved material, of a thickness that will rupture at not more than 75 pounds per square inch. Means for holding the disc in place must be such as to prevent distortion or damage to disc when applied. Design of safety relief devices shall be such as to prevent interchange with fixtures prescribed in § 78.304-17(a). Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(e) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch.

(f) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closures or other combination. The valve must start to discharge at the pressure prescribed in paragraph (e) of this section, with a tolerance of plus or minus 3 pounds.

19. In § 78.308-4 amend paragraph (a) (24 F.R. 3603, May 5, 1959) to read as follows:

§ 78.308 Specification ICC-105A200-AL-W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308-4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where

t =thickness in inches of thinnest plate;
 P =calculated bursting pressure, pounds per square inch;

d =inside diameter in inches;

S =minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	=9,500 psi.
ASTM B-209 Alloy 990A-1100	=11,000 psi.
ASTM B-209 Alloy M1A-3003	=14,000 psi.
ASTM B-209 Alloy GR20A-5052	=25,000 psi.
ASTM B-209 Alloy GS11A-6061	=24,000 psi.
ASTM B-209 Alloy GR40A-5154	=30,000 psi.
ASTM B-209 Alloy GM40A-5086	=35,000 psi.
ASTM B-209 Alloy GM31A-5454	=31,000 psi.
ASTM B-209 Alloy GR20B-5652	=25,000 psi.
ASTM B-209 Alloy GR40B-5254	=30,000 psi.

E =efficiency of longitudinal welded joint =90 percent.

20. In § 78.309 amend the heading; in § 78.309-3 amend paragraph (c); in § 78.309-5 amend paragraph (d); in § 78.309-10 amend paragraph (a); in § 78.309-11 amend paragraph (a) (4); in § 78.309-12 amend paragraph (b); in § 78.309-15 amend paragraphs (a) and (c); in § 78.309-17 amend paragraphs (a) and (b); in § 78.309-18 amend paragraph (a); in § 78.309-20 amend paragraph (b) and paragraph (d) (23 F.R. 7662; 7663, 7664, Oct. 3, 1958) (24 F.R. 3603, May 5, 1959) (15 F.R. 8523, Dec. 2, 1950) to read as follows:

§ 78.309 Specification ICC-111A100-W-5; acid resistant lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.309-3 Thickness of plates.

(c) Tank must be lined with approved acid resistant material at least $\frac{5}{32}$ inch thick. The lining must overlap at least $1\frac{1}{2}$ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. An acid resistant reinforcing pad at least $4\frac{1}{2}$ feet square and at least $\frac{1}{2}$ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No lining shall be under tension when applied. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

§ 78.309-5 Material.

(d) Each tank or compartment thereof must be lined with approved acid-resisting material vulcanized or bonded directly or otherwise attached to the

metal tank to provide a nonporous laminated lining.

§ 78.309-10 Tests of tanks.

(a) Each tank must be tested before acid resistant lining is applied by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures except safety vents, must be in place while test is made. After tank is lined with approved acid resistant material, no further tests are required.

§ 78.309-11 Marking.

(a) * * *

(4) "Acid Resistant Lined Tank—Pressure Test Not Required", stenciled on tank, or jacket if lagged, instead of record of test of tank.

§ 78.309-12 Reports.

(b) Before a tank car tank not originally built under this specification is lined with an approved acid resistant material, a report certifying that the tank and its equipment have been brought into compliance with the tank requirements of specification ICC-111A100-W-5 must be furnished by car owner to the party who is to apply the acid resistant lining. A copy of this report in approved form certifying that tank has been lined in compliance with all requirements of this specification, must be furnished by party lining the tank to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads.

§ 78.309-15 Manway and closures.

(a) The opening for manway, before lining, must be at least 18 inches in diameter. All surfaces exposed to the lading must be covered with an approved acid resistant material.

(c) Manway cover must be made of a suitable metal. The top, bottom and edge of manway cover must be covered with an approved acid resistant material as prescribed in §§ 78.309-3(c) and 78.309-5(d). Through bolt holes must be lined with acid resistant material at least $\frac{1}{8}$ inch in thickness. Cover made of metal not affected by the lading, need not be covered with acid resistant material. All acid resistant covered surfaces on outside of tank or fitting must be protected with approved acid resisting material. Manway nozzle must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with the metal of the tank.

§ 78.309-17 Venting, loading, and unloading devices.

(a) Not specification requirements. When installed, these devices must be of an approved design and made of material not subject to rapid deterioration

by the lading and be tightly closed. Unloading pipes must be securely anchored within the tank.

(b) When loading and unloading devices and their closures are made of material affected by the lading, they must have all surfaces protected with an approved acid resistant material at least 1/8 inch in thickness.

§ 78.309-18 Gauging device.

(a) Outage for these tanks must be provided in the tank shell; therefore, an outage scale visible from manway when cover is open must be provided. All surfaces of attachments exposed to the lading must be covered with an approved acid resistant material as prescribed in §§ 78.309-3(c) and 78.309-5(d). Attachments made of metal not affected by the lading need not be covered.

§ 78.309-20 Safety vents.

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1 3/4 inches inside diameter, of an approved design which will prevent interchange with fixtures prescribed in § 78.309-17(a), made of material not subject to rapid deterioration by the lading. If made of metal, must be lined with an approved acid resistant material at least 1/8 inch in thickness, and closed with a frangible disc of lead or other approved material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(d) Each tank or compartment thereof may be equipped with one separate air connection of an approved design which will prevent interchange with fixtures prescribed in § 78.309-17(a), made of material not subject to rapid deterioration by the lading, and be provided with a protective housing. If these devices and their valves are made of metal, they must be lined with an approved acid resistant material at least 1/8 inch in thickness. Provision must be made for closing pipe connections of valves.

21. In § 78.310-3 amend paragraph (a) (24 F.R. 3604, May 5, 1959) to read as follows:

§ 78.310 Specification ICC-111A60-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.310-3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 1/2 inch:

$$t = \frac{Pd}{2SE}$$

where
 t = thickness in inches of thinnest plate;
 P = calculated bursting pressure, pounds per square inch;
 d = inside diameter in inches;
 S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	= 9,500 psi.
ASTM B-209 Alloy 990A-1100	= 11,000 psi.
ASTM B-209 Alloy M1A-3003	= 14,000 psi.
ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.
ASTM B-209 Alloy GM31A-5454	= 31,000 psi.
ASTM B-209 Alloy GR20B-5652	= 25,000 psi.
ASTM B-209 Alloy GR40B-5254	= 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

22. In § 78.313-4 amend paragraph (a) (24 F.R. 3608, May 5, 1959) to read as follows:

§ 78.313 Specification ICC-109A200-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.313-4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where
 t = thickness in inches of thinnest plate;
 P = calculated bursting pressure, pounds per square inch;
 d = inside diameter in inches;
 S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A-1060	= 9,500 psi.
ASTM B-209 Alloy 990A-1100	= 11,000 psi.
ASTM B-209 Alloy M1A-3003	= 14,000 psi.
ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.
ASTM B-209 Alloy GM31A-5454	= 31,000 psi.
ASTM B-209 Alloy GR20B-5652	= 25,000 psi.
ASTM B-209 Alloy GR40B-5254	= 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

23. In § 78.314-4 amend paragraph (a) (24 F.R. 3608, May 5, 1959) to read as follows:

§ 78.314 Specification ICC-109A300-AL-W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.314-4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where
 t = thickness in inches of thinnest plate;
 P = calculated bursting pressure, pounds per square inch;
 d = inside diameter in inches;
 S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy GR20A-5052	= 25,000 psi.
ASTM B-209 Alloy GS11A-6061	= 24,000 psi.
ASTM B-209 Alloy GR40A-5154	= 30,000 psi.
ASTM B-209 Alloy GM40A-5086	= 35,000 psi.
ASTM B-209 Alloy GM31A-5454	= 31,000 psi.
ASTM B-209 Alloy GR20B-5652	= 25,000 psi.
ASTM B-209 Alloy GR40B-5254	= 30,000 psi.

E = efficiency of longitudinal welded joint = 90 percent.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

24. In § 78.325-6 amend paragraph (b); in § 78.325-14 amend paragraphs

(a) and (b) (20 F.R. 8113, Oct. 28, 1955) (22 F.R. 11035, Dec. 31, 1957) to read as follows:

§ 78.325 Specification MC 304; for cargo tanks for the transportation of flammable liquids and poisonous liquids, class B having Reid (ASTM D-323) vapor pressures of 18 pounds per square inch absolute at 100° F.

§ 78.325-6 Requirements for design and workmanship.

(b) All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by (1) the 1952 edition, or (2) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions. A certification from the material supplier will suffice as evidence of compliance with this requirement.

§ 78.325-14 Safety devices.

(a) *Safety relief devices required.* Each tank and each compartment of a tank shall be provided with one or more safety relief valves of the springloaded type, provided that emergency pressure relief devices may be used for part of the required capacity thereof. All such valves and devices shall be arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank. The emergency pressure relief devices shall be either springloaded type, frangible type, or fusible type.

(b) *Relief device capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig.), and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 40 pounds per square inch gauge (40 psig.) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required; alternatively, such valve or valves may at a pressure of 30 pounds per square inch gauge (30 psig.) have a total discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 350 square feet (350 sq. ft.) of exterior area of the tank or compartment to which they are connected, if in addition thereto each such tank or compartment be provided with one or more frangible-type or fusible-type safety devices having a total discharge capacity not less than that of an unobstructed opening of nine square inches (9 sq. in.) for each 350 square feet (350 sq. ft.) of exterior area. The bursting pressure of the frangible type devices shall be not less than 30 pounds per square inch gauge (30 psig.) nor more than 40 pounds per square inch gauge

(40 psig.). Fusible elements, if used, shall have a fusing temperature no higher than 200° F. They shall not be exposed to contact with the tank lading or be in contact with any part of the tank or its accessories so exposed.

25. In § 78.330-8 amend paragraph (a) (24 F.R. 5644, July 14, 1959) to read as follows:

§ 78.330 Specification MC 310; cargo tanks.

§ 78.330-8 Must comply with A.S.M.E. Code.

(a) Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, (4) 1956 edition, or (5) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, which are hereafter referred to as "the Code."

26. In § 78.331-8 amend paragraph (a); in § 78.331-9 amend paragraph (a) (22 F.R. 11038, Dec. 31, 1957) to read as follows:

§ 78.331 Specification MC 311; cargo tanks.

§ 78.331-8 Design requirements.

(a) A.S.M.E. Code construction. Cargo tanks built of ferrous materials under this specification that are unloaded by pressure must be built of welded construction in accordance with (1) the 1949 edition, (2) 1950 edition, (3) 1952 edition, or (4) the 1959 edition of Section VIII of the Society of Mechanical Engineers Boiler and Pressure Vessel Code, no revisions, except that for sheet thicknesses of less than $\frac{3}{16}$ inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply. Such tanks shall not have head, bulkhead, baffle or shell thicknesses less than that specified in paragraphs (c) and (d) of this section, nor shall the spacing of bulkheads, baffles, or shell stiffeners exceed that specified in those paragraphs.

§ 78.331-9 Materials.

(a) A.S.M.E. Code materials. Cargo tanks required to comply with Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code must be manufactured of materials authorized by the Code except that for sheet thicknesses of less than $\frac{3}{16}$ inch wherein the Code specifies both minimum and maximum limits of tensile value of materials, the maximum limits need not apply.

27. In § 78.336-1 amend paragraph (a) (23 F.R. 2335, April 10, 1958) to read as follows:

§ 78.336 Specification MC 330; steel cargo tanks.

