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Washington, Wednesday, September 30, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 7—AGRICULTURE

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

[Milk Order 2]

PART 902—MILK IN THE WASHINGTON, D.C., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Washington, D.C., marketing area (7 CFR Part 902), it is hereby found and determined that:

(a) The following provision of the order will not tend to effectuate the declared policy of the Act during the month of October 1959:

In § 902.15 the words "during any month(s) of March through September or on not more than 8 days (4 days in the case of every-other-day delivery) during any month(s) of October through February".

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

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

(3) The information on which this action is based is the record of a public hearing held at Arlington, Virginia September 23, 1959, at which this suspension action was requested and evidence was received on proposed amendments which would otherwise relieve the marketing problems of the proponent handler;

(4) Time does not permit the detailed analysis of this record and public procedure incident to an appropriate amendment of the order;

(5) Request for emergency action was made on the record of hearing by the proponent handler and was unopposed by the producer organization representing a substantial majority of the producers whose milk is regulated and from whom testimony was received at the hearing.

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 suspended effective upon publication in the FEDERAL REGISTER for the period from the effective date through October 31, 1959.

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

Issued at Washington, D.C., this 28th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–8220; Filed, Sept. 29, 1959; 8:52 a.m.]

[Milk Order 6]

PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area (7 CFR Part 906), it is hereby found and determined that:

(a) The following provisions of the order, no longer tend to effectuate the declared policy of the Act: Section 906.51(a)(3) (ii) and (iii).

(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:

(Continued on p. 7855)

CONTENTS

THE CONGRESS

Page
Acts Approved 7888

EXECUTIVE AGENCIES

Agricultural Marketing Service
Proposed rule making:
Cucumbers; importation 7877
Milk in the Wichita, Kans., marketing area 7876
Walnuts grown in California, Oregon, and Washington 7877
Rules and regulations:
Almonds grown in California; almond butter 7855
Cucumbers grown in Florida; approval of limitation of shipments 7863
Milk in certain marketing areas:
Great Basin; order regulating handling 7856
North Texas 7856
Oklahoma Metropolitan 7853
Washington, D.C.; order suspending certain provision 7853
Pears grown in Oregon, Washington, and California; regulation by grades and sizes 7855

Agriculture Department
See Agricultural Marketing Service; Commodity Stabilization Service.

Civil Aeronautics Board
Notices:
Flint-Grand Rapids adequacy of service investigation; hearing postponement 7886
Rules and regulations:
Charter trips and special services; temporary authorization for National Defense transportation 7866
Classification and exemption of air carriers while conducting certain operation for military establishment 7869

Commerce Department
See Maritime Administration.

Commodity Stabilization Service
Proposed rule making:
Sugar, continental; requirements, quotas, and quota deficits for 1960 7878

FEDERAL REGISTER

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146–149, 1959 Supplement 1 ($1.25)

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

CONTENTS—Continued

Customs Bureau Page
Notices:
Hair dye brushes; prospective classification 7882
Shoeboard from Canada; purchase price 7882
Wool, sorted and graded; proposed revocation of drawback rates 7882

Federal Aviation Agency
Proposed rule making:
Coded jet route, establishment thereof 7881
Federal airways, control areas and reporting points (7 documents) 7878–7881
Rules and regulations:
Pilot proficiency checks, frequency thereof (4 documents) 7865, 7866

CONTENTS—Continued

Federal Communications Commission Page
Notices:
Hearings, etc.:
American Telephone and Telegraph Co 7885
Clearwater Broadcasting Corp. (WDCL) 7885
Felt, Lawrence W., and International Good Music, Inc. 7886
Radio Americas Corp. (WORA) 7886
Southbay Broadcasters 7886
Rules and regulations:
Practice and procedure; report and order 7875

Federal Home Loan Bank Board
Rules and regulations:
Loans and participations in loans (2 documents) 7864

Federal Power Commission
Notices:
Hearings, etc.:
American Petrofina Co. of Texas et al 7886
Boswell-Frates Co. et al 7886
Columbia Gulf Transmission Co 7886
Manufacturers Light and Heat Co 7887

Fish and Wildlife Service
Rules and regulations:
Deer Flat National Wildlife Refuge, Idaho; hunting 7875

Immigration and Naturalization Service
Notices:
Statement of organization; miscellaneous amendments 7882

Indian Affairs Bureau
Rules and regulations:
General forest regulations 7869

Interior Department
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Oil Import Administration.
Notices:
Alaska homesteaders; extension of time to respond to requests for waiver of claims to oil and gas 7885

Interstate Commerce Commission
Notices:
Motor carrier transfer proceedings 7887
Rules and regulations:
Car service; authorization to operate and use certain trackage 7875

Justice Department
See Immigration and Naturalization Service.

Labor Department
See Wage and Hour Division.

Land Management Bureau
Notices:
Alaska; filing of protraction diagrams (2 documents) 7883, 7884
New Mexico; small tract classification 7883

CONTENTS—Continued

Land Management Bureau—Continued Page
Notices—Continued
Wyoming; proposed withdrawal and reservation of lands 7883
Rules and regulations:
Public land orders:
Utah 7874
Washington 7873
Revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands 7873

Maritime Administration
Notices:
Trade Routes Nos. 1 and 15–A; essentiality and U.S. flag service requirements 7885

Oil Import Administration
Notices:
Crude oil, unfinished oils, finished products; applications for allocations 7885

Treasury Department
See Customs Bureau.

Wage and Hour Division
Notices:
Administrator's Advisory Committee on Sheltered Workshops; appointments 7887
Proposed rule making:
Various industries in Puerto Rico; appointment to investigate conditions and recommend minimum wages; hearing 7878

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:
July 2, 1910 (revoked in part by PLO 1987) 7873
Mar. 31, 1911 (revoked in part by PLO 1987) 7873

7 CFR

902 7853
906 7853
909 7855
939 7855
943 7856
963 7856
1015 7863
Proposed rules:
811 7878
968 7876
984 7877
1070 7877

12 CFR

541 7864
545 7864
561 7864
563 7864

CODIFICATION GUIDE—Con.

14 CFR	Page
40	7865
41	7865
42	7866
46	7866
207	7866
294	7869
Proposed rules:	
600 (7 documents)	7878–7881
601 (7 documents)	7878–7881
602	7881
25 CFR	
141	7869
29 CFR	
Proposed rules:	
613	7878
687	7878
699	7878
43 CFR	
115	7873
Public land orders:	
1356 (revoked in part by PLO 1987)	7873
1987	7873
1994	7874
47 CFR	
1	7875
49 CFR	
95	7875
50 CFR	
31	7875

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

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

(3) A hearing was held July 28–30, 1959, on the need for complete revision of the supply-demand adjuster provisions of the order. The hearing was reopened on September 23 to receive additional evidence of the alleged malfunctioning of the supply-demand adjustment factor. Evidence received at the reopened hearing indicates that present conditions are such that if immediate action is not taken to lessen the effect of the supply-demand adjustment, which would otherwise reduce the Class I price by 45 to 50 cents per hundredweight during the fall and winter months, the market will be threatened with an inadequate supply of milk. To forestall such a condition and accommodate the situation, it is necessary that certain provisions be suspended to lessen the effect of the supply-demand adjuster, pending amendatory action on the supply-demand provisions.

Therefore, good cause exists for making this order effective October 1, 1959.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective October 1, 1959.

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

Issued at Washington, D.C., this 29th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59–8274; Filed, Sept. 29, 1959; 12:03 p.m.]

PART 909—ALMONDS GROWN IN CALIFORNIA

Almond Butter

Notice was published in the FEDERAL REGISTER of August 26, 1959 (24 F.R. 6914) that consideration was being given to an amendment of § 909.466 of the administrative rules and regulations pertaining to operations under Marketing Agreement No. 115, as amended and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file data, views, and arguments concerning the proposed deletion of paragraph (a) of the rules and regulations which authorized disposition pursuant to § 909.66(c) of surplus almonds in the specified outlets. Such outlets are no longer non-competitive with normal markets for almonds. The prescribed time for such filing has expired and no such communications have been received.

After consideration of all relevant matters presented, including the proposal in said notice, it is hereby found that (a) on and after the effective time hereof, diced, sliced, and slivered almonds, as defined in present § 909.466 surplus diversion outlets, and packed in hermetically sealed tin or glass containers not exceeding a net weight of eight ounces will no longer be noncompetitive with existing normal markets for almonds, (b) in view of the foregoing, the designation in present § 909.466 of such packed almonds as approved outlets for surplus almonds should be terminated, and (c) the amendment of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) as hereinafter set forth will tend to effectuate the declared policy of the act.