§ 78.336-1 Requirements for design and construction.

(a) Tanks shall be of seamless or welded steel construction or combination of both and shall be designed and constructed in accordance with and fulfill

the requirements of (1) the 1950 edition, (2) 1952 edition, (3) 1956 edition, or (4) the 1959 edition of Section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code; no revisions (any or all of which hereinafter referred to as "the Code").

EXCEPTION: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed

APPENDIX

Section and Reason for Amendment

71.13(a)(3): The emergency provisions of this paragraph, to ship certain explosives in stock cars and on open top cars, are now specified in § 74.526 (b).

72.5(a) Commodity List: Provides additions and amendments to keep the commodity list on a current basis.

73.31(g)(9) table 1: Provides for safety valve tests on certain tank cars previously using vents.

73.31(g)(9) table 3: Permits the retesting of ARA-V tank cars in chlorine service during any time in the calendar month in lieu of specific date.

73.53(u): Authorizes an increase of high explosive content in shaped charges.

73.65(a): Authorizes other bags in addition to paper or cloth bags as inside containers for high explosives with no liquid explosive ingredient nor any chlorate; permits an increased weight from 50 to 60 lbs for these inside containers.

73.65 (b), (f): Authorizes the use of spec. 23G fiberboard boxes for certain high explosives.

73.80 Entire section: Requires charged oil well jet perforating guns to be transported in specially built motor vehicles operated by private carriers; permits an increase in the amount of high explosives per shaped charge from 35 grams to 4 ounces.

73.110 (a), (b): Permits the total amount of high explosive per motor vehicle transporting oil well jet perforating guns, class C explosive, to be increased to 20 lbs.

73.113(a): Provides for the use of spec. 12H fiberboard boxes for detonating fuzes, class C explosives.

73.122(a)(4): Provides for the use of spec. 17C metal drums for acrolein, inhibited.

73.134(b): Authorizes shipment of certain flammable liquids and pyroforic fuels by rail express when packed in spec. 2R inside containers enclosed in a strong wooden box.

73.141(a)(7): Authorizes the use of spec. 111A100-W-1 tank cars for various mercaptans.

73.176(c)(2): Authorizes the omission of paper wrapping for certain inside boxes containing strike-anywhere matches.

73.247(a)(14): Makes change in tank cars authorized for titanium tetrachloride, anhydrous.

73.257(a)(6): Authorizes the use of an additional type of spec. 12C fiberboard box for electrolyte or corrosive battery fluid.

73.257(b)(1): To exempt from the regulations small quantity shipments of electrolyte or corrosive battery fluid, made by the Dept. of Defense, when loaded on vehicles.

73.263(a)(21): Authorizes the use of spec. 12C fiberboard boxes with inside polyethylene bottles for hydrochloric acid mixtures.

73.263(a)(22): Authorizes the use of spec. 21B fiber drums with inside spec. 2T polyethylene carboys for hydrochloric acid.

73.271(a)(9): To specify a minimum nickel cladding of $\frac{1}{16}$ inch for spec. 103A-W and 111A100-W-2 welded tank car tanks.

73.271(a)(15): To authorize the use of spec. MC 311 tank motor vehicle made of nickel for phosphorus oxychloride and phosphorus trichloride.

73.272(f)(5), (8): To authorize the use of spec. 21B fiber drums and spec. 37A metal drums with inside spec. 2T polyethylene carboy for sulfuric acid.

73.273(a)(4): To permit the transportation of stabilized sulfur trioxide in spec. 103A, 103A-W, and 111A100-W-2 tank cars equipped with safety valves.

73.287(a)(5): To authorize the use of spec. 12B fiberboard box with inside polyethylene containers for chromic acid solution.

73.296 Entire section: To provide for the transportation of diisooctyl acid phosphate.

73.308(a) table: To relocate reference to Note 13 in the proper column; to authorize the use of spec. 41 cylinders for monochlorodifluoromethane.

73.314(a) table: To authorize the use of spec. 105A200-AL-W aluminum tank car for liquefied petroleum gas having a pressure not exceeding 150 psi at 105° F.

73.334(a): To provide a general description for Class B poison organic phosphates when mixed with compressed gas.

73.346(a)(21): To authorize the use of spec. 12A fiberboard boxes with one inside glass bottle for Class B poisonous liquids, n.o.s.

73.346(a)(22): To authorize the use of spec. 29 mailing tubes for Class B poisonous liquids, n.o.s.

73.348(a)(3): Paragraph (a)(3) is canceled since authority to use spec. 37P steel drum is contained in paragraph (a)(1) of this section by reference to § 73.346.

73.353(a): To provide for the transportation of methyl bromide and nonflammable, nonliquefied compressed gas mixtures, class B poison liquid.

73.353(e): To authorize the use of spec. MC 330 tank motor vehicle for methyl bromide-ethylene dibromide mixture.

73.406(b): To indicate that the labels apply also to shipments of oxidizing materials by air.

73.412(b): To extend use of label to class B explosives.

74.526(b): To clarify that certain class A explosives may be loaded on flat cars.

74.538(a) chart footnote e: To authorize the loading of ammonium nitrate (without organic coating) in the same car with high explosives.

74.556(a): Requires advance notice be given when interchange of tank cars containing hydrocyanic acid is contemplated.

74.589(c): For clarification and to make more definite the application of requirements applying to switching movements of placarded cars and trailers on flat cars.

77.848(a) chart footnote e: To authorize the loading of ammonium nitrate (without organic coating) in the same truck with high explosives.

78.51-20(a) table I: To authorize the use of a new alloy steel, GLX-50-W, in the construction of spec. 4BA cylinders.

78.60-4(a) table I: To authorize the use of a new alloy steel, GLX-50-W, in the construction of spec. 8AL cylinders.

78.60-22(a)(2): To include either the cylinder maker's symbols or those of the purchaser's or user's in the marking of spec. 8AL cylinders.

78.131-2(a): To bring the capacity rating wording of spec. 37A steel drums into line with the requirements of spec. 17E.

78.132-2(a): Reason for section 78.131-2 applies also to spec. 37B steel drums.

78.133-5(a) table footnote 2: To permit location of an air hole in either the top or bottom head of spec. 37P steel drums with polyethylene liner.

78.205-34(a): To specify a minimum wall thickness for inside containers in special type 12B fiberboard box; to stipulate a maximum gross weight of 65 pounds for the outside container; to specify a drop test requirement to determine suitability of the complete package.

[49 CFR Part 172]

[Ex Parte No. MC-56]

ISSUANCE OF EXPENSE BILLS BY MOTOR COMMON CARRIERS PERFORMING CHARTER OPERATIONS

Notice of Proposed Rule Making

AUGUST 7, 1959.

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) that the regulations set forth in tentative form below are proposed to be prescribed by the Interstate Commerce Commission under the authority contained in sections 204(a) (1) and (6) and section 216 of the Interstate Commerce Act (49 Stat. 546, 548, as amended, 49 U.S.C. 304, 316):

§ 172.5 Expense bills for transportation of chartered parties.

(a) *Form and issuance of bill.* Every common carrier of passengers by motor vehicle shall, when collecting charges for transportation of any chartered party in interstate or foreign commerce, issue an expense bill and cause to be shown on the face thereof the following:

(1) Serial number, which shall consist of one of a series of consecutive numbers assigned in advance and imprinted on the form of expense bill.

(2) Name of carrier.

(3) Name of person paying the charges together with name of the organization, if any, for which transportation is performed.

(4) Date or dates upon which transportation is performed.

(5) Origin, destination and routing of trip.

(6) Number of vehicles used, and identification and seating capacity of each.

(7) Number of persons transported.

(8) Mileage upon which charges are based, including any deadhead mileage, which shall be separately stated.

(9) Applicable rates per mile, hour, day, or other unit.

(10) Charges for transportation.

(11) Itemized charges for special services, if any, performed by the carrier.

(12) Itemized charges for other expenses, such as toll charges, parking fees, layover time, etc., giving locations where each accrued.

(13) Total charges assessed and collected.

(b) *Records to be retained.* A record shall be kept by the carrier of all expense bills by retaining for a period of at least three years a copy of each such bill which is issued, and if any form of numbered expense bill is spoiled, voided, or unused for any reason a copy thereof, or a written record of its disposition, shall be retained for a like period.

(c) *Definitions.* As used in this section: (1) The term "chartered party" shall mean a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group; and (2) the term "common carrier of passengers by motor vehicle" shall include both those specifically authorized to perform

charter operations and those authorized to transport chartered parties under section 208(c) of the Interstate Commerce Act (49 U.S.C. 308(c)) as an incident to the right to transport passengers over a regular route or routes.

(Secs. 204(a) (1) and (6), 216, 49 Stat. 546, 548, as amended; 49 U.S.C. 304, 316)

Prior to final adoption of such regulations, consideration will be given to any written statements of data, views, or arguments concerning the subject matter hereof which are submitted on or before October 1, 1959. No oral hearing is contemplated, and any request for oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in written form. One original signed copy and six additional copies of such written statements of data, views or arguments should be submitted in accordance with the Commission's general rules of practice.

Notice of this proceeding shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, division 1,

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-6915; Filed, Aug. 19, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 3]

[Docket Nos. 11759, 12946; FCC 59-868]

TABLE OF ASSIGNMENTS; CERTAIN
TELEVISION BROADCAST STATIONS

Memorandum Opinion and Order

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Fresno, Bakersfield, and Santa Barbara, Calif.; Goldfield and Tonopah, Nevada), Docket No. 11759; amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (San Francisco and Sacramento, Calif.; and Reno, Nevada), Docket No. 12946.

1. The Commission has before it for consideration:

(1) The Memorandum Opinion and Order adopted in the above-entitled proceedings on July 30, 1959 (FCC 59-857, released August 4, 1959), which denied petitions filed by the licensees of Stations KFRE-TV (Fresno), KERO-TV (Bakersfield), KXTV (Sacramento) and KHSL-TV (Chico) seeking an extension of the time for filing comments in these proceedings from August 24 to October 23, 1959;¹

¹ Although the Memorandum Opinion and Order did not list in the caption the proceeding involving San Francisco, etc. (Docket No. 12946), the action taken therein included disposition of the petitions for extension of time in that proceeding filed by KXTV and KHSL-TV.

78.206-19(a): To authorize the use of a special type spec. 12C fiberboard box for electrolyte or corrosive battery fluid.

78.223-2(b) (1): To permit a hole in one end of spec. 21B fiber drums providing for closure and neck of inside carboy.

78.226-3(a): To authorize an additional style of spec. 29 mailing tubes.

78.266-14 (a), (b), (d), (e): To provide for the use of safety valves on spec. 103A tank cars containing certain corrosive ladings.

78.266-19(a) (5), (6), (7), (8): To provide marking requirements for spec. 103A tank cars equipped with safety valves, paragraph (a) (5), (6), (7) are redesignated (a) (6), (7), (8), respectively.

78.281-16 (a), (b), (e), (f): To provide for the use of safety valves on spec. 103A-W tank cars containing certain corrosive ladings.

78.281-21(a) (5), (6), (7), (8): To provide marking requirements for spec. 103A-W tank cars equipped with safety valves, paragraph (a) (5), (6), (7) are redesignated (a) (6), (7), (8), respectively.

78.291-4(a): To authorize the use of two new ASTM approved aluminum alloys for spec. 103AL-W tank cars.

78.292-4(a): The reason for § 78.291-4 applies also to spec. 103A-AL-W tank cars.