It is, therefore, ordered, That, § 909.466 *Surplus diversion outlets* (24 F.R. 5627) of Subpart—Administrative Rules and Regulations (§§ 909.450—909.481; 24 F.R. 5626) is hereby amended to read as follows:

§ 909.466 Almond butter.

Almond butter as used in § 909.66(c) is hereby defined as a comminuted food product prepared by grinding roasted shelled almonds into a homogeneous plastic or semiplastic mass or liquid having practically no particles larger than 1/16 inch in any dimension.

It is hereby further found that good cause exists for not postponing the effective date of this amendatory action later than the date of publication hereof in the FEDERAL REGISTER for the reasons that: (1) § 909.66(c) of the amended marketing agreement and order prohibits the diversion of surplus almonds into channels other than those specified in said section, or those which the Control Board finds are noncompetitive with existing normal markets for almonds and are specified pursuant to said section; (2) the outlets hereby deleted from the administrative rules and regulations are no longer noncompetitive with such markets; and (3) to permit the continued diversion into such channels, after the effective time hereof, would not be authorized by the amended marketing agreement and order.

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

Dated September 25, 1959, to become effective upon publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–8177; Filed, Sept. 29, 1959; 8:50 a.m.]

[Pear Order 11, Amdt. 1]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become

effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Beurre Bosc and Doyenne du Comice pears grown in the Medford District.

Order, as amended. The provisions of paragraph (b)(1) (ii) and (iii) of § 939.311 (Pear Order 11; 24 F.R. 6154) are hereby amended to read as follows:

(ii) Any Beurre Bosc pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size: *Provided,* That, Beurre Bosc pears grown in the Placerville District which fail to meet the requirement with respect to shape specified in the U.S. No. 2 grade, only because of healed hail marks, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size: *Provided, further,* That, Beurre Bosc pears grown in the Medford District which fail to meet the requirement with respect to shape, specified in the U.S. No. 2 grade, only because of frost injury, or which fail to meet the requirement with respect to freedom from serious damage, specified in the U.S. No. 2 grade, only because of excessive limb rub or leaf rub, may be shipped if such pears are not very seriously misshapen and are of a size not smaller than the 180 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size: *Provided,* That, Doyenne du Comice pears grown in the Medford District which fail to meet the requirements with respect to freedom from serious damage, specified in the U.S. No. 2 grade, only because of excessive limb rub or leaf rub, may be shipped if such pears are of a size not smaller than the 180 size.

(c) *Effective time.* The provisions of this amendment shall become effective at 12:01 a.m., P.s.t., September 28, 1959.

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

Dated: September 25, 1959.

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

[F.R. Doc. 59-8178; Filed, Sept. 29, 1959; 8:50 a.m.]

[Milk Order 43]

PART 943—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the North Texas marketing area (7 CFR Part 943), it is hereby found and determined that:

(a) The following provisions of the order will not effectuate the declared policy of the Act during October and November 1959: Section 943.51(a)(3) (ii) and (iii).

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

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

(3) This suspension will lessen the effect of the supply-demand adjustment in reducing the Class I price while data are accumulated with respect to the action of the supply-demand adjuster under present conditions prevailing in the market.

(4) Suspension action has been requested by all of the cooperative associations supplying milk to the Texas Federal order marketing areas of North Texas, Central West Texas, Austin-Waco, San Antonio, and Corpus Christi, all of which markets are affected by the North Texas supply-demand adjuster. These associations represent more than 95 percent of the milk supply for these markets. Substantially all of the handlers regulated under the five Federal orders involved have concurred in the request for suspension.

Therefore, good cause exists for making this order effective October 1, 1959.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective for the months of October and November 1959.

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

Issued at Washington, D.C., this 29th day of September 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-8275; Filed, Sept. 29, 1959; 12:03 p.m.]

[Milk Order 63]

PART 963—MILK IN GREAT BASIN MARKETING AREA

Order Regulating the Handling

Sec.
963.0 Findings and determinations.

DEFINITIONS

963.1 Act.
963.2 Secretary.
963.3 Department.
963.4 Person.
963.5 Cooperative associations.
963.6 Great Basin marketing area.
963.7 Producer.
963.8 Producer-handler.
963.9 Handler.
963.10 Approved plant.
963.11 Pool plant.
963.12 Nonpool plant.
963.13 Producer milk.
963.14 Other source milk.
963.15 Fluid milk products.
963.16 Route.
963.17 Butter price.

MARKET ADMINISTRATOR

963.20 Designation.
963.21 Powers.
963.22 Duties.

REPORTS, RECORDS AND ACCOUNTING

Sec.
963.30 Reports of sources and utilization.
963.31 Other reports.
963.32 Payroll reports.
963.33 Records and facilities.
963.34 Retention of records.

CLASSIFICATION OF MILK

963.40 Responsibility of handlers.
963.41 Classes of utilization.
963.42 Transfers.
963.43 Computation of skim milk and butterfat in each class.
963.44 Allocation of skim milk and butterfat at pool plants.
963.45 Shrinkage.

MINIMUM PRICES

963.50 Class prices.
963.51 Basic formula prices.
963.52 Butterfat differentials to handlers.
963.53 Location differentials to handlers.
963.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

963.60 Producer-handler.
963.61 Plants where other Federal orders may apply.
963.62 Operators of nonpool plants.
963.63 Obligations of pool handlers on other source milk.

DETERMINATION OF PRICES TO PRODUCERS

963.70 Computation of the obligation of each handler.
963.71 Computation of the uniform price.
963.72 Butterfat differential to producers.
963.73 Location differentials to producers.
963.74 Notification of handlers.

PAYMENTS

963.80 Time and method of payment for producer milk.
963.81 Producer-settlement fund.
963.82 Payments to the producer-settlement fund.
963.83 Payments out of the producer-settlement fund.
963.84 Adjustment of accounts.
963.85 Marketing services.
963.86 Expense of administration.
963.87 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

963.90 Effective time.
963.91 Suspension or termination.
963.92 Continuing obligations.
963.93 Liquidation.

MISCELLANEOUS PROVISIONS

963.110 Agents.
963.111 Separability of provisions.

AUTHORITY: §§ 963.0 to 963.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 963.0 Findings and determinations.

(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 (Part 900 of this chapter), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, 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 effect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order 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 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 this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (i) producer milk; (ii) other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding steps of § 963.44(b); and (iii) Class I milk disposed of on routes in the marketing area from a nonpool plant, which is subject to obligation pursuant to § 963.62.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than October 1, 1959, and fully effective not later than November 1, 1959.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued July 2, 1959 and the decision of the Assistant Secretary containing all the provisions of this order was issued September 1, 1959. Since this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective October 1, 1959 and fully effective November 1, 1959, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (See section 4(c), Administrative Procedure Act, 5 U.S.C. 1001 et seq.)

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

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

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

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 963.1 Act.

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

§ 963.2 Secretary.

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

§ 963.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified herein.

§ 963.4 Person.

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

§ 963.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 963.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all territory, including all government reservations and installations and all municipalities, within the counties of Box Elder, Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, Weber, Summit, Grand, Daggett, Duchesne, Carbon, Sanpete, Juab, Millard, Sevier, Uintah, and Emery in the State of Utah.

§ 963.7 Producer.

"Producer" means:

(a) A dairy farmer, except a producer-handler, who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered directly from such dairy farmer's farm to a pool plant; or

(b) A dairy farmer, except a producer-handler, who produces milk in compliance with the inspection requirements described in paragraph (a) of this section, on each day of the month on which his milk is diverted by a handler (not the operator of a nonpool plant) for the handler's account from a pool plant to a nonpool plant if the milk of such dairy farmer was previously received at a pool plant on any three days of the current or immediately preceding month.

§ 963.8 Producer-handler.

"Producer-handler" means any person who produces milk and operates an approved plant described in § 963.10(a) at which there is received no milk from other dairy farmers except milk of producers by diversion pursuant to § 963.7 and at which plant no other source milk is received except his own farm production and milk products which are not fluid milk products: *Provided*, That such person meets the requirements set forth in paragraphs (a) and (b) of this section.

(a) The person who is the producer-handler exercises complete and exclusive control over the production resources which are used to produce the milk which is to be considered his own production, and over the processing facilities and operation thereof which are used to process such milk, and over the distribution facilities and operation thereof which are used to dispose of such milk; and

(b) The person who is the producer-handler makes written application to the market administrator stating his intention to operate as a producer-handler under the order, identifying and describing in such application the milk production, processing and disposal facilities to be included under the application, such application to be effective beginning with the first month after which such application is received.

§ 963.9 Handler.

"Handler" means:

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

(b) Any cooperative association with respect to milk diverted for its account as described in § 963.7; and

(c) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or

under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case the milk is received from producers by the cooperative association.

§ 963.10 Approved plant.