78.294-4(a): The reason for § 78.291-4 applies also to spec. 105A100AL-W tank cars.

78.299-15 (a), (b), (e), (f): To provide for the use of safety valves on spec. 103A-N-W tank cars containing certain corrosive ladings.

78.299-20(a) (5), (6), (7): To provide marking requirements for spec. 103A-N-W tank cars equipped with safety valves, paragraph (a) (5), (6) are redesignated (a) (6), (7) respectively.

78.300-4(a): The reason for § 78.291-4 applies also to spec. 105A300AL-W tank cars.

78.302-4(a): The reason for § 78.291-4 applies also to spec. 109A100AL-W tank cars.

78.304-11(a) (5): To require the date safety valves are applied to be marked on spec. 111A100-W-2 tank cars in addition to other related markings.

78.304-20 (a), (b), (e), (f): To provide for the use of safety valves on spec. 111A100-W-2 tank cars containing certain corrosive ladings.

78.308-4(a): The reason for § 78.291-4 applies also to spec. 105A200AL-W tank cars.

78.309 Heading: 78.309-3(c); 78.309-5(d); 78.309-10(a); 78.309-11(a) (4); 78.309-12(b); 78.309-15 (a), (c); 78.309-17 (a), (b); 78.309-18(a); 78.309-20 (b), (d): To provide for the use of additional acid resistant lining material and provide restrictions for spec. 111A100-W-5 tank cars.

78.310-3(a): The reason for § 78.291-4 applies also to spec. 111A60AL-W tank cars.

78.313-4(a): The reason for § 78.291-4 applies also to spec. 109A200AL-W tank cars.

78.314-4(a): The reason for § 78.291-4 applies also to spec. 109A300AL-W tank cars.

78.325-6(b): To authorize construction of spec. MC 304 cargo tanks to the current ASME Code and to properly identify such Code.

78.325-14 (a), (b): To authorize the use of pressure relief devices of the fusible type on spec. MC 304 tank motor vehicles.

78.330-8(a): To authorize construction of spec. MC 310 cargo tanks to the current ASME Code and to properly identify such Code.

78.331-8(a); 78.331-9(a): To authorize construction of spec. MC 311 cargo tanks to the current ASME Code and to properly identify such Code.

78.336-1(a): To authorize construction of spec. MC 330 cargo tanks to the current ASME Code and to properly identify such Code.

[F.R. Doc. 59-6814; Filed, Aug. 19, 1959; 8:47 a.m.]

(2) A "Petition for Reconsideration" filed July 30, 1959, by Triangle Publications, Inc. (Radio & Television Division), licensee of KFRE-TV, asking reconsideration of the denial and grant of the requested extension in Docket 11759; and a "Statement in Support" of Triangle's petition filed by S. H. Patterson, licensee of KSAN-TV (San Francisco), supporting Triangle's request for extension in Docket 11759 and asking that the same extension be granted in Docket 12946; and

(3) Oppositions to the Triangle petition for reconsideration filed by the licensees of UHF stations KJEO (Fresno) and KBAK-TV (Bakersfield).

2. In support of its request for reconsideration and a 60-day extension, Triangle urges that considering the complex nature and scope of the issues involved, and the far-reaching effect of our decision thereof, both the public interest and proper regard for due process require additional time for filing comments. Patterson supports the Triangle request and asserts that, because of the interrelationship between the two proceedings, the same time schedule should obtain in both Docket 11759 and Docket 12946. In opposition to Triangle's request, KJEO asserts that delay beyond the dates now fixed for comments and replies (August 24 and September 8, respectively) will preclude any solution to the Fresno intermixed situation before well into 1960 because winter conditions

prevail at the mountain location involved after early fall. KBAK-TV in opposing Triangle's request urges that any delay in the proceeding will delay final solution of the Fresno-Bakersfield intermixture problems and result in harm to KBAK-TV and the public (and also to the Fresno UHF licensees).

3. Upon further consideration of this matter, we are of the view that some extension of time in these proceedings is warranted, although not the 60 days sought by Triangle and the other petitioners. It is true, as Triangle points out, that the matters involved are complex and of wide scope, and important questions are involved. Therefore our consideration of the matters involved will benefit from affording the parties time sufficient for full and adequate presentations. We observe, as we stated earlier, that a prompt solution to the Fresno-Bakersfield situations is an important consideration, and we note in this connection KJEO's contention about the advent of winter conditions. But it cannot be said that an extension of time such as 30 days would necessarily result in substantial delay in resolution of the proceeding beyond the time when it would otherwise be decided. Accordingly, since an additional 30 days should provide ample opportunity for the preparation and submission of complete showings in this matter, it is appropriate to extend the time for filing comments and replies to that extent.

4. As to Docket 12946, it is true, as Patterson asserts, that the matters involved therein are related to the Fresno-Bakersfield proceeding. Therefore there appears no reason why the same dates should not apply in the northern California proceeding.

5. In view of the foregoing: *It is ordered:*

(1) That the time for filing comments in Dockets 11759 and 12946, in response to the Notices issued by the Commission therein on July 17 and August 4, 1959, is extended to September 23, 1959; and the time for filing replies in said proceedings is extended to October 8, 1959; and

(2) The "Petition for Reconsideration" filed by Triangle Publications, Inc. (Radio and Television Division) on July 30, 1959 in Docket 11759, and the "Statement in Support of Petition for Reconsideration" filed in Dockets 11759 and 12946 by S. H. Patterson, are granted to the extent indicated by the above extension of time, and in other respects are denied.

Adopted: August 14, 1959.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6931; Filed, Aug. 19, 1959;
8:50 a.m.]

TARIFF COMMISSION

TRADE-AGREEMENT NEGOTIATIONS WITH CERTAIN CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE-CLAUSE ACTIONS

Notice of Investigation and Hearings

Public notice of investigation and hearings under section 3 of the Trade Agreements Extension Act of 1951, as amended, as follows: Investigation No. 7—List of articles for consideration in proposed trade-agreement negotiations with certain contracting parties to the General Agreement on Tariffs and Trade regarding compensation for Escape-Clause Actions.

1. The final date for filing requests to testify at Tariff Commission public hearings is September 23, 1959.

2. The final date for filing written statements with the Tariff Commission is September 23, 1959.

3. Tariff Commission public hearings will begin on October 6, 1959.

4. Public announcements relating to the proposed trade-agreement negotiations have also been issued by the Interdepartmental Committee on Trade

Agreements¹ and the Committee for Reciprocity Information,² and appear concurrently with this notice in the FEDERAL REGISTER.

The Interdepartmental Committee on Trade Agreements this day issued public notice of the intention of this Government to enter into trade-agreement negotiations with the governments of certain contracting parties to the General Agreement on Tariffs and Trade regarding compensation for escape clause actions taken by the United States with respect to spring clothespins, safety pins, and clinical thermometers. On August 13, 1959, in accordance with section 3 of the Trade Agreements Extension Act of 1951, as amended, the President furnished to the United States Tariff Commission a list (hereinafter referred to as the "President's list") of articles imported into the United States to be considered in the proposed negotiations, and requested the Tariff Commission to make a "peril point" investigation and report with respect to each such article, as provided in said section 3 of the Trade Agreements Extension Act of 1951. A copy of the President's list is attached to the announcement of the Interdepartmental Committee on Trade Agreements

published in the FEDERAL REGISTER concurrently with this notice and is incorporated herein by reference.

A. *Investigation instituted.* Pursuant to said section 3 of the Trade Agreements Extension Act of 1951, the United States Tariff Commission has this day instituted an investigation with respect to the articles included in the President's list.

B. *Purpose of investigation.* The purpose of the investigation is to obtain the facts necessary to enable the Tariff Commission to formulate findings (known as "peril point" findings) for inclusion in a report to the President with respect to each article included in the President's list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of Section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act), without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles,

¹ See F.R. Doc. 59-6974, *infra*.

² See F.R. Doc. 59-6975, *infra*.

NOTICES

the minimum increases in duties or additional import restrictions required.

C. Written statements and public hearings. Parties interested will be given opportunity to present their views with respect to the subject matter of the investigation either by submission of written statements or by oral testimony at public hearings, or both. In order to permit, within the limited time and resources available, all interested parties to present information and views concerning the articles in the President's list in an orderly manner and with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of hearings:

1. *Written statements in lieu of appearance at hearings.* Interested parties may present their information and views through the submission of written statements in lieu of appearances at the public hearings. Such statements must be under oath and will be given the same consideration as oral testimony presented at the hearings, and, except for information submitted and accepted in confidence, will be made available for inspection by interested parties. Twenty copies of written statements shall be submitted, only one of which need be sworn to. Such statements should be submitted as early as possible, but not later than September 23, 1959.

2. *Scope of written statements and oral testimony.* Written statements and oral testimony must relate to articles included in the President's list, and must be confined to matters relevant to the purpose of the investigation as stated in B, above. At the beginning of any written statement that is read at the hearings, or any oral testimony given at the hearings, the article and tariff paragraph number to which the testimony relates should be specifically identified.

3. *Submission of information in confidence.* Information pertinent to the subject matter of the investigation which interested parties desire to submit in confidence may be submitted with written statements or at the time testimony is given at the hearings, on separate sheets, each clearly marked "Submitted in confidence."

4. *Appearance at public hearings.* The following information and instructions should be carefully studied by all persons interested in appearing at the public hearings in this investigation.

a. Requests to appear at the public hearings must be filed in writing (by letter separate from any written statement or brief) with the Secretary of the Commission on or before September 23, 1959. Such requests must contain the following information:

(1) The tariff paragraph number and a description of the article or articles on which testimony will be presented.

(2) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(3) A brief indication of the position to be taken concerning the customs treatment of the articles affected.

(4) A careful estimate of the time desired for presentation of oral testimony by all witnesses for whom the request is filed.

NOTE: The Commission reserves the right to limit the time assigned to witnesses. Witnesses may, of course, supplement their oral testimony with written statements of any desired length. Such supplemental statements must, however, be presented at the time the oral testimony is given.

b. The Secretary of the Commission should be promptly notified of any changes in the request for appearance as originally filed.

c. It is suggested that parties who have a common interest in one or more of the articles listed may wish to arrange for a consolidated presentation of their views.

5. *Date and conduct of hearings.* a. The public hearings in this investigation will commence at 10:00 o'clock a.m., e.d.s.t., on Tuesday, the 6th day of October 1959, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. The hearings will be held each day from 10:00 a.m. to about 1:00 p.m., and are scheduled to be concluded not later than Friday, October 9, 1959.

b. Parties who have properly entered their appearance by September 23, 1959, as indicated under paragraph C, 4, above will be individually notified of the date on which they are scheduled to appear. Such notification will be sent as soon as possible after the closing date for requests to appear (September 23, 1959).

c. Questioning of witnesses will be limited to members of the Commission.

6. *Related hearings before the Committee for Reciprocity Information.* Published concurrently with this notice is an announcement by the Committee for Reciprocity Information regarding public hearings to be held by that Committee on the articles included in the President's list, and on other matters, to begin on October 6, 1959. Arrangements will be made to permit persons desiring to appear at both Tariff Commission and Committee for Reciprocity Information hearings to do so without conflict in scheduling, and, where possible, to present their testimony at both hearings on the same day. Oral testimony and written statements of interested parties received by the Tariff Commission in connection with this investigation will be made available by the Tariff Commission to the Committee for Reciprocity Information. Accordingly, as stated in the Committee for Reciprocity Information notice, appearance before the Committee for Reciprocity Information for the purpose of submitting the same information, although permissible, will not be necessary.

D. Communications to be addressed to Secretary. All communications regarding the Tariff Commission investigation, including requests for appearance at the Tariff Commission hearings, should be

addressed to the Secretary, United States Tariff Commission, Washington 25, D.C.

By direction of the United States Tariff Commission,

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 59-6975; Filed, Aug. 19, 1959; 10:21 a.m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE CLAUSE ACTIONS

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474; 65 Stat. 73, ch. 141), and to paragraph 4 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949-1953 Comp., pp. 281, 355), and in view of certain "escape clause" actions with respect to spring clothespins, safety pins, and clinical thermometers taken by the President on November 9, 1957, November 29, 1957, and April 21, 1958, respectively (Proclamation No. 3211, 3 CFR, 1957 supp., p. 50, Proclamation No. 3212, id., 51, and Proclamation No. 3235, 3 CFR, 1958 supp., p. 25), under the authority of section 350 of the Tariff Act of 1930, as amended, and of section 7(c) of the Trade Agreements Extension Act of 1951, as amended, notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to enter into trade agreement negotiations under Article XIX of the General Agreement on Tariffs and Trade regarding compensation, to contracting parties to the Agreement that have a substantial interest as exporters, for such escape clause actions. Since the purpose of the negotiations is the granting of compensatory concessions by the United States, it is not anticipated that they will result in any concessions by other countries for the benefit of United States exports. The results of these negotiations will be embodied in Schedule XX to the General Agreement.

There is annexed hereto a list of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the negotiations for which notice is given above.

The articles proposed for consideration in the negotiations are identified in the annexed list by specifying the numbers of the paragraphs in tariff schedules of Title I of the Tariff Act of 1930, as amended, in which they are provided for together with the language used in such tariff paragraphs to provide for such

articles, except that where necessary the statutory language has been modified by the omission of words or the addition of new language in order to narrow the scope of the original language.

No article will be considered in the negotiations for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment unless it is included, specifically or by reference, in the annexed list or unless it is subsequently included in a supplementary public list. Only duties on the articles listed imposed under the paragraphs of the Tariff Act of 1930 specified with regard to such articles will be considered for a possible decrease, but additional or separate ordinary duties or import taxes on such articles imposed under any other provisions of law may be bound against increase as an assurance that the concession under the listed paragraph will not be nullified. In the event that an article which as of June 1, 1959, was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the conclusion of the trade agreement negotiations, the list will nevertheless be considered as including such article.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082 of October 5, 1949, as amended, information and views as to any aspect of the proposals announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.¹ Any matters appropriate to be considered in connection with the negotiations proposed above may be presented.

Public hearings in connection with "peril point" investigation of the United States Tariff Commission in connection with the articles included in the annexed list pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, are the subject of an announcement of this date issued by that Commission.²

By direction of the Interdepartmental Committee on Trade Agreements this 19th day of August 1959.

JOHN A. BIRCH,
Chairman, Interdepartmental
Committee on Trade Agreements.

LIST OF ARTICLES IMPORTED INTO THE UNITED STATES PROPOSED FOR CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

TARIFF ACT OF 1930

Title I—Dutiable List

Paragraph 1. Acids and acid anhydrides, not specially provided for: Fatty alcohols and fatty acids, sulphated.

Paragraphs 5 and 23. Chemical elements, * * * chemical salts and compounds, * * * not specially provided for, and whether or not in any form or container specified in paragraph 23, Tariff Act of 1930:

Dicalcium phosphate;
Fatty alcohols and fatty acids, sulphated, and salts of sulphated fatty acids.

Paragraph 43. Ink, and ink powders not specially provided for.

Paragraph 218(a). Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing, finished or unfinished, wholly or in chief value of fused quartz or fused silica.

Paragraph 223. Plate, cylinder, crown, and sheet glass, by whatever process made, when made into mirrors, finished or partly finished, exceeding in size 144 square inches.

(NOTE: Includes foregoing when bent, frosted, or otherwise processed in a manner subjecting them to additional duty under paragraph 224 of the Tariff Act of 1930. No consideration will be given, however, to reduction of the additional duty under paragraph 224.)

Paragraph 340. All other saws, not specially provided for:

Hack saw blades.

Paragraph 348. Snap fasteners and clasps, and parts thereof, by whatever name known, or of whatever material composed, not plated with gold, silver, or platinum; all the foregoing, valued at not more than \$1.66 $\frac{2}{3}$ per hundred:

Sew-on fasteners and parts thereof, mounted on tape or otherwise.

Paragraph 372. Machines, finished or unfinished, not specially provided for, and parts, not specially provided for, wholly or in chief value of metal or porcelain:

Wrapping and packaging machines (except machines for packaging pipe tobacco, machines for wrapping cigarette packages, machines for wrapping candy, and combination candy-cutting and wrapping machines), and parts.

Paragraph 711. Live birds not specially provided for, valued at \$5 or less each (except bobwhite quail).

Paragraph 804. Rice wine or sake; and still wines not produced from grapes, including ginger wine or ginger cordial, and beverages not specially provided for similar to any of the beverages specified in paragraph 804, Tariff Act of 1930.

Paragraph 913(a). Belts and belting, for machinery, wholly or in chief value of cotton or other vegetable fiber and india rubber, valued at 40 cents or more per pound.

Paragraph 1020. Linoleum (except inlaid linoleum), including corticine and cork carpet, and mats or rugs made of linoleum other than of inlaid linoleum.

Paragraph 1021. Floor coverings not specially provided for: Felt-base floor coverings.

Paragraph 1405. Boxes of paper or papier-mache or wood provided for in paragraph 1405, Tariff Act of 1930, covered or lined with paper, but not covered or lined with cotton or other vegetable fiber.

Paragraph 1410. Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, all the foregoing not specially provided for, if other than of bona fide foreign authorship (not including diaries, music in books, pamphlets, prayer books, sheets or printed pages of prayer books bound wholly or in part in leather, or tourist literature containing geographic, historical, hotel, timetable, travel, or similar information, chiefly with respect to places or travel facilities outside the continental United States).

Paragraph 1413. Boxes, composed wholly or in chief value of paper, papier-mache or paper board, and not specially provided for.

Paragraph 1501(a). Yarn, silvers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinable fiber, with or without wire, and all manufacturers of any of the foregoing.

Paragraph 1502. Balls, of whatever material composed, finished or unfinished, pri-

marily designed for use in physical exercise (whether or not such exercise involves the element of sport), and not specially provided for:

Golf balls; footballs and other balls (not including tennis balls), wholly or in chief value of rubber.

Paragraph 1510. Parts of buttons and button molds or blanks, finished or unfinished, not specially provided for.

Paragraph 1513. Toys, and parts of toys, not specially provided for:

Toys wholly or in chief value of rubber, except toys described otherwise than by specification of component material in any Schedule XX of the General Agreement on Tariffs and Trade.

Paragraph 1519(e). Articles, wholly or partly manufactured (except wearing apparel, but including fur collars, fur cuffs, and fur trimmings), wholly or in chief value of fur (except silver or black fox), not specially provided for.

Paragraph 1530(c). Leather (except provided for in subparagraph (d) of paragraph 1530), made from hides or skins of animals (including fish, reptiles, and birds but not including cattle of the bovine species), in the rough, in the white, crust, or russet, partly finished, or finished:

Chamois leather (except oil-tanned) and glove and garment leather, made from lamb or sheep skins.

Paragraph 1537(b). Manufactures of india or gutta-percha, or of which these substances or either of them is the component material of chief value, not specially provided for:

Tires (not including automobile, motorcycle, and bicycle tires composed wholly or in chief value of india rubber).

Paragraph 1540. Moss and sea grass, eel-grass, and seaweeds, if manufactured or dyed.

Paragraph 1541(a). Musical instruments and parts thereof, not specially provided for: Concertinas and other accordions which are not piano accordions.

[F.R. Doc. 59-6974; Filed, Aug. 19, 1959; 10:21 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE CLAUSE ACTIONS

Submission of Information to the Committee for Reciprocity Information

Closing date for Applications to Appear at Hearing, September 23, 1959.

Closing date for Submission of Briefs, September 23, 1959.

Public Hearings Open, October 6, 1959.

The Interdepartmental Committee on Trade Agreements has issued on this day³ a notice of intention to participate in trade agreement negotiations under Article XIX of the General Agreement on Tariffs and Trade regarding compensation to contracting parties to the Agreement that have a substantial interest as exporters for the escape clause actions with respect to spring clothespins, safety pins, and clinical thermom-

¹ See F.R. Doc. 59-6973, *infra*.

² See F.R. Doc. 59-6975, *supra*.

³ See F.R. Doc. 59-6974, *supra*.

eters taken by the President on November 9, 1957, November 29, 1957, and April 21, 1958, respectively. Annexed to the notice of the Interdepartmental Committee on Trade Agreements is a list of articles imported into the United States to be considered for possible concessions in the negotiations. Since the purpose of the negotiations is the granting of compensatory concessions by the United States, it is not anticipated that they will result in any concessions by other countries for the benefit of United States exports.

Pursuant to paragraph 5 of Executive Order 10082 of October 5, 1949, as amended (3 CFR, 1949-1953 Comp., pp. 281, 355), the Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to the proposed negotiations shall be submitted to the Committee for Reciprocity Information not later than September 23, 1959. The application must indicate the product or products on which the individual or group desires to be heard and an estimate of the time required for oral presentation. Written statements shall be submitted not later than September 23, 1959. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C.". Fifteen copies of written statements, either typed, printed, or duplicated, shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of the Committee for Reciprocity Information".

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 2:00 p.m. on October 6, 1959 in the Hearing Room in the Tariff Commission Building, Eighth and E Streets NW., Washington 25, D.C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons may present their views regarding any matter appropriate to be considered in connection with the proposed negotiations, although, as indicated above, it is not anticipated that they will result in any concessions by other countries for the benefit of United States exports. Copies of the list attached to the notice of intention to negotiate may be obtained from the Committee for Reciprocity Information at the address designated above and may

be inspected at the field offices of the Department of Commerce.

The United States Tariff Commission has today announced public hearings on the import items appearing in the list annexed to the notice of intention to negotiate to run concurrently with the hearings of the Committee for Reciprocity Information. Oral testimony and written information submitted to the Tariff Commission will be made available to and will be considered by the Interdepartmental Committee on Trade Agreements. Consequently, those whose interests relate only to import products included in the foregoing list, and who appear before the Tariff Commission, need not, but may if they wish, appear also before the Committee for Reciprocity Information.

By direction of the Committee for Reciprocity Information this 19th day of August 1959.

EDWARD YARDLEY,
Secretary, Committee for
Reciprocity Information.

[F. R. Doc. 59-6973; Filed, Aug. 19, 1959;
10:21 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

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 Lauderdale County, Alabama, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of August 1959.

E. L. PETERSON,
Acting Secretary.

[F.R. Doc. 59-6930; Filed, Aug. 19, 1959;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10657]

BRITISH WEST INDIAN AIRWAYS LTD.

Notice of Prehearing Conference

In the matter of the application of British West Indian Airways Limited in Docket No. 10657 for the issuance of a

* See F.R. Doc. 59-6975, *supra*.

foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958 for service from Barbados, W.I. to New York, N.Y.; and from London, England to New York, N.Y. via the intermediate points, Shannon, Iceland, Azores, Bermuda, Gander, Montreal, and beyond New York, N.Y. to the terminal point, Jamaica, W.I.

Notice is hereby given, that a prehearing conference in the above-entitled matter is assigned to be held on August 25, 1959 at 2:00 p.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner John A. Cannon.