"Approved plant" means a plant (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) from which milk or skim milk qualified for distribution for fluid consumption is shipped during the month to a plant described in paragraph (a) of this section.

§ 963.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except a plant of a producer-handler as described in § 963.8, from which during the month (1) there are disposed of on routes fluid milk products equal to not less than 50 percent of the total of receipts at the plant of milk from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.7 by the handler operating the plant, and other fluid milk products qualified for distribution for fluid consumption received at the plant, and (2) there are disposed of on routes in the marketing area fluid milk products which are not less than 10 percent of total fluid milk product disposition from the plant on routes and which average not less than 500 pounds per day: *Provided,* That any approved plant from which the total route distribution of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall be a nonpool plant.

(b) An approved plant from which during the month fluid milk products equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.7 by the handler operating the plant and other fluid milk products qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided,* That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 963.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 963.13 Producer milk.

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

(a) Received from producers at a pool plant;

(b) Diverted as described in § 963.7 to a nonpool plant, in which case it is received by the handler diverting the milk;

(c) Received by a cooperative association which is defined as a handler pursuant to § 963.9(c).

§ 963.14 Other source milk.

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

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, (3) milk received from a cooperative association for which the cooperative association is a handler pursuant to § 963.9(c); and

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

§ 963.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour) except frozen cream, concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, aerated cream, evaporated or condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers).

§ 963.16 Route.

"Route" means disposition of fluid milk products (including through a vendor or a sale from a plant or plant store) in containers of five gallons or less, other than such disposition to a plant which is a pool plant pursuant to § 963.11(a).

§ 963.17 Butter price.

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

MARKET ADMINISTRATOR

§ 963.20 Designation.

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

§ 963.21 Powers.

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

(a) To administer its terms and provisions;

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

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

(d) To recommend amendments to the Secretary.

§ 963.22 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 his 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 received pursuant to § 963.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses except those incurred under § 963.85 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) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to § 963.30 through § 963.33, or payments pursuant to § 963.80 through § 963.86;

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

(h) On or before the 12th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk received by each handler from members of the association. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk of each handler;

(i) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and

butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address, a notice of each of the following:

(1) The 6th day of each month, the Class I price and butterfat differential for the month, computed pursuant to §§ 963.50 and 963.52, respectively;

(2) The 6th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 963.50 and 963.52, respectively;

(3) The 12th day of each month, the uniform price for producer milk computed pursuant to § 963.71 and the butterfat differential computed pursuant to § 963.72, all for the preceding month;

(4) The 1st day of each month the name of each person who has applied for producer-handler status pursuant to § 963.8, and the location of his plant.

REPORTS, RECORDS AND ACCOUNTING

§ 963.30 Reports of sources and utilization.

(a) On or before the 7th day after the end of each month, each handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Producer milk received at the plant or diverted therefrom by the handler;

(ii) Milk received from a cooperative association which is a handler for such milk pursuant to § 963.9(c);

(iii) Fluid milk products received from other pool plants;

(iv) Other source milk;

(v) Inventories of fluid milk products on hand at the beginning of the month;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month; and

(b) On or before the 7th day after the end of each month, each cooperative association shall report the following:

(1) The quantities of skim milk and butterfat in producer milk which the cooperative association diverted from pool plants of other handlers to nonpool plants, and the classification thereof;

(2) The quantities of skim milk and butterfat in producer milk which the cooperative association received pursuant to § 963.9(c).

§ 963.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which fluid milk products are disposed of during the month on routes in the marketing area shall report to the market administrator in the detail and on forms prescribed by the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

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

§ 963.32 Payroll reports.

Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer;

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The plant at which such milk was received or delivered to;

(4) The days for which milk was received from such producer;

(5) The average butterfat content of such milk; and

(6) The net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(b) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 963.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, including, but not limited to:

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

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

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 963.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the 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 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 963.40 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I milk unless the handler who first received (or diverted) such skim milk and butterfat establishes that it should be classified otherwise.

§ 963.41 Classes of utilization.

Subject to the conditions set forth in § 963.42 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from a plant in the form of fluid milk products except that classified as Class II milk pursuant to subparagraphs (3) and (4) of this paragraph.

(2) Not otherwise specifically accounted for as Class II milk.

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

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of for livestock feed (skim milk portion only);

(4) Dumped (skim milk portion only) if with the prior approval of the market administrator;

(5) In actual shrinkage of skim milk and butterfat allocated pursuant to § 963.45(b)(2) not to exceed the following: 2 percent of skim milk and butterfat in producer milk (except diverted milk) received by handlers, plus 1½ percent of skim milk and butterfat, respectively, received from pool plants of other handlers in bulk tank lots or from a cooperative association which is the handler for the milk pursuant to § 963.9(c), less 1½ percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants of other handlers;

(6) In shrinkage allocated to other source milk pursuant to § 963.45(b)(1); and

(7) Used to produce frozen cream.

§ 963.42 Transfers.

Skim milk and butterfat transferred from the pool plant of a handler or by a cooperative association in its capacity as a handler pursuant to § 963.9(c), including diverted milk in the case of transfers to nonpool plants, shall be classified as follows:

(a) If transferred to a pool plant of another handler as fluid milk products in bulk form shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II in their reports submitted pursuant to § 963.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the respective

amounts thereof remaining at the pool plants of the transferee handler after the subtractions pursuant to § 963.44(a) (1), (2), (3), (4), and (5) and the corresponding steps in § 963.44(b): *And provided further*, That the classification of the skim milk and butterfat so transferred results in the classification at both plants which returns the highest valued class utilization to milk of producers at both plants.

(b) If transferred to the plant of a producer-handler in the form of fluid milk products shall be classified as Class I milk;

(c) If transferred in bulk form as milk, skim milk or cream to a nonpool plant which is not the plant of a producer-handler shall be classified as Class I milk unless:

(1) The transferee plant is located inside the marketing area or less than 225 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance, as determined by the market administrator;

(2) The transferring handler claims classification in Class II milk in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) The skim milk and butterfat in the transferred fluid milk products which are classified as Class II milk do not exceed the pro rata Class II utilization of skim milk and butterfat in the nonpool plant determined by a calculation which prorates Class II utilization of skim milk and butterfat at the nonpool plant to fluid milk products received from all plants which are subject to classification provisions of Federal milk marketing orders issued pursuant to the Act.

§ 963.43 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 963.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at each pool plant, in producer milk diverted, and in milk for which a cooperative association is a handler pursuant to § 963.9(c): *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 963.44 Allocation of skim milk and butterfat at pool plants.

(a) The pounds of skim milk remaining in each class after making the following computations with respect to each pool plant shall be the pounds of skim milk in such class allocated to the producer milk received at such plant, or diverted therefrom by the plant operator, during the month:

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II milk pursuant to § 963.41(b)(5);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk received as other source milk not in the form of fluid milk products: *Provided*, That if the pounds of skim milk to be subtracted are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk in the form of fluid milk products except that to be subtracted pursuant to subparagraph (4) of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than the pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s): *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk; *And provided further*, That if such fluid milk products are received from more than one plant regulated under another order the assignment shall be pro rata according to the amount of the skim milk received from each plant;

(5) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

(6) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers and from a cooperative association which is the handler for that milk pursuant to § 963.9(c), from the pounds of skim milk remaining in the class to which assigned, pursuant to §§ 963.41 and 963.42;

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

(8) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk;

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

§ 963.45 Shrinkage.

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

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

(b) For each handler prorate the resulting amounts between (1) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products, and (2) the pounds of skim milk and butterfat in other fluid milk products received (excluding diverted milk).

MINIMUM PRICES

§ 963.50 Class prices.

Subject to the provisions of §§ 963.52 and 963.53, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk per hundredweight for the first eighteen months beginning with the effective date of prices pursuant to this section shall be $5.25.

(b) *Class II milk price.* The price for Class II milk per hundredweight shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting 55 cents and rounding to the nearest cent:

(1) Multiply the butter price by 4.03;

(2) Multiply by 8.2 the carlot price per pound of nonfat dry milk, spray process, for human consumption, at manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 963.51 Basic formula price.

The basic formula price shall be the higher of the amounts computed pursuant to paragraph (a) or (b) of this section:

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

Present Operator and Location

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

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

(1) From the butter price subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of 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 preceeding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

§ 963.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 963.50 shall be increased or decreased, respectively, for each one-tenth percent of butterfat by an amount computed as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 1.35 divide the result by 10, and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the butter price for the current month by 1.15, divide the result by 10, and round to the nearest one-tenth cent.

§ 963.53 Location differentials to handlers.