Dated at Washington, D.C., August 17, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-6926; Filed, Aug. 19, 1959;
8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 213]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Arizona Serial No. 017512, for the withdrawal of the lands as described below from all forms of appropriation, including the general mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the lands as a construction site for flood control dikes to protect the Arizona Canal System from damage during rainstorms and flash floods.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona.

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

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

The lands involved in this application are:

GILA AND SALT RIVER MERIDIAN

ARIZONA

T. 3 N., R. 3 E.,
Sec. 34: E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 35: W $\frac{1}{2}$ NW $\frac{1}{4}$.

Total Area—160 acres.

E. I. ROWLAND,
State Supervisor.

AUGUST 12, 1959.

[F.R. Doc. 59-6903; Filed, Aug. 19, 1959;
8:45 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 10, 1959.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 023759, for the withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for use as a recreation area in Roosevelt National Forest.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROOSEVELT NATIONAL FOREST

Seaman Reservoir Recreation Area

T. 9 N., R. 70 W.,

Sec. 21, $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$.

The above area aggregates 140 acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-6904; Filed, Aug. 19, 1959; 8:46 a.m.]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 14, 1959.

The Bureau of Reclamation, United States Department of the Interior, has filed application, Serial Numbers W-055790, W-055807, and W-057669, for withdrawal of the lands described below, from all forms of appropriation, subject to existing valid rights under the first form of withdrawal, as provided in section 3 of the act of June 17, 1902 (32 Stat. 338). Grazing administration of these lands will remain under the Bureau of Land Management until such time as they are actually required for reclamation purposes.

The applicant desires the land for reservoir purposes and development under reclamation law in connection with the Flaming Gorge Unit—Colorado River Storage Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, sugges-

tions, or objections in connection with the proposed withdrawal may present their views in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, Box 929, Cheyenne, Wyoming.

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 106 W.,

Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 to 32, inclusive.

T. 18 N., R. 106 W.,
Sec. 31.

T. 12 N., R. 107 W.,
Secs. 18 and 19.

T. 13 N., R. 107 W.,
Secs. 6 and 7;
Secs. 18 and 19;
Secs. 30 and 31.

T. 14 N., R. 107 W.,

Sec. 18, Lots 1 to 4 inclusive, $E\frac{1}{2}W\frac{1}{2}$;
Secs. 19, 30 and 31.

T. 15 N., R. 107 W.,

Sec. 4, Lots 3 and 4, $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Secs. 5, 6 and 8.

T. 16 N., R. 107 W.,

Secs. 1, 2, 3, 10 and 11;
Sec. 12, Lot 1, $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$,
 $SE\frac{1}{4}$;

Secs. 14, 15, 21, 22 and 23;
Sec. 26, $N\frac{1}{2}$;
Secs. 27 to 34, inclusive.

T. 17 N., R. 107 W.,

Secs. 1, 24, 25, 35 and 36.

T. 18 N., R. 107 W.,

Secs. 22 to 27, inclusive;
Secs. 35 and 36.

T. 12 N., R. 108 W.,

Secs. 1 to 4, inclusive;
Sec. 5, $NE\frac{1}{4}$;
Secs. 9 to 16, inclusive;
Secs. 19 to 24, inclusive;
Sec. 25, Lots 1 to 3, inclusive;
Sec. 26, Lots 1 to 4, inclusive;
Sec. 27, Lots 1 and 2;
Sec. 28, Lots 1 to 4, inclusive;
Sec. 29, Lots 1 to 4, inclusive;
Sec. 30, Lots 1 to 4, inclusive.

T. 13 N., R. 108 W.,

Secs. 1 to 3, inclusive;
Sec. 4, Lots 1 to 4, inclusive, $S\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}$;
Sec. 9, $NE\frac{1}{4}$;

Secs. 10 to 15, inclusive;
Secs. 21 to 28, inclusive;
Sec. 32, $E\frac{1}{2}$;
Secs. 33 to 36, inclusive.

T. 14 N., R. 108 W.,

Secs. 1 to 5, inclusive;
Sec. 6, Lots 1 to 5, inclusive, $S\frac{1}{2}NE\frac{1}{4}$,
 $SE\frac{1}{4}NW\frac{1}{4}$;

Secs. 8 to 17, inclusive;
Secs. 21 to 27, inclusive;
Sec. 33, $S\frac{1}{2}$;
Secs. 34 to 36, inclusive.

T. 15 N., R. 108 W.,

Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive;
Secs. 22 to 28, inclusive;
Sec. 30, Lots 1 to 4 inclusive, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$;
Sec. 31, Lots 1 to 4 inclusive, $E\frac{1}{2}$, $E\frac{1}{2}W\frac{1}{2}$;
Secs. 32 to 35, inclusive.

T. 16 N., R. 108 W.,

Secs. 5 to 9, inclusive;
Secs. 15 to 18, inclusive;
Secs. 20 to 22, inclusive;
Secs. 25 to 28, inclusive;
Secs. 33 to 36, inclusive.

T. 17 N., R. 108 W.,

Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.

T. 12 N., R. 109 W.,

Secs. 14 and 15;
Secs. 22 to 24, inclusive;
Sec. 25, Lots 1 and 2.

T. 16 N., R. 109 W.,

Secs. 12 to 14, inclusive;
Sec. 24.

The areas described contain approximately 122,127.60 acres of public and private lands.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59-6905; Filed, Aug. 19, 1959; 8:46 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number A.046709 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws, but excepting the disposal of materials under the Materials Act. The applicant desires the land for use as an air navigational aid station (VORTAC Site).

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing: 334 East Fifth Avenue, Anchorage, Alaska.

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

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

The lands involved in the application are:

KING SALMON AREA

From the center point of the VORTAC site, at $58^{\circ}43'31.35''$ N., $156^{\circ}44'59.95''$ W., go west 2,000 feet thence south 1,000 feet to the true point of beginning; thence north 3,000 feet; thence east 4,000 feet; thence south 4,000 feet; thence west 3,000 feet; thence N. $45^{\circ}00'$ W. 1,414.22 feet to the point of beginning;

Containing 356 acres more or less.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-6921; Filed, Aug. 19, 1959; 8:48 a.m.]

National Park Service

[Order 14, Amdt. 14]

REGIONAL DIRECTORS

Delegation of Authority With Respect to Regularly Scheduled Overtime

Section 1 of Order No. 14, issued December 1, 1954 (19 F.R. 8824), as

amended (21 F.R. 7699), is amended by the deletion of paragraph (w) reading as follows:

(w) Approval of regularly scheduled overtime in excess of 30 days and not more than 90 days.

(Secretary's Order No. 2640, as amended; 5 U.S.C., sec. 22)

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 59-6909; Filed, Aug. 19, 1959;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13155, etc.; FCC 59-869]

WACO RADIO CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jacob A. Newborn, Jr., Trustee for Nancy and Nena Newborn, tr/as Waco Radio Company, Waco, Texas, Docket No. 13155, File No. BP-9763; Requests: 940 kc, 250 w, Day; Hugh M. McBeath, Waco, Texas, Docket No. 13156, File No. BP-10001; Requests: 940 kc, 250 w, Day; Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Requests: 940 kc, 1 kw, Day; Radio Broadcasters, Inc., Waco, Texas, Docket No. 13158, File No. BP-12465; Requests: 940 kc, 250 w, Day; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; Requests: 940 kc, 1 kw, DA-Day; H. A. Bridges, Jr., R. L. Hicks, Samuel R. Jones and James G. Ulmer, a Partnership, d/b as Heart of Texas Broadcasters, Waco, Texas, Docket No. 13160, File No. BP-12985; Requests: 940 kc, 250 w, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of August 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, Hugh M. McBeath, Floyd Bell, Radio Broadcasters, Inc., and Belton Broadcasters, Inc., are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing that except as indicated by the issues specified below, Waco Radio Company and Heart of Texas Broadcasters are legally, technically and otherwise qualified, but neither is financially qualified, to construct and operate its 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 July 2, 1959, and incorporated herein by reference, notified the instant applicants, 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 any one of the applications 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 instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that by letter received March 20, 1959, Radio Broadcasters, Inc., requested that an issue be included as to the availability of the transmitter sites for the Waco Radio Company, Hugh M. McBeath and Heart of Texas Broadcasters, contending that the proposed sites would be in contravention of a local zoning ordinance, but that the Commission believes that zoning considerations relative to a proposed transmitter site are properly to be resolved by local zoning authorities; that in the processing of an application, the Commission examines the location of the antenna structure for compliance with the technical requirements and those requirements intended to prevent the creation of an aeronautical hazard; that with respect to the transmitter location, the Commission assumes that the applicant's representations are in good faith and that it has a reasonable expectation of the proposed site being available; and that approval by the Commission of a proposed location does not authorize contravention of any local ordinance prohibiting erection of a tower on the site in question (In re W. Gordon Allen, KTIK, 13 RR 1120); and

It further appearing that in an amendment received July 22, 1959, Floyd Bell contends that on the basis of Figure M-3 conductivities to the southwest and west from his proposed site, the proposed 0.025 mv/m contour is so described as not to involve objectionable interference with the proposals of Radio Broadcasters, Inc., and Belton Broadcasters, Inc., but that on the basis of Figure M-3 conductivities in the pertinent direction of N. 240° E. the Commission finds that a question of slight objectionable interference arises; and

It further appearing that by amendment filed July 22, 1959, Waco Radio Company submitted additional financial data, which included a bank loan of \$15,000, but that this bank loan is not directed toward the applicant nor does it show terms of payment or security posted, and, therefore, it cannot be determined that the applicant is financially qualified to construct and operate the proposed station; and

It further appearing that by amendment filed July 22, 1959, Heart of Texas Broadcasters submitted additional financial data which failed to reveal that Howard A. Bridges, Jr. has sufficient cash or liquid assets to meet his commitments, and while he proposes to borrow funds to finance his share, no definite

commitment, signed under oath by the party who has agreed to make such funds available, the amount, terms of payment or security, if any, was furnished to enable a determination that the instant applicant is financially qualified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

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

1. To determine the areas and populations which would receive primary service from each of the instant proposals and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations involved in the interference between the proposals.

3. To determine whether Waco Radio Company and Heart of Texas Broadcasters are financially qualified to construct and operate their respective proposals.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Belton or Texarkana, Texas or one of the proposals for Waco, Texas would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Waco, Texas should be favored, which of the proposals of Waco Radio Company, Hugh M. McBeath, Radio Broadcasters, Inc., or Heart of Texas Broadcasters would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of the application of Hugh M. McBeath or Heart of Texas Broadcasters, the construction permit shall contain a condition that the permittee

assume the responsibility for installation and adjustment of filter circuits or any other equipment necessary to prevent adverse effects from cross-modulation or reradiation with Station KWTX, Waco, Texas; and that the permittee shall submit, before the issuance of program test authority, sufficient field, intensity measurement data, made before and after the installation of such equipment, to prove that its authorized operation has had no adverse effect on the technical operation of Station KWTX, Waco, Texas.

It is further ordered, That the request of Radio Broadcasters, Inc. to include an issue as to the availability of the proposed transmitter sites for Waco Radio Company, Hugh M. McBeath and Heart of Texas Broadcasters is hereby denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, 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.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6932; Filed, Aug. 19, 1959;
8:50 a.m.]