For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 963.9(c) to a pool plant and which is classified as Class I milk, the price computed pursuant to § 963.50(a) shall be reduced at the rate in the following schedule:

Distance (miles)	*Rate per hundredweight (cents)*
100 but not more than 110	15.0
For each additional 10 miles or fraction thereof in excess of 110	1.5

Such distance to be measured from the plant to the nearest of the city halls in Ogden, Price, Richfield, or Vernal, all in Utah: *Provided*, That for the purpose of calculating such location credit to the handler, transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 963.54 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.

APPLICATION OF PROVISIONS

§ 963.60 Producer-handler.

Sections 963.70 through 963.74 and §§ 963.80 through 963.86 shall not apply to a producer-handler.

§ 963.61 Plants where other Federal orders may apply.

Any plant described by paragraph (a) or (b) of this section shall be exempt from § 963.11, unless the Secretary determines otherwise, if it would be fully regulated subject to the classification and pooling provisions of another order issued pursuant to the Act if not so subject to this part.

(a) Any plant which does not dispose of a greater volume of Class I milk on routes in the Great Basin marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of § 963.11(b).

§ 963.62 Operators of nonpool plants.

An operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, is not the plant of a producer-handler, and is not described pursuant to the proviso of § 963.11(a), shall, on or before the 14th day after the end of the month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the difference between the Class II price, adjusted for butterfat differential, and the Class I price, adjusted for butterfat differential and location, by the total hundredweight less 500 pounds per day of fluid milk products disposed of from such nonpool plant on routes in the marketing area during the month.

§ 963.63 Obligations of pool handlers on other source milk.

For any month during which the total of producer milk received by all handlers is less than 110 percent of the net Class I milk to be accounted for by such handlers, the obligations pursuant to § 963.70(b) (1) and (2) and (d)(2) shall not apply.

DETERMINATION OF PRICES TO PRODUCERS

§ 963.70 Computation of the obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to §§ 963.40 through 963.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location credit allowance required pursuant to the proviso of § 963.53;

(b) Add the amounts computed in subparagraphs (1) and (2) of this paragraph:

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a)(2) and (b) by the difference between the Class II price and the Class I price, each adjusted by the respective butterfat differentials;

(2) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a)(3) and (b) by the difference between the Class II price, adjusted for butterfat differential, and the Class I price adjusted for butterfat differential and adjusted for location of the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 963.44 (a)(8) and (b) by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 963.44(a)(5) and the corresponding step of (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44(a)(5) and the corresponding step of (b) for the month, whichever is less;

(2) An amount computed by multiplying the difference between the Class II price adjusted for butterfat differential and the Class I price adjusted for butterfat differential and location by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 963.44 (a)(5) and the corresponding step of (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat, respectively, on which a payment is applicable pursuant to subparagraph (1) of this § 963.70(d), and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class II pursuant to § 963.44(a)(4) and the corresponding step of § 963.44(b).

§ 963.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 963.70 for the producer milk of all handlers who submitted reports prescribed in § 963.30 and who are not in default of payments pursuant to § 963.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 963.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 963.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund from prior periods;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content.

§ 963.72 Butterfat differential to producers.

The applicable uniform price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differentials for such class as determined by § 963.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 963.73 Location differentials to producers.

The applicable uniform prices to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 963.53.

§ 963.74 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 963.71 and the producer butterfat differential computed pursuant to § 963.72;

(c) The amounts to be paid by such handler pursuant to §§ 963.82, 963.85 and 963.86, and the amount due such handler pursuant to § 963.83.

PAYMENTS

§ 963.80 Time and method of payment for producer milk.

(a) Except as provided in paragraphs (b) or (d) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the 17th day of the following month, an amount equal to not less than the uniform price per hundredweight pursuant to § 963.71 adjusted by the butterfat and location differentials to producers, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 963.85;

(ii) Plus or minus adjustments for errors made in previous payments to such producer; and deductions authorized in writing by such producer: *Provided*, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 963.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association, which is authorized by its members to collect payment for their milk, and which has requested such payment from any handler in writing, such handler shall on or before the second day prior to the date payments are due to individual producers, pay the cooperative association for milk received during the month from the producer-members of such association, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section: *Provided*, That the cooperative has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association for each such producer on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month;

(2) The pounds of milk received each day, together with the butterfat content of such milk;

(3) The amount or rate and nature of any authorized deductions to be made from payments; and

(4) The amount and nature of payments due pursuant to § 963.84.

(d) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received by him from such cooperative association for which the association is the handler not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided in § 963.53 and the butterfat differentials provided by § 963.52, by the hundredweight of milk in each class pursuant to § 963.44.

§ 963.81 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 §§ 963.62, 963.82 and 963.84 and out of which he shall make all payments pursuant to §§ 963.83 and 963.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 963.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 963.70 is greater than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 963.71, adjusted by the producer butterfat and location differentials.

§ 963.83 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 963.70, is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 963.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler; (b) a handler from the market administrator; or (c) any producer or cooperative association from a 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.

§ 963.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 963.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money will be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 963.86 Expense of administration.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding steps of § 963.44(b);

(c) Class I milk disposed of on routes in the marketing area from a nonpool

plant, which is subject to obligation pursuant to § 963.62.

§ 963.87 Termination of obligations.

The provisions of this section shall apply to any obligations 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 order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months 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 a cooperative association, the names of such producer or cooperative associations, 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 order, 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 2-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 2-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 representative;

(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; and

(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 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset 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

§ 963.90 Effective time.

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

§ 963.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 963.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, 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.

§ 963.93 Liquidation.

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

MISCELLANEOUS PROVISIONS

§ 963.110 Agents.

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

§ 963.111 Separability of provisions.

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

Issued at Washington, D.C., this 25th day of September 1959, to be effective as follows:

Sections 963.0 through 963.45, §§ 963.87 through 963.111 shall be effective on and after October 1, 1959 and all of the remaining provisions shall be effective on and after November 1, 1959.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-8160; Filed, Sept. 29, 1959; 8:48 a.m.]

PART 1015—CUCUMBERS GROWN IN FLORIDA

Approval of Limitation of Shipments

Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), provide methods for limiting the handling of cucumbers, grown in the production area defined therein, through the issuance of regulations authorized in §§ 1015.1 through 1015.88 inclusive, of the order. The Florida Cucumber Commitee, pursuant to § 1015.51 of the order, has recommended that regulations limiting the handling of the 1959–60 Florida cucumber crop should be issued. Notice of rule making with respect to the proposed limitation of shipments was published in the FEDERAL REGISTER, September 23, 1959 (24 F.R. 7647).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within three days after publication. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

Findings. It is hereby found that good cause exists for not postponing the effective date of § 1015.303 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) handling of cucumbers grown in the production area will begin on or about October 1, (2) more orderly marketing in the public interest, than would otherwise prevail will be promoted by regulating the shipments of cucumbers in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area and by publication in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7647).

§ 1015.303 Limitation of shipments.

During the period from October 1, 1959, through July 31, 1960, no person shall handle any lot of cucumbers unless such cucumbers meet the requirements of paragraphs (a), (b), (c) and (d) of this section or unless such cucumbers

are handled in accordance with paragraphs (e), (f) and (g) of this section.

(a) *Minimum grade requirements.*

(1) U.S. Fancy.

(2) U.S. Extra No. 1.

(3) U.S. No. 1.

(4) U.S. No. 1 Small.

(5) U.S. No. 1 Large.

(6) U.S. No. 2.

(b) *Size requirements.* The size requirements for purposes of this section shall be the same as those specified in the United States Standards for Cucumbers (§§ 51.2220 to 51.2239 of this title) for each of the above grades.

(c) *Pack requirements.* Cucumbers must be so packed that they meet the grade and size requirements of this section and one of the pack specifications in § 1015.101.

(d) *Marketing requirements.* Each container in each lot shall be marked or stamped to show, as certified by the Federal-State Inspection Service, the U.S. grade applicable to such lot. The marking or stamping shall be in letters at least one-half inch high and so placed on each container as to be conspicuous and legible. Any U.S. grade marks on containers that conflict with the U.S. grade applicable to the cucumbers packed therein shall be obliterated.

(e) *Pickling varieties.* The requirements of paragraph (a) of this section, except for decay, (b), (c), and (d) of this section, shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics. Each container of pickling type cucumbers handled in accordance with this paragraph shall be marked or stamped "unclassified."

(f) *Special purpose shipments.* Cucumbers may be handled for conversion into pickles or relishes without regard to the requirements set forth in this section, but any such handling must conform with the safeguards in §§ 1015.130 through 1015.133. Each container of cucumbers handled in accordance with this paragraph shall be marked or stamped "pickling only" in letters at least one-half inch high and so placed on each container as to be conspicuous and legible.