[Docket No. 13161 etc.; FCC 59-870]

MILLINGTON BROADCASTING CO. (WHEY) ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Earl W. Daly, tr/as Millington Broadcasting Company (WHEY), Millington, Tennessee, Docket No. 13161, File No. BP-12027; Has: 1220 kc, 250 w, Day; Requests: 1220 kc, 500 w, Day; Radio Muscle Shoals, Inc. (WOWL), Florence, Alabama, Docket No. 13162, File No. BP-12150; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; Union City Broadcasting Co., Inc. (WENK), Union City, Tennessee, Docket No. 13163, File No. BP-12218; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; The Corinth Broadcasting Company, Inc. (WCMA), Corinth, Mississippi, Docket No. 13164, File No. BP-12269; Has: 1230 kc, 250 w, U; Requests: 1230 kc, 250 w, 1 kw-LS, U; Alan G. Patteson, Jr. & Matthew Carter

Patteson, d/b as Patteson Brothers (KBTM), Jonesboro, Arkansas, Docket No. 13165, File No. BP-12358; Has: 1230 kc, 250 w, U; Requests: 1230 kc, 250 w, 1 kw-LS, U; Capital Broadcasting Company (WKDA), Nashville, Tennessee, Docket No. 13166, File No. BP-12518; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; John R. Crowder, James Porter Clark and James W. Tate, d/b as Fayetteville Broadcasting Company (WEKR), Fayetteville, Tennessee, Docket No. 13167, File No. BP-12777; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; Kestner P. Graham, tr/as Radio Holly Springs, Holly Springs, Mississippi, Docket No. 13168, File No. BP-13074; Requests: 1240 kc, 100 w, U; Walker County Broadcasting Company, Inc. (WARF), Jasper, Alabama, Docket No. 13169, File No. BP-13101; Has: 1240 kc, 250 w, U; Requests: 1240 kc, 250 w, 1 kw-LS, U; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of August 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its 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 July 9, 1959, and incorporated herein by reference, notified the instant applicants, 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 any one of the applications 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 Stations WHEY, WOWL, WENK, WCMA, KBTU, WKDA, WEKR and WARF filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

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

1. To determine the area and population which would receive primary service from the proposal of Radio Holly Springs and the availability of other primary service to such area and population.

2. To determine the areas and populations which may be expected to gain or lose primary service from each of the instant proposals for a change in the facilities of an existing broadcasting station and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals 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.

5. To determine whether the following proposals would involve objectionable interference with the existing standard broadcast stations indicated, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

- BP-12027... KBTM, Jonesboro, Ark.
WPWL, Camden, Tenn.
KGMO, Cape Girardeau, Mo.
KVSA, McGhee, Ark.
- BP-12150... WEKR, Fayetteville, Tenn.
WARF, Jasper, Ala.
WMPA, Aberdeen, Miss.
WKDA, Nashville, Tenn.
- BP-12218... KFMO, Flat River, Mo.
WEBQ, Harrisburg, Ill.
- BP-12269... KBTM, Jonesboro, Ark.
WJBB, Haleyville, Ala.
- BP-12358... WCMA, Corinth, Miss.
KCON, Conway, Ark.
WHEY, Millington, Tenn.
- BP-12518... WEKR, Fayetteville, Tenn.
WOWL, Florence, Ala.
- BP-12777... WARF, Jasper, Ala.
WBHP, Huntsville, Ala.
WKDA, Nashville, Tenn.
WOWL, Florence, Ala.
- BP-13101... WCRF, Birmingham, Ala.
WEKR, Fayetteville, Tenn.
WMPA, Aberdeen, Miss.
WOWL, Florence, Ala.
- BP-13074... WGRM, Greenwood, Miss.
WKBL, Covington, Tenn.

6. To determine whether the antenna system proposed by Radio Holly Springs would constitute a hazard to air navigation.

7. To determine whether the respective transmitter sites proposed by Walker County Broadcasting Company, Inc., Capital Broadcasting Company, Union City Broadcasting Co., Inc., The Corinth Broadcasting Company, Inc., and Patteson Brothers are satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

8. To determine whether the nighttime limitation contour of the proposed operation of Radio Holly Springs will encompass the entire city of Holly Springs, Mississippi, as required by § 3.188(b) (2) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

9. To determine the type and character of program service which would be broadcast by Radio Holly Springs and whether the program service would be in the public interest.

10. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

11. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, the following licensees of the stations indicated are made parties to the proceeding with respect to their existing operations:

- Patteson Brothers (KBTM), Jonesboro, Ark.
The Camden Broadcasting Company, Inc. (WFWL), Camden, Tenn.
KGMO Radio-Television, Inc. (KGMO), Cape Girardeau, Mo.
Southeast Arkansas Broadcasters, Inc. (KUSA), McGhee, Ark.
Fayetteville Broadcasting Company (WEKR), Fayetteville, Tenn.
Walker County Broadcasting Company, Inc. (WARF), Jasper, Ala.
Ray Tolar (WMPA), Aberdeen, Miss.
Capital Broadcasting Company (WKDA), Nashville, Tenn.
Lead Belt Broadcasting Co. (KFMO), Flat River, Mo.
First Trust Association (WEBQ), Harrisburg, Ill.
Haleyville Broadcasting Co., Inc. (WJBB), Haleyville, Ala.
The Corinth Broadcasting Company, Inc. (WCMA), Corinth, Miss.
Conway Broadcasting Company (KCON), Conway, Ark.
Millington Broadcasting Company (WHEY), Millington, Tenn.
Radio Muscle Shoals, Inc. (WOWL), Florence, Ala.
Wilton Harvey Pollard (WBHP), Huntsville, Ala.
Chapman Radio & Television Co. (WCRT), Birmingham, Ala.
Mrs. P. K. Erving (WGRM), Greenwood, Miss.
Tipton County Broadcasters (WKBL), Covington, Tenn.

It is further ordered, That, in the event the proposal of Radio Muscle Shoals, Inc., is granted, the permittee shall submit sufficient evidence prior to program tests to establish that the proposed non-directional radiation pattern has not been distorted due to the presence of the WOWL-TV tower authorized in construction permit BPCT-2208.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, 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.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 17, 1959.

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-6933; Filed, Aug. 19, 1959; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

JAMES F. BROWNLEE

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.

Sold: San Jacinto Petroleum Corp. Stock. Purchased: 200 Aluminum Ltd., 200 Coca Cola Co., 200 Continental Oil, 200 Eaton Mfg. Co., 200 Texas Co., 1,000 Occidental Petroleum.

Table with 9 columns: Docket No., Respondent, Rate schedule No., Supplement No., Purchaser, Notice of change dated, Date tendered, Effective date unless suspended, Date suspended until. Rows include G-19150 through G-19158.

1 The stated effective dates are the effective dates requested by Respondents or the first day after expiration of the required thirty days' notice, whichever is later.
2 Rate in effect subject to refund in Docket No. G-16081.
3 Contract.
4 Rate in effect subject to refund in Docket No. G-14048.
5 Rate in effect subject to refund in Docket No. G-16416.
6 Rate in effect subject to refund in Docket No. G-14259.

In support of his two proposed revenue-sharing type rate increases, K. S. Adams, Jr. (Adams) states that Phillips Petroleum Company (Phillips) resells the subject gas to El Paso Natural Gas Company (El Paso), that Adams' and Phillips' prices are based upon the price received by El Paso and that the proposed rate increases are based upon increases

This amends statement published April 9, 1959 (24 F.R. 2760).

Dated: August 1, 1959.

JAMES F. BROWNLEE.

[F.R. Doc. 59-6896; Filed, Aug. 19, 1959; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. 19150-19158]

K. S. ADAMS, JR., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates 1

AUGUST 13, 1959.

In the matters of K. S. Adams, Jr., Docket No. G-19150; The Bradley Producing Corporation, Docket No. G-19151; Carter-Jones Drilling Company, Inc. (Operator), et al., Docket No. G-19152; Republic Natural Gas Company, et al., Docket No. G-19153; Union Oil Company of California, Docket No. G-19154; Shell Oil Company, Docket No. G-19155; West Lake Natural Gasoline Company (Operator) et al., Docket No. G-19156; Humble Oil & Refining Company, Docket No. G-19157; Bel Oil Corporation, Docket No. G-19158.

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. The proposed changes are designated as follows:

to El Paso 2 and related increases to Phillips 3 In further support, Adams

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.

2 El Paso's rate increase was suspended until August 1, 1959 in Docket No. G-17929.

3 Phillips rate increases were suspended until January 1, 1959 in Docket Nos. G-18417 and G-18418.

states that the proposed price is just and reasonable and below the going market price of gas sold in the area.

The Bradley Producing Corporation (Bradley) in support of its proposed two-step periodic rate increase states that the filing is an integral part of the initial rate filing or, alternatively, merely the result of the mechanical operation of the contract provisions. Bradley further states that such pricing provisions are common in long-term contracts, and enables buyer to receive initial deliveries at a low price during the time its unamortized capital investment is high and enables seller to receive progressively higher returns contemporaneously with increased costs.

Carter-Jones Drilling Company, Inc. (Operator), et al. (Carter-Jones) in support of its proposed favored-nation increase states that the contract was negotiated at arm's length, the proposed increased rate is just and reasonable and not in excess of rates under numerous contracts covering sales in the area, and its costs of operation are increasing.

Republic Natural Gas Company, et al. (Republic) in support of its proposed redetermined rate increase cites the contract provisions, submits copies of buyer's redetermination letter, states that the proposed increased rate is just and reasonable, and further states that the proposed rate is less than the current commodity value of gas in the area.

Union Oil Company of California (Union) in support of its proposed periodic rate increase cites the contract provisions, stating that the contract was negotiated at arm's length, and states that buyer could not purchase, nor would Union sell, gas in the area at a price less than the proposed rate.

Shell Oil Company (Shell) in support of its two renegotiated rate increases states that such are provided by renegotiated contracts dated July 10, 1959. Shell further states that the proposed rates are in line with prices paid by its buyer and other buyers for southern Louisiana and offshore Louisiana gas, the proposed rates will not activate any price increase clauses under other contracts of its buyer, and the proposed rates are not unjust and unreasonable. In addition, Shell states that the proposed rates are required to offset the differential between its sale price in the field and its gas purchase costs.

West Lake Natural Gasoline Company (Operator), et al. (West Lake) in support of its proposed favored-nation rate increase cites the favored-nation provisions of the contract and the triggering rate paid by El Paso Natural Gas Company to Sun Oil Company (Sun). Sun's triggering rate is based upon increased rates of Phillips Petroleum Company which is in effect subject to refund in Docket No. G-16258.

Humble Oil and Refining Company (Humble) proposes two favored-nation rate increases. In support of its proposed rate increase for sales to Texas Eastern Transmission Corporation (Texas Eastern), Humble states that the contract was negotiated at arm's length, the proposed rate is in line with the going contract prices in the East Texas area, and suspension would unjustly en-

rich Texas Eastern at the expense of Humble in violation of the contract. In support of its proposed rate increase for sales to El Paso Natural Gas Company, Humble states that its contract was negotiated at arm's length, the proposed rate is in line with the going price for gas in the Permian Basin area, and suspension would deprive Humble of valuable contract rights without due process of law.

Bel Oil Corporation (Bel Oil) in support of its proposed periodic rate increase states that the increase is provided by a contract which was negotiated at arm's length.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon 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 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 rate schedules and supplements.

(B) Pending hearings and decisions thereon, Supplements No. 4 to Adams' FPC Gas Rate Schedule Nos. 1 and 2 are hereby suspended and the use thereof deferred until January 17, 1960; Supplement No. 3 to Bradley's FPC Gas Rate Schedule No. 3 is hereby suspended and the use thereof deferred until January 20, 1960; Supplement No. 4 to Carter-Jones' FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until January 20, 1960; Supplement No. 2 to Republic's FPC Gas Rate Schedule No. 18 is hereby suspended and the use thereof deferred until March 19, 1960; Supplement No. 2 to Union's FPC Gas Rate Schedule No. 20 is hereby suspended and the use thereof deferred until February 1, 1960; Shell's FPC Gas Rate Schedule Nos. 210 and 211 and Supplements No. 1 thereto are hereby suspended and the use thereof deferred until January 22, 1960; Supplement No. 3 to West Lake's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until January 22, 1960; Supplements Nos. 14 and 1 to Humble's FPC Gas Rate Schedule Nos. 19 and 144, respectively, are hereby suspended and the use thereof deferred until January 20, 1960 and January 23, 1960, respectively; and Supplement No. 6 to Bel Oil's FPC Gas Rate Schedule No. 4 is hereby suspended and the use thereof deferred until January 24, 1960; each of the aforementioned rate schedules and supplements shall remain suspended until such further time as they are made

effective in the manner prescribed by the Natural Gas Act.

(C) Neither the rate schedules nor 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) Interested State commissions may participate as provided by § 1.8 or 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6898; Filed, Aug. 19, 1959;
8:45 a.m.]

[Docket No. G-19133]

ALGONQUIN GAS TRANSMISSION CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

AUGUST 13, 1959.

Algonquin Gas Transmission Company (Algonquin) on July 14, 1959, tendered for filing First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11-A and 12 to its FPC Gas Tariff, Original Volume No. 1, proposing an annual increase in its rates and charges for jurisdictional sales of \$4,061,925 or 12.1 percent, based on estimated sales for the year ending April 30, 1959. Algonquin also proposes to eliminate upward adjustment of its rates based upon heat content.

The proposed increase is stated to be based upon (1) the recent rate increase application filed by Texas Eastern Transmission Corporation (Texas Eastern), its sole supplier, which was suspended until December 1, 1959, in Docket No. G-18841; (2) a previous increase in Texas Eastern's rates effective subject to refund since November 10, 1957, in Docket No. G-12706; (3) a rate of return of 6½ percent and associated income taxes; and (4) increases in operating expenses to reflect, among other things, increased wages and salaries.

Algonquin requests an effective date of August 14, 1959, or, if suspension is ordered, that the duration of the suspension period be made concurrent with that of Texas Eastern's proposed increase in Docket No. G-18841.

Since the proposed increased rates and charges of Texas Eastern have been suspended and have not yet been shown to be justified, Algonquin's reliance on the proposed increased rates and charges of Texas Eastern is subject to change. Additionally, Algonquin has not fully supported other aspects of its proposed increased rates and charges, including

¹ Identically designated tariff sheets tendered for filing by Algonquin on June 10, 1957, contained rates and charges differing from those tendered on July 14, 1959. The earlier filings were canceled by order issued April 22, 1959, in Docket No. G-12859.

rate base and rate of return and associated income taxes, increases in operating expenses to reflect, among other things, increased wages and salaries, purchased gas volumes and rates, and sales revenues.

The customer companies and the State commissions were invited to submit comments on the proposed increase. To date, comments have been received from the Connecticut and New Jersey Commissions and 18 customer companies, all of which request suspension or investigation.

The increased rates and charges provided for in the revised tariff sheets tendered by Algonquin on July 14, 1959, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Algonquin's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11-A and 12, as tendered for filing on July 14, 1959, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided. The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Ch. D), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in Algonquin's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11-A and 12, as tendered for filing on July 14, 1959.

(B) Pending such hearing and decision thereon, Algonquin's proposed First Revised Sheets Nos. 5, 6, 8, 10 and 14, and Second Revised Sheets Nos. 7, 11-A and 12, as tendered for filing on July 14, 1959, are each hereby suspended, and their use deferred until December 1, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 59-6899; Filed, Aug. 19, 1959; 8:45 a.m.]

[Docket No. G-18255 etc.]

**MOUNTAIN FUEL SUPPLY CO.
ET AL.**

Notice of Applications, Consolidating Proceedings and Date of Hearing

AUGUST 14, 1959.

In the matters of Mountain Fuel Supply Company, Docket No. G-18255; Pan American Petroleum Corporation, Docket No. G-16364; Patrick A. Doheny, Docket No. G-17788.

Take notice that Mountain Fuel Supply Company (Mountain Fuel), a Utah corporation, with principal place of business at Salt Lake City, Utah, filed an application in Docket No. G-18255 on April 8, 1959 and a supplement thereto on July 10, 1959, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5 miles of 8-inch lateral pipeline and appurtenant facilities extending from its 16-inch field lateral in the Canyon Creek Field in a northeasterly direction to a point in the Trail Unit Area, all located in Sweetwater County, Wyoming. In addition to the above described facilities Mountain Fuel proposes to construct and operate other field laterals from points along the said 8-inch pipeline to gas wells to be hereafter drilled in the said Trail Unit Area. The purpose of the proposed facilities is to enable Mountain Fuel to take delivery of natural gas into its system which it has contracted to purchase from Pan American Petroleum Corporation (Pan American) and Patrick A. Doheny (Doheny) produced by them in the area.

The total estimated cost of the proposed facilities is \$121,100, which cost will be financed from company funds and short term bank loans.

Pan American and Doheny propose to sell natural gas produced by them from two wells in the Trail Unit Area to Mountain Fuel under separate contracts dated April 7, 1958 at an initial rate of 12 cents per Mcf and in volumes approximating 677,250 Mcf per month at 15.025 psia. The gas so produced and sold to Mountain Fuel is to be commingled with other gas transported in interstate commerce and resold for ultimate public consumption for domestic, commercial, industrial and other uses, subject to the jurisdiction of this Commission.

The Trail Unit Area, above referred to, consists of approximately 10,431.72 acres, 1,278.27 acres of which surround the two wells and are in the unit participation.

On September 19, 1958 Pan American Petroleum Corporation filed an application, in Docket No. G-16364 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to make the sale of natural gas above described to Mountain Fuel.

On February 5, 1959 Patrick A. Doheny filed a similar application in Docket No. G-17788 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing him to make the sale of natural gas

above described to Mountain Fuel. Doheny and nine associates represent that they own 2,638.32 acres in the Trail Unit Area; but Doheny is the sole representative of all the interests of these co-owners of the gas sale.

These related matters should be heard in a consolidated proceeding 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 September 10, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 31, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 59-6900; Filed, Aug. 19, 1959; 8:45 a.m.]

[Docket No. E-6894]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

AUGUST 14, 1959.

Take notice that on August 10, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northwestern Public Service Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of \$975,000 principal amount of First Mortgage Bonds. The First Mortgage Bonds will be issued by Applicant as a new series under a Trust Indenture dated August 1, 1940, to the Chase Manhattan Bank and Arthur F. Henning, Trustees, as supplemented by certain indentures supplemental thereto and a new Supplemental Indenture. The interest rate and date of maturity of the pro-

posed First Mortgage Bonds will be supplied by Applicant by subsequent amendment to its application. Applicant states that the proceeds from the issuance and sale of the aforesaid bonds are to be applied with other funds to the payment at par of a short-term bank note of \$1,200,000 dated September 22, 1958.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the fourth day of September 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6901; Filed, Aug. 19, 1959;
8:45 a.m.]

[Docket No. G-17581]

SUNRAY MID-CONTINENT OIL CO.

Notice of Application and Date of Hearing

AUGUST 14, 1959.

Take notice that on January 19, 1959, Sunray Mid-Continent Oil Company (Sunray) filed in Docket No. G-17581 an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon natural gas service to Tennessee Gas Transmission Company (Tennessee) from the Walter S. Anderson et al. Lease in the Willow Creek Field, Refugio County, Texas, covered by a gas sales contract dated December 23, 1954, as amended, on file with the Commission as Sunray Mid-Continent Oil Company FPC Gas Rate Schedule No. 128, all as more fully set forth in the application which is on file with the Commission and open to public inspection.¹

In support of the proposed abandonment, the application states that the available supply of natural gas in the subject acreage is depleted to the extent that continuance of service is unwarranted. The gas sales contract covering the subject sale was terminated on December 19, 1958.

Notice of cancellation of the subject service, filed concurrently with the application herein, is designated as Supplement No. 5 to Sunray Mid-Continent Oil Company FPC Gas Rate Schedule No. 128.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washing-

ton, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 7, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6902; Filed, Aug. 19, 1959;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 172]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61508. By order of August 14, 1959, the Transfer Board approved the transfer to Tiger Bus Line, Inc., 285 John St., Princeton, N.J., of certificate in No. MC 7349, issued April 20, 1942, to John Vandenberg, doing business as Tiger Bus Line, 285 John St., Princeton, N.J., authorizing the transportation of: Passengers and their baggage, in charter operations, from Princeton, N.J., and points in New Jersey, within 20 miles of Princeton, to Boston, Mass., Chicago, Ill., Arlington, Alexandria and Mt. Vernon, Va., the District of Columbia, and points in Connecticut, Delaware, Maryland, New York, and Pennsylvania.

No. MC-FC 62139. By order of August 13, 1959, the Transfer Board approved the transfer to Charles Adamowitch, Dunstable, Mass., of Certificate in No. MC 102766, issued October 2, 1942, to Ernest P. Coderre, Winchendon, Mass., authorizing the transportation of: Lum-

ber and saw-mill machinery and supplies, between Quincy, Winchendon, Fitchburg, and Chicopee, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, and Connecticut. Andre J. Barbeau, 795 Elm Street, Manchester, N.J., for applicants.

No. MC-FC 62455. By order of August 13, 1959, the Transfer Board approved the transfer to Burgher Trucking, Inc., Philadelphia, Pa., of a portion of Certificate No. MC 44724, issued June 30, 1959, in the name of White's Delivery Service, Inc., of Philadelphia, Pa., authorizing the transportation of chemicals, in bulk, in tank vehicles, over irregular routes, from Philadelphia, Pa., to points in Delaware and New Jersey, with no transportation for compensation on return. Jacob Polin, P.O. Box 317, Bala-Cynwyd, Pa., for applicants.

No. MC-FC 62461. By order of August 13, 1959, the Transfer Board approved the transfer to L. Daily Thomas of Charlotte, N.C., of a portion of Certificate No. MC 115257 issued August 14, 1956, in the name of Shamrock Van Lines, Inc., of Dallas, Texas, authorizing the transportation, over irregular routes, of building contractors' equipment, between points in those parts of North Carolina, South Carolina, and Virginia within 450 miles of Charlotte, N.C. Allan Watkins and Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga., for transferee and Edward C. Stothart, Jr., Law Building, Charlotte, N.C., for transferor.

No. MC-FC 62474. By order of August 13, 1959, the Transfer Board approved the transfer to George O. Krill of Baltimore, Md., of Permit No. MC 13267 issued July 27, 1943, in the name of George W. Krill, Incorporated, of Baltimore, Md., authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in the specified States of Delaware, Virginia, Maryland, Pennsylvania, West Virginia, and the District of Columbia; and fruits, vegetables, farm products, poultry, and sea food, in the respective seasons of their production, from points in Pennsylvania, West Virginia, Delaware, Maryland, Virginia and the District of Columbia to specified points in the states named above. William J. Little, 1513 Fidelity Building, Baltimore 1, Md.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6914; Filed, Aug. 19, 1959;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3811]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

AUGUST 14, 1959.