(g) *Minimum quantity.* Each handler may handle up to, but not to exceed, one bushel (54 pounds net) of cucumbers any day without regard to the requirements of this section, but this exception shall not apply to any portion of a shipment over one bushel of cucumbers.

(h) *Inspection and certification.* No person shall handle any cucumbers except for conversion into pickles or relishes unless the cucumbers are inspected and certified pursuant to the provisions of § 1015.60.

(i) *Definitions.* The grades used in this section shall have the same meaning assigned these terms in the U.S. Standards for Cucumbers (§§ 51.2220 to 51.2239 of this title) including the tolerances set forth therein. The term "Kirby" is synonymous with "Black Diamond" and "Stays Green" when related to types of varieties of cucumbers handled under this part. All other terms shall have the same meaning as when used in this part.

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

Dated: September 28, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-8237; Filed, Sept. 29, 1959; 9:22 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 12,800]

PART 541—DEFINITIONS

PART 545—OPERATIONS

Amendment Relating to Loans and Participations in Loans

SEPTEMBER 23, 1959.

Resolved that, notice and public procedure having been duly afforded (24 F.R. 6272) and all relevant matter presented having been considered by it, the Federal Home Loan Bank Board, upon the basis of consideration by it of said matter and of the advisability of amendment of § 545.6–4a of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–4a) by the addition of a provision that any sale by a Federal savings and loan association of a participating interest in any loan shall be without recourse and the advisability of definition as hereinafter set forth of the term "without recourse" as used in said § 545.6–4a as so amended and in § 545.11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.11), and for the purpose of effecting such amendment and such definition, hereby amends Parts 541 and 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 541 and Part 545) as follows, effective November 1, 1959:

1. Part 541 aforesaid is hereby amended by adding thereto, immediately after § 541.16, the following new section:

§ 541.17 Without recourse.

As used in §§ 545.6–4a and 545.11 of this chapter, the term "without recourse" means without recourse and without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

§ 545.6–4a [Amendment]

2. Section 545.6–4a of said Part 545 is hereby amended by adding thereto at the end thereof the following new sentence: Any sale by a Federal association of a participating interest in any loan shall be without recourse."

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59-8169; Filed, Sept. 29, 1959; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-714]

PART 561—DEFINITIONS

PART 563—OPERATIONS

Amendment Relating to Loans and Participations in Loans

SEPTEMBER 23, 1959.

Resolved that, notice and public procedure having been duly afforded (24 F.R. 6272) and all relevant matter presented having been considered by it, the Federal Home Loan Bank Board, upon the basis of consideration by it of said matter and of the advisability of amendment of paragraph (d) of § 563.9–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9–1) by the addition of a provision that any purchase by an insured institution of a participation in any loan pursuant to the approval granted by that section shall be upon a sale without recourse, the advisability of definition as hereinafter set forth of the term "without recourse" as used in said § 563.9–1 as so amended and in § 563.23 of the rules and regulations for Insurance of Accounts (12 CFR 563.-23), and the advisability of amendment of paragraph (b) of said § 563.9–1 so as to restrict the sale or disposition of participating interests by such institutions as hereinafter set forth, and for the purpose of effecting such amendments and such definition, hereby amends Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 561 and Part 563) as follows, effective November 1, 1959:

1. Part 561 aforesaid is hereby amended by adding thereto, immediately after § 561.7, the following new section:

§ 561.8 Without recourse.

As used in §§ 563.9–1 and 563.23, the term "without recourse" means without recourse and without any agreement or arrangement under which the purchaser is to be entitled to receive from the seller any sum of money or thing of value, whether tangible or intangible (including any substitution), upon default in payment of any loan or mortgage involved or any part thereof or to withhold or to have withheld from the seller any sum of money or any such thing of value by way of security against any such default.

§ 563.9–1 [Amendment]

2. Paragraph (b) of § 563.9–1 of said Part 563 is hereby amended by adding to said paragraph, at the end thereof, the following new sentence: "An insured in-

stitution which is another lender within the meaning of the first sentence of this paragraph or a seller within the meaning of the second sentence thereof shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan."

3. Paragraph (d) of said § 563.9–1 is hereby amended by adding to said paragraph, at the end thereof, the following new sentence: "Any purchase by an insured institution of a participation in any loan pursuant to the approval granted by this section shall be upon a sale without recourse."

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 59-8170; Filed, Sept. 29, 1959; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 131; Amdt. 40–19; Supp. No. 33]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Frequency of Pilot Proficiency Checks

Part 40 of the Civil Air Regulations presently requires each pilot in command to successfully pass pilot proficiency checks at least twice in each 12-month period. Section 40.302(b) requires such checks to be given at intervals of not less than 4 months nor more than 8 months. Section 40.305 specifies similar requirements for pilots other than pilots in command.

Parts 40, 41, 42, and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are being amended to make the frequency requirement of pilot proficiency checks the same.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 40 of the Civil Air Regulations (14 CFR Part 40) is hereby amended as follows to become effective October 29, 1959:

1. In § 40.302 paragraphs (b) (1) and (3) are amended to read as follows:

§ 40.302 Pilot checks.

* * * * *

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type.

* * * * *

(3) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraph (1) of this paragraph. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph:

* * * * *

2. Section 40.305 is amended to read as follows:

§ 40.305 Competence checks; other pilots.

Prior to serving as pilot, and thereafter, each 6 months each pilot not being utilized as pilot in command shall demonstrate that he is capable of flying by instruments. This demonstration may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the demonstration, if given within the preceding or following month, shall be the same as if given within the month in which it became due. The demonstration flight may be made to a pilot serving as pilot in command or a check pilot of the air carrier during scheduled flight.

§ 40.302–2 [Deletion]

3. Section 40.302–2 is deleted.

(Secs. 313(a), 601, 604, 72 Stat. 752, 778, 49 U.S.C. 1354(a), 1424)

Issued in Washington, D.C., on September 24, 1959.

E. R. QUESADA, *Administrator.*

[F.R. Doc. 59-8137; Filed, Sept. 29, 1959; 8:45 a.m.]

[Reg. Docket No. 132; Amdt. 41–26]

PART 41 — CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Frequency of Pilot Proficiency and Line Checks

Part 41 of the Civil Air Regulations presently requires each pilot in command to successfully pass a technique check (proficiency check) at least twice each year at intervals of not less than 4 months.

Parts 40, 41, 42, and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are being amended to make the frequency requirement of pilot proficiency checks the same.

In addition, Part 41 requires the pilot in command to pass a route competency check (line check) twice each year, whereas only one such check is required for domestic operations. Experience has shown that only one line check is necessary, hence Part 41 is being amended to delete one line check each year.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 41 of the Civil Air Regulations (14 CFR Part 41) is hereby amended as follows to become effective October 29, 1959:

1. In § 41.53 paragraphs (a) and (b) are amended to read as follows:

§ 41.53 Periodic flight checks and instruction.

(a) Each air carrier must provide a sufficient number of check pilots to insure that each pilot in command employed continues to meet the minimum requirements both with regard to route competency and technique.

(1) With respect to route competency, prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall satisfactorily pass a line check in one of the types of airplanes normally to be flown by him. This check shall be given by a check pilot who is qualified for the route. It shall consist of at least a scheduled flight over a typical portion of the air carrier's routes to which the pilot is normally assigned, and shall be of sufficient duration for the check pilot to determine whether the individual being checked satisfactorily exercises the duties and responsibilities of pilot in command.

(2) With respect to technique, an air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him. Thereafter, he shall not serve as pilot in command unless

each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due. Where such pilots serve in more than one airplane type, at least every other successive proficiency check shall be given in flight in the larger airplane type.

(3) Periodic instruction must be given all pilots. In the case of pilots in command, instruction must include the obtaining of optimum performance under simulated maximum authorized weight conditions with one engine inoperative and instrument approach procedures and landings under the same conditions in the type aircraft in which such pilots serve in scheduled air transportation: *Provided*, That subsequent to the initial check and instruction, actual simulated maximum authorized weight on takeoff shall not be required.

(4) In the case of all pilots other than pilots in command, instruction must include familiarization with the Operations Manual, with the types of equipment used, and with the duties of a second in command.

(b) Subsequent to the initial pilot proficiency check, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by paragraph (a) of this section. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subparagraphs (1) through (7) of this paragraph.

* * * * *

(Secs. 313(a), 601, 604, 72 Stat. 752, 778, 49 U.S.C. 1354(a), 1424)

Issued in Washington, D.C., on September 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8138; Filed, Sept. 29, 1959; 8:45 a.m.]

[Reg. Docket No. 133; Amdt. 42-20]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Frequency of Pilot Proficiency Checks

Part 42 of the Civil Air Regulations presently requires each pilot in command to successfully pass pilot equipment and proficiency checks within the preceding 6 months. Section 42.47 allows a grace period of 30 days for all airman checks.