Notice is hereby given that Utah Power & Light Company ("Utah"), a reg-

¹The natural gas service herein proposed to be abandoned was authorized on May 13, 1957, in Docket No. G-11076.

istered holding company which is also an electric utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(a) and 7 of the Act as applicable to proposed transactions which are summarized as follows:

Utah proposes to borrow from fourteen banks, during the period beginning September 10, 1959 and ending September 29, 1960, amounts not to exceed an aggregate of \$25,000,000 as indicated below:

The Chase Manhattan Bank— New York, N.Y.	\$8,135,000
Mellon National Bank and Trust Company—Pittsburgh, Pa.	5,750,000
Morgan Guaranty Trust Company of New York—New York, N.Y.	3,000,000
First Security Bank of Utah National Association—Salt Lake City, Utah	2,500,000
Walker Bank & Trust Company— Salt Lake City, Utah	1,500,000
Denver United States National Bank—Denver, Colorado	1,000,000
Harris Trust and Savings Bank— Chicago, Illinois	1,000,000
Zions First National Bank—Salt Lake City, Utah	1,000,000
The Continental Bank and Trust Company—Salt Lake City, Utah	425,000
Commercial Security Bank—Og- den, Utah	370,000
Valley State Bank—South Salt Lake, Utah	100,000
Bank of Utah—Ogden, Utah	90,000
Union Bank & Trust Company— Salt Lake City, Utah	70,000
Carbon Emery Bank—Price Utah	60,000
Total	25,000,000

The above borrowings are to be evidenced by unsecured promissory notes that are to be dated as of the date of each borrowing, are to mature on September 30, 1960, and are to bear interest at the prime commercial rate of The Chase Manhattan Bank for unsecured loans prevailing on the fifth business day prior to the date of each note. The notes may be prepaid in whole or in part at any time without penalty.

The proceeds from the proposed sale of notes together with available cash will be used to pay outstanding short-term notes, to carry on, but not complete, the construction program of Utah and its subsidiaries through 1959 and 1960 which is estimated to aggregate \$31,600,000. Utah intends to issue and sell additional securities during the latter half of 1960 in order to provide funds for paying the new notes and to finance the 1960 construction program and carry it forward into 1961.

An application requesting authorization of the proposed bank borrowings has been filed with the Idaho Public Utility Commission and a copy of the order entered in respect thereof is to be supplied by amendment. The declaration states that no other State regulatory body or agency and no Federal Commission or agency, other than this Commission, has jurisdiction over the proposed transactions.

Expenses incident to the proposed transactions are estimated not to exceed \$1,000.

Notice is further given that any interested person may, not later than August 31, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said filing 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 it may be amended, may be permitted to become effective as provided in Rule 23 of the general 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. DUBOIS,
Secretary.

[F.R. Doc. 59-6910; Filed, Aug. 19, 1959;
8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MINORU HONDA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Minoru Honda, P.O. Kosa Kamiso gawa, Kumamoto, Japan; \$162.00 in the Treasury of the United States.

Vesting Order No. 16384; Claim No. 62719.

Executed at Washington, D.C., on August 7, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6916; Filed, Aug. 19, 1959;
8:48 a.m.]

RITA BOGENSTATTER ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rita Bogenstatter, Munich, Germany; Cash in the Treasury of the United States: \$995.85.

Annelore Hoffmeier, Frankfurt am Main, Germany; Cash in the Treasury of the United States: \$497.93.

Vera Schmitz, Mindelheim (Schwaben), Germany; Cash in the Treasury of the United States: \$497.92.

Vesting Order No. 17607; Claim No. 59644.

Executed at Washington, D.C., on August 10, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6917; Filed, Aug. 19, 1959;
8:48 a.m.]

INGRID PAULINE SANDRECZKI-HUETTMANN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ingrid Pauline Sandreczki-Huettmann, Marienwerderstrasse 34A, Hamburg-Bramfield, Germany; \$39,072.70 in the Treasury of the United States.

Vesting Order No. 1950; Claim No. 66673.

Executed at Washington, D.C., on August 10, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6918; Filed, Aug. 19, 1959;
8:48 a.m.]

HERMANN KUH

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following prop-

erty, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hermann Kuh, also known as Hermann Julius Kuh, Nagano Ken, Japan; \$8,298.28 in the Treasury of the United States.

Vesting Orders Nos. 5591 and 9762; Claim No. 35422.

Executed at Washington, D.C., on August 14, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-6919; Filed, Aug. 19, 1959; 8:48 a.m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 123-57]

CALIFORNIA EMERGENCY DEFENSE COMMITTEE

Notice of Fact That Order Has Become Final Requiring Registration as a Communist-front Organization

William P. Rogers, Attorney General of the United States, petitioner v. California Emergency Defense Committee, respondent.

Pursuant to section 13(g) of Title I of the Internal Security Act of 1950, the Subversive Activities Control Board on April 14, 1959, duly issued and served a

report and order requiring the California Emergency Defense Committee to register as a Communist-front organization under section 7 of said Title I. Publication of the order appeared in the FEDERAL REGISTER for April 24, 1959.

The time allowed in section 14(a) of Title I for filing a petition for review having expired and no such petition having been filed, notice is hereby given of the fact that said order has become final under the provisions of section 14(b) of Title I.

Dated: August 14, 1959.

SUBVERSIVE ACTIVITIES CONTROL BOARD,
DOROTHY McCULLOUGH LEE,
Chairman.

[F.R. Doc. 59-6911; Filed, Aug. 19, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during August. Proposed rules, as opposed to final actions, are identified as such.

3 CFR	Page	7 CFR—Continued	Page	12 CFR	Page
<i>Proclamations:</i>					
1126	6471	964	6385	<i>Proposed rules:</i>	
2037	6471	989	6256	541	6272
3305	6223	993	6672	545	6272
3306	6407	997	6185	561	6272
3307	6471	1003	6327, 6414	563	6272, 6273
3308	6607	1017	6475	14 CFR	
<i>Executive orders:</i>					
Dec. 30, 1895	6243	1019	6753	40	6240, 6580
Jan 27, 1913	6471	<i>Proposed rules:</i>			
June 5, 1919	6316	51	6203	41	6240
3797-A	6316	52	6693	42	6241
5329	6673	729	6771	60	6388
8921	6582	982	6759	399	6409
9887	6753	993	6245	507	6580
10831	6669	1008	6760	514	6191, 6192, 6197
10832	6753	1012	6504	609	6409, 6674
5 CFR					
6	6223, 6225, 6327, 6559, 6609, 6635	1017	6715	617	6643
24	6475, 8559	1023	6715	1201	6615
39	6295	1024	6504	<i>Proposed rules:</i>	
325	6476	8 CFR			
6 CFR					
10	6256	101	6476	1	6393
331	6642	206	6476	3	6393
383	6256	211	6476	4b	6393
421	6179, 6232, 6238, 6314, 6315, 6642, 6755	212	6240	5	6393
427	6642, 6643	223	6477	6	6393
7 CFR					
33	6609	235	6477	7	6393
51	6181, 6182, 6238, 6669, 6671	235a	6477	13	6393
52	6239, 6671, 6709	236	6477	14	6393
55	6413	242	6477	18	6393
56	6635	245	6477	24	6393
68	6611	251	6477	42	6772
728	6239	252	6477	43	6393
811	6473	299	6477	52	6393
817	6614	502	6329	507	6717
922	6183, 6253, 6383, 6641	<i>Proposed rules:</i>			
938	6253	103	6201	600	6395, 6396, 6718
939	6641	237	6202	601	6203, 6395, 6396, 6718
940	6255	242	6202	15 CFR	
951	6184, 6295	243	6202	203	6678
953	6184, 6239, 6384, 6474, 6642, 6709	299	6202	230	6678
957	6184, 6474	9 CFR			
958	6327	78	6433	371	6434
10 CFR					
<i>Proposed rules:</i>					
70 6317					

17 CFR—Continued	Page
239.....	6385, 6387
<i>Proposed rules:</i>	
240.....	6719
18 CFR	
<i>Proposed rules:</i>	
1.....	6653
154.....	6653
157.....	6653
250.....	6653
20 CFR	
401—422.....	6645
404.....	6500, 6615
<i>Proposed rules:</i>	
602.....	6503
604.....	6503
21 CFR	
19.....	6478, 6581, 6755
25.....	6711
120.....	6644, 6756
130.....	6618
146c.....	6644, 6645
<i>Proposed rules:</i>	
120.....	6583, 6696, 6717
121.....	6393, 6772
22 CFR	
40.....	6678
41.....	6678
23 CFR	
1.....	6232
24 CFR	
261.....	6330
25 CFR	
173.....	6342
26 (1939) CFR	
39.....	6389
26 (1954) CFR	
1.....	6645, 6646
40.....	6198
<i>Proposed rules:</i>	
1.....	6501
19.....	6649, 6696
29 CFR	
102.....	6315
697.....	6647
778.....	6181
30 CFR	
14a.....	6619
301.....	6756
31 CFR	
102.....	6242, 6390
32 CFR	
1.....	6559
2.....	6564
3.....	6565

32 CFR—Continued	Page
6.....	6566
7.....	6568
9.....	6576
10.....	6577
12.....	6579
16.....	6390
30.....	6579
56.....	6330
64.....	6580
66.....	6647
511.....	6331
543.....	6414
578.....	6391
725.....	6416
752.....	6672
836.....	6648
862.....	6759
878.....	6759
1004.....	6332
1005.....	6332
1006.....	6332
1007.....	6337
1008.....	6297
1010.....	6308
1011.....	6311
1012.....	6312
1455.....	6580
32A CFR	
<i>OIA (Ch. X):</i>	
OI Reg. 1.....	6759
33 CFR	
203.....	6265, 6582, 6711
207.....	6582
36 CFR	
20.....	6242, 6759
311.....	6391
38 CFR	
13.....	6342, 6678
21.....	6583
36.....	6315
39 CFR	
16.....	6225
24.....	6225
34.....	6225
41.....	6265
95.....	6623
111.....	6712
168.....	6712
43 CFR	
412.....	6343
<i>Proposed rules:</i>	
194.....	6244
<i>Public land orders:</i>	
41.....	6582
82.....	6316
138.....	6582
324.....	6316
649.....	6582

43 CFR—Continued	Page
<i>Public land orders—Continued</i>	
1404.....	6656
1481.....	6714
1546.....	6437
1929.....	6243
1930.....	6316
1931.....	6582
1932.....	6316, 6713
1933.....	6317
1934.....	6437
1935.....	6437
1936.....	6437
1937.....	6648
1938.....	6673
1939.....	6673
1940.....	6673
1941.....	6713
1942.....	6713
1943.....	6714
1944.....	6714
1945.....	6714
46 CFR	
10.....	6648
<i>Proposed rules:</i>	
201—380.....	6245
47 CFR	
3.....	6257, 6264, 6345, 6437, 6783
7.....	6346
8.....	6346
10.....	6243
<i>Proposed rules:</i>	
1.....	6265, 6438
3.....	6266, 6267, 6353, 6783
7.....	6268, 6439
8.....	6268, 6439
9.....	6439
10.....	6439
11.....	6439
16.....	6439
19.....	6439
45.....	6271
46.....	6271
49 CFR	
95.....	6201
198.....	6243
<i>Proposed rules:</i>	
71—78.....	6772
170.....	6504
172.....	6783
50 CFR	
6.....	6623
17.....	6714, 6715
105.....	6244, 6693
108.....	6438
109.....	6392
115.....	6438
<i>Proposed rules:</i>	
31.....	6392, 6503
34.....	6353
35.....	6393