Parts 40, 41, 42, and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are being amended to make the frequency requirement of pilot proficiency checks the same.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 42 of the Civil Air Regulations (14 CFR Part 42) is hereby amended as follows to become effective October 29, 1959.

1. By amending the introductory paragraph of § 42.44(a)(4) to read as follows:

§ 42.44 Recent flight experience requirements for flight crew members.

* * * * *

(a) *Pilots.* * * *

(4) Subsequent to the initial pilot equipment and instrument checks required by subparagraphs (2) and (3), respectively, of this paragraph, an approved course of training in an aircraft simulator, if satisfactorily completed, may be substituted at alternate 6-month intervals for the proficiency check required by subparagraphs (2) and (3). The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph.

* * * * *

2. By amending § 42.47 to read as follows:

§ 42.47 Grace period for airman periodic checks.

Whenever this part requires an airman check at stated intervals, such check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it became due.

(Secs. 313(a), 601, 604, 72 Stat. 752, 778, 49 U.S.C. 1354(a), 1424)

Issued in Washington, D.C., on September 24, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-8139; Filed, Sept. 29, 1959; 8:45 a.m.]

[Reg. Docket No. 134; Amdt. 46-2]

PART 46—SCHEDULED AIR CARRIER HELICOPTER CERTIFICATION AND OPERATION RULES

Frequency of Pilot Proficiency Checks

Part 46 of the Civil Air Regulations presently requires each pilot in command to successfully pass pilot proficiency checks at least twice in each 12-month period. Section 46.302(b) requires such checks to be given at intervals of not less than 4 months nor more than 8 months.

Parts 40, 41, 42, and 46 specify the time interval between pilot proficiency checks differently which has resulted in varying interpretations as to requirements and administrative practices. Since no difference is intended between air carrier operations in this respect, all of the air carrier parts are being amended to make the frequency requirement of pilot proficiency checks the same.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 46 of the Civil Air Regulations (14 CFR Part 46) is hereby amended as follows to become effective October 29, 1959:

1. By amending § 46.302(b)(1) to read as follows:

§ 46.302 Pilot checks.

* * * * *

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate helicopters to be flown by him. Thereafter, he shall not serve as pilot in command unless each 6 months he successfully completes a similar pilot proficiency check. The proficiency check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it becomes due. Where such pilots serve in more than one helicopter type, the pilot proficiency check shall be given alternately in helicopters of each type flown by him.

(Secs. 313(a), 601, 604, 72 Stat. 752, 778, 49 U.S.C. 1354(a), 1424)

Issued in Washington, D.C., on September 24, 1959.

E. A. QUESADA,
Administrator.

[F. R. Doc. 59-8140; Filed, Sept. 29, 1959; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Docket No. 4870 etc.]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Temporary Authorization for National Defense Transportation

By Order of the Board, No. E-14485, dated September 25, 1959, the effectiveness of the provisions of § 207.11 was further extended to September 30, 1960.

(Sec. 204, 72 Stat. 743, 49 U.S.C. 1324)

Dated: September 25, 1959.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

In the matter of military exemptions for certificated air carriers, certificated cargo carriers, certificated Alaskan air carriers, large irregular, supplemental, and irregular transport carriers.

Order extending exemptions. The Board, by Order No. E–10788, November 27, 1956, extended until December 1, 1957 previous authorizations dating back to 1951,[1] which permitted Certificated Air Carriers (other than Alaskan), Certificated Cargo Carriers, Certificated Alaskan Air Carriers, and Large Irregular, Supplemental, and Irregular Transport Carriers to engage in unlimited military charter and contract operations not otherwise permitted by the Act, the Board's Economic Regulations, or individual exemption authorization. In addition, the above order extended the authorization of the Large Irregular Carriers, Irregular Transport Carriers, and Supplemental Air Carriers to act jointly at military installations, through representatives, to provide interstate and overseas air transportation on a regular and frequent basis to uniformed military personnel traveling at their own expense even though the total operations performed jointly might exceed the limitation as to frequency and/or regularity imposed by an individual carrier's authorization. The authority provided by the aforesaid order was extended to December 1, 1958 by Order No. E–11972, and to September 30, 1959 by Order No. E–13137. By Order No. E–14149, dated June 30, 1959, Order No. E–10788 was amended to allow the Large Irregular Carriers, Irregular Transport Carriers and Supplemental Air Carriers, in addition, to jointly arrange for the transportation of members of the Armed Services moving at Government expense and civilian employees of the military agencies moving at Government expense, subject, inter alia, to the same provision that no single carrier might exceed the limitations of its particular authorization.

Applications for further extension of their exemption authority have been filed by Alaska Airlines, Inc., Seaboard & Western Airlines, Inc., The Flying Tiger Line Inc., Reeve Aleutian Airways, Inc., Pacific Air Lines, Inc., Trans Caribbean Airways, Alaska Coastal Airlines, Northern Consolidated Airlines, Inc., and Wien Alaska Airlines, Inc. In support of these applications, the carriers generally allege substantial current participation in operations under Order No. E–10788, as extended; a continuing demand by the military departments for these services; and a continuation of the circumstances which warranted earlier grants of this exemption.

Pan American World Airways, Inc., and Seaboard & Western Airlines, Inc., have filed objections to an extension of the blanket exemptions.

During the period 1950–1951, national defense requirements created a great need for airlift on behalf of the military departments, which need could not be readily met by the then existing certificated air route system. This airlift involved the movement of both cargo and personnel, domestically as well as to overseas and foreign points. It became frequently necessary to ship large amounts of cargo and substantial numbers of troops by planeloads, often to points not regularly served by a certificated carrier. In addition, as part of the increased national defense activity, there arose a need for the services of the noncertificated carriers, without regard to certain of the restrictions in their basic operating authority, in the joint movement of military personnel traveling at their own expense to or from military installations.[2] A combination of the above factors prompted the original grants of the so-called "military exemptions," described above, to the Certificated Air Carriers, Certificated Alaskan Air Carriers, Certificated Cargo Carriers, and Large Irregular, Supplemental, and Irregular Transport Carriers.[3]

Although the immediate and pressing military need that played a part in the original grant of the exmeptions later diminished, the Department of Defense in the ensuring years continued to advise the Board regularly of its desire that the exemptions be extended. Among the considerations cited by the Department were the need for facilitation of the movement of military traffic; the considerable economies of transportation funds that result from the ability of the Department to utilize the services of the various air carriers; and, generally, the substantial benefits that the Department would continue to receive from an extension of the exemption authority. It is clear that those considerations apply with equal force to the situation as it exists today.

The Board recognizes that continuation of the blanket exemptions is not without opposition and that certain carriers would like to limit participation in certain types of the airlift needed by the military establishment to carriers holding certificates of public convenience and necessify authorizing the services and to require that in all instances relief from the requirements or limitations of the Act or the Board's Economic Regulations be granted only through specific exemptions to individual, named carriers for the particular services to be performed.[4] As we point out hereinafter, a refusal to extend the instant exemptions would not have the effect of limiting participation in the military airlift business to the certificated route-type air carriers in view of other outstanding authorizations issued by the Board and the willingness of the military to use nonregulated carriers who need no economic authority under the Federal Aviation Act. Further, the Board is convinced that under existing conditions it would be neither feasible nor in furtherance of the objectives of the Act to adopt a course which would attempt to restrict the right to participate in the military airlift business whether for fixed or short-term operations to particular carriers or classes of carriers; that a refusal to extend the exemption as to a class or classes of carriers and a strict enforcement of the requirements of Section 401 would subject those carriers to an undue burden; and that a continuation of the blanket exemptions for an additional period would best serve the over-all public interest.

The question of whether the blanket exemptions should be renewed is a part of the broader over-all problem of devising methods for the procurement and furnishing of commercial airlift for the military that will be consistent with the statutory scheme of the Act, that will promote economic conditions in air transportation, and that will satisfy the needs of the defense establishment.[5] It is unnecessary here to review that problem in detail or to discuss the efforts that have been made to resolve it. However, consideration of the renewal question now before us must be undertaken against this background and in the light of the peculiar characteristics of, and circumstances affecting, the military airlift business that tend to differentiate and distinguish it from the ordinary commercial business of the air carriers.

All of the services that have been or will be performed under the blanket exemption consist of transportation provided for, or in the interest of, the military establishment and must be per-

[1] Orders Nos. E–5166, E–6933, E–6934, and E–6935.

[2] The authority granted by Part 291 of the Economic Regulations limited irregular air carriers to irregular and infrequent service and further provided that an individual carrier could not provide jointly or in conjunction with another carrier a volume of service which, if provided by the first carrier alone, would exceed the limits of regularity and frequency specified in the regulation. The limitation on joint activities has been carried forward into the authorizations of the supplemental air carriers to operate individually ticketed and waybilled services. The portion of the blanket exemption directed to "furlough traffic" did not broaden the basic authority of the carriers but only relieved them from the restrictions on joint activities.

[3] Originally, the exemptions to the different classes of carriers were handled in separate orders. Later, for administrative convenience, the various exemptions were grouped in a single order.

[4] The contracts let by the military for commercial airlift fall into two broad categories. One class involves "fixed" type contracts providing for fixed or guaranteed air transportation of a specific amount and type for a given period between named points at specified rates. The other class involves "call" type contracts providing for short-term transportation as may be required by the military from time to time. Part 294 of the Economic Regulations is directed to operations under the fixed type contracts, and provides an exemption from sections 403 and 404 of the Act, as well as from section 401. The instant order is directed principally to call-type operations, such as the provision of planeload charter services of a short-term nature.

[5] Although it is unquestionably true that different individual carriers and classes of carriers have benefited in varying degrees from the numerous exemptions the Board has issued, depending upon their individual situations at particular times, we are satisfied that all of the carriers at one time or another have benefited to a substantial degree from the exemptions.

formed under the conditions laid down by that establishment.[6] Carriers in each of the classes have for a number of years participated on a substantial basis in the furnishing of the needed airlift, and this military business has become an important part of their over-all air transportation activities.[7] Each of the carriers involved already has the right under its basic operating authority to perform certain of the services required by the military establishment but many of them probably could not perform all of the services without some relief from the Board.[8] Thus, the certificated cargo carriers could provide charter services in the movement of cargo on a world-wide basis, but could not undertake a contract calling for mixed personnel and cargo service even though it were to be performed between points named in its certificate. The supplemental carriers are authorized by their certificates of public convenience and necessity and Order E–9744 to conduct unlimited planeload charters of passengers and property in interstate and overseas air transportation. The regular route operators possess similar charter authority for interstate, overseas, and foreign air transportation under section 401(e) as an adjunct of holding certificates, subject to the requirements and limitations of Part 207 of the Economic Regulations. Also, the military establishment is committed to the procurement of services on the basis of unrestricted competitive bids. This fact, coupled with our lack of economic regulatory authority over the so-called "Part 45" commercial operators and the variable needs of the military establishment as they apply to any given carrier, makes impossible an effective affirmative determination as to the carriers who should perform the military airlift services, and militates strongly against restricting at this time the right of all of the regulated carriers to participate in this military business.

We assume that the Board could now place military operations in a separate category as to all carriers for certificate purposes, and might, as it has done in the case of domestic charter operations by the supplemental carriers, authorize unrestricted military operations by certificate. However, we have not been, nor are we now, convinced that this is the best solution from the standpoint of our responsibility to develop a sound national air transportation system adapted to civil requirements and national defense needs. In addition, since the military establishment does not confine itself to the use of only certain carriers but rather obtains its services through a competitive bidding procedure, it is readily apparent that the successful bidder, if not already authorized to perform the service under its basic operating authority, would not be able to process a certificate application in time to perform the service. Moreover, and apart from this factor, the expense of a certificate proceeding in some instances would be out of all proportion to the value of the service from the carrier's standpoint. Finally, in view of the fact that our decision to extend the exemptions as to the various classes of carriers rests upon the basic considerations heretofore outlined, a refusal to continue the blanket exemption and a change to individual exemptions to named carriers for specific services would serve no useful purpose, but would merely impose an unnecessary burden on the carriers seeking relief and would subject them and the military establishment to unnecessary and undesirable uncertainties.

In view of the foregoing considerations, the Board finds that the enforcement of the provisions of section 401 of the Act, applicable Economic Regulations and orders, to the extent that they would otherwise prevent the air transportation permitted herein, would be an undue burden upon the affected carriers by reason of the limited extent of, and unusual circumstances affecting the operations of such carriers and is not in the public interest.

Accordingly, it is ordered, That:

1. The effectiveness of § 207.11 of the Economic Regulations, which provides that the limitations of §§ 207.5 to 207.10, inclusive, shall not apply to or in respect of charter trips performed pursuant to contracts with any department of the Defense Department, be and it hereby is extended until September 30, 1960, unless sooner revoked;

2. All air carriers holding certificates of public convenience and necessity authorizing the air transportation of cargo only be and they hereby are exempted from the provisions of section 401 of the Act and applicable Economic Regulations and Orders, insofar as such provisions, Regulations and Orders would otherwise prevent such carriers from engaging in interstate, overseas, and foreign air transportation of persons pursuant to contracts with any department of the Defense Department;

3. All certificated Alaskan Air Carriers be and they hereby are exempted from the provisions of section 401 of the Act and applicable Economic Regulations and Orders insofar as such provisions, Regulations and Orders would otherwise prevent such certificated Alaskan carriers from engaging in the interstate air transportation of persons and property within the State of Alaska (a) pursuant to contracts between such air carriers and any department of the Defense Department, or (b) pursuant to requests of any department of the Defense Department in connection with contracts between other persons and such department;

4. Every air carrier holding economic authority as a Large Irregular Carrier, Irregular Transport Carrier, Supplemental Air Carrier, and/or other classification of air carrier established by Board decision in Docket No. 5132, et al. be and it hereby is exempted from the provisions of section 401 of the Act, of Part 291 of the Economic Regulations, and of its respective operating authority to the extent necessary to permit such carrier (a) to engage in interstate, overseas, or foreign air transportation of persons and property without limitation as to frequency and/or regularity pursuant to contracts with any department of the Defense Department calling for the provision of air services in planeload capacities; and (b) subject to all other applicable restrictions, to engage in overseas and interstate air transportation, except within the State of Alaska, of members of the Armed Services, whether or not moving at Government expense, and civilian employees of the military agencies moving at Government expense, where such transportation is arranged through the representatives of two or more such carriers at a military installation, even though the total operations performed by a group of carriers so represented may exceed the flight limitations as imposed by their respective authorizations, whether such authorization be by exemption or certificate of public convenience and necessity; however, no single carrier may exceed the limitations of its particular authorization as specified therein.

5. The exemption authority granted in paragraph 4 above shall apply only to an air carrier which holds economic operating authority as a Large Irregular Carrier, Irregular Transport Carrier, Supplemental Carrier and/or other classification of air carrier established by Board decision in Docket No. 5132 et al. which economic authority is effective at the time it performs the operations described in said paragraph;

6. The authorization granted in paragraph 4(a) above shall be effective with respect to each carrier only if such carrier is awarded a contract or contracts by a department of the Defense Department for the aforementioned air transportation, and then only with respect to the particular transportation provided for by such contract;

7. The authority granted herein by paragraphs 2, 3 and 4 above shall expire on September 30, 1960, unless sooner revoked;

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[6] Up to the present time relatively minor use has been made of certificated scheduled commercial services performed at published tariff rates. Only recently we approved an agreement between certain of the certificated route carriers authorizing discussions among themselves and between them and the military establishment, which appear to have as their purpose, in part at least, the working out of arrangements with the military that will result in channelling additional military business into their route-type operations.

[7] For example, Alaska Airlines, a certificated Alaskan carrier states that the bulk of its revenues from other than scheduled services have come from its military transportation operations. In connection with the participation of all classes of carriers in the military business, it might also be mentioned that in recent years Congress, in appropriating money for the Military Air Transport Service, has directed the Secretary of Defense to utilize the services of civil air carriers which qualify as small businesses to the fullest extent possible. In fact, the Congress specifically considered and rejected proposals which would have limited the availability of this traffic to certain categories of carriers.

[8] While we have decided merely to extend the exemption in its present form, we should point out that in various areas the exemption authority duplicates other authorizations that certain of the carriers now hold independently of that exemption.

8. This order may be amended or revoked at any time in the discretion of the Board without notice or hearing.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 59-8180; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket No. 9884 et al.; Order No. 14484]

PART 294—CLASSIFICATION AND EXEMPTION OF AIR CARRIERS WHILE CONDUCTING CERTAIN OPERATIONS FOR THE MILITARY ESTABLISHMENT

Applications for Exemption To Perform Service Under Military Contracts

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of September 1959.

The Board has, since 1957, granted air carriers engaged in military charter operations, pursuant to contracts with the Military Establishment, individual exemptions[1] from the tariff filing requirements of section 403 and from the anti-discrimination provisions of section 404. These latter exemptions we found to be necessary since tariffs embodying rates set out in bids to the Military could not meet the requirements of the Act or of the Board's Regulations.

In recent years, the Board has devoted substantial time and effort to reconcile the Military's competitive bid system with the tariff filing requirements of the Act, including representation on a joint CAB-Defense Department working group established in 1958. No satisfactory solution to this problem was developed. The Board therefore published a proposed policy statement entitled "Rates for Military Traffic" (24 F.R. 1866), containing minimum rates considered economical for the movement of both plane-load and individual military traffic.[2] In view of the nonconcurrence of the Defense Department and the strong division of interest among the air carriers as to this problem, the Board decided not to adopt the proposed policy statement,[3] but to continue to make available Title IV exemptions to air carriers who are successful bidders on MATS augmentation contracts. This order implements that decision.

Applications for exemptions from sections 403 and 404 of the Act have been received from the carriers who have been awarded MATS contracts for the coming contract period. The Board has obtained economic data from the successful carrier bidders for MATS long term fixed contracts. Such data do not permit a conclusion that the contract prices are uneconomic. In this connection, it should be noted that the Board is without statutory power—a power which it has requested repeatedly from the Congress—to fix and determine reasonable rates for air transportation between the United States and other countries.

The Board finds that if the exemption authority were not granted herein it would create economic hardships for the air carriers; that the exemption authority is necessary in the interest of national defense; that the circumstances which warranted earlier grants of similar exemptions continue to exist. The Board, in granting this exemption, also has taken into account the various pertinent considerations and findings contained in our concurrent order granting exemption from section 401 of the Act with respect to military charter operations (Order No. E-14485).

Part 294 grants exemptions from sections 401, 403, 404, and 405 of the Act and specific Board regulations to air carriers engaged in charter operations pursuant to contracts with the Military, but contains in § 294.1(b) (1) and (2) thereof, the requirements that the charter must provide for a minimum average of 24 one-way schedules to and from the same point per 30-day period, and must provide for a definite schedule pattern.

Since the promulgation of Part 294, there has been a revision in the form of the military contract which has raised a question as to the technical applicability of Part 294. In order to resolve this question, we are here providing for certain exemptions from requirements currently contained in the regulation. In prior years such provision was made by individual exemption order issued to all classes of carriers. In order to alleviate the administrative burden on the carriers and to the Board of acting upon individual applications for exemptions from sections 403 and 404, we have determined that it would be more appropriate to issue an order providing for exemption from the requirements contained in § 294.1(b) (1) and (2) of Part 294.

Accordingly, we conclude that the enforcement of the provisions now contained in § 294.1(b) (1) and (2) of Part 294 of our regulations places an undue burden on the air carriers by reason of the limited extent of and unusual circumstances affecting the operations of such air carriers and is not in the public interest.[4]

Therefore, pursuant to sections 204(a) and 416(b) of the Federal Aviation Act of 1958: *It is ordered,* That:

Air carriers who otherwise meet the requirements of Part 294 of the Board's Economic Regulations (14 CFR Part 294), are hereby exempt, for the period October 1, 1959 through September 30, 1960, from the provisions contained in § 294.1(b) (1) and (2) thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F.R. Doc. 59-8182; Filed, Sept. 29, 1959; 8:51 a.m.]

[1] See also Order No. E-13040, September 30, 1958.

[2] The Board lacks the statutory authority to prescribe just and reasonable rates in foreign air transportation; therefore, it could only state what it considered economical rates for the movement of military traffic.

[3] CAB Release 59-21, June 11, 1959.

[4] In taking this action the Board has reviewed the applications of Overseas National Airways, Inc. in Docket No. 8833, as well as the objection thereto by Seaboard & Western, and also the application of Alaska Airlines, Inc. in Docket No. 10871. Our action herein effectively disposes of these various filings.

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

Revision

There was published in the FEDERAL REGISTER on November 27, 1958 (23 F.R. 9188) notice of intention to revise 25 CFR Part 141. In addition to minor changes, the revised regulations include an appeals procedure in timber sale contracts, greater flexibility in small sales of timber, a revised formula for computing reimbursement to the Bureau of expenses of timber management out of timber revenues, a new definition of forest lands required to be managed under sustained yield practices, a more logical definition of annual timber harvest, greater flexibility in the preservation of scenic strips, and new provisions for preservation of wildlife, grazing and other values.

Interested persons were given an opportunity to submit their views, data, or arguments in writing on the proposed revision to the Commissioner of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of the notice in the FEDERAL REGISTER.

Several suggestions as to content and arrangement were received, and as a result several changes have been made, including the following:

In § 141.1 the definition of "stumpage" has been changed to "stumpage value," and a definition of "stumpage rates" has been added. Appropriate changes have been made throughout the text to conform with these changes in definitions. Section 141.3(e) has been expanded to provide for concurrence by authorized Indian representatives when forest areas are to be preserved in their natural state. Section 141.5 has been expanded to authorize clear-cutting when other methods of harvest are not practicable. Section 141.8(b) has been eliminated and its provisions with respect to sale of timber without advertisement now appear as a part of § 141.9. Section 141.14 has been revised with respect to the posting of cash bond. Section 141.19(b) has been expanded to permit a limitation on the use of timber cut under free-use permits. Section 141.21 has been expanded to eliminate its application to actions taken under the act of May 27, 1955. The last sentence of § 141.22 has been changed to cover more properly the Secretary's authority in settlement of civil trespass cases. Section 141.23 has been expanded to provide that in case of an appeal to the Secretary by one party to a

timber sale contract, the other party is to be notified of such appeal.

The revision of 25 CFR Part 141 set forth below is hereby adopted and becomes effective on the date of this publication.

Sec.
141.1 Definitions.
141.2 Scope.
141.3 Objectives.
141.4 Sustained-yield management.
141.5 Cutting restrictions.
141.6 Indian operations.
141.7 Timber sales from unallotted and allotted lands.
141.8 Advertisement of sales.
141.9 Timber sales without advertisement.
141.10 Deposit with bid.
141.11 Acceptance and rejection of bids.
141.12 Contracts required.
141.13 Execution and approval of contracts.
141.14 Bonds required.
141.15 Payments for timber.
141.16 Advance payments for allotment timber.
141.17 Time for cutting timber.
141.18 Deductions for administrative expenses.
141.19 Timber cutting permits.
141.20 Free-use cutting without permit.
141.21 Fire protective measures.
141.22 Trespass.
141.23 Appeals under timber contracts.

AUTHORITY: §§ 141.1 to 141.22 issued under secs. 7, 8, 36 Stat. 857, 25 U.S.C. 406, 407; and sec. 6, 48 Stat. 986, 25 U.S.C. 466; 47 Stat. 1417; 25 U.S.C. 413. § 141.23 issued under 5 U.S.C. 22, 25 U.S.C. 2.

CROSS REFERENCES: For rights-of-way, see Part 161 of this chapter. For sale of timber products, Menominee Indian Reservation, see Part 143 of this chapter. For sale of forest products, Red Lake Indian Reservation, Minnesota, see Part 144 of this chapter. For sale of lumber and other forest products produced by Indian enterprises from other reservations, see Part 142 of this chapter. For wilderness and roadless areas, see Part 163 of this chapter. For law and order, see Part 11 of this chapter.

§ 141.1 Definitions.

As used in this part:

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

(b) "Indian forest lands" means lands, held in trust by the United States for Indian tribes or individual Indians or owned by such tribes or individuals subject to restrictions against alienation, that are chiefly valuable for the production of forest crops; or such lands on which a forest cover should be maintained in order to protect watershed or other values.

(c) "Stumpage value" means the value of uncut timber as it stands in the woods.

(d) "Stumpage rate" means the stumpage value per thousand board feet or other unit of measure.

§ 141.2 Scope.

The regulations in this part are applicable to all Indian forest lands except as this part may be superseded by special legislation.

§ 141.3 Objectives.

The following objectives are to be sought in the management of Indian forest lands:

(a) The preservation of such lands in a perpetually productive state by providing effective protection, by applying sound silvicultural and economic principles to the harvesting of the timber, and by making adequate provision for new forest growth as the timber is removed.

(b) The regulation of the cut in a manner which will insure method and order in harvesting the tree capital, so as to make possible continuous production and a perpetual forest business.

(c) The development of Indian forests by the Indian people for the purpose of promoting self-sustaining communities, to the end that the Indians may receive from their own property not only the stumpage value, but also the benefit of whatever profit it is capable of yielding and whatever labor the Indians are qualified to perform.

(d) The sale of Indian timber in open competitive markets in accordance with good business practices on reservations where the volume that should be harvested annually is in excess of that which is being developed by the Indians.

(e) The preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products.

(f) The management of the forest in such a manner as to retain its beneficial effects in regulating water run-off and minimizing erosion.

(g) The preservation and development of grazing, wildlife, and other values of the forest to the extent that such action is in the best interest of the Indians.

§ 141.4 Sustained-yield management.

In accordance with the objectives set forth in § 141.3, the harvest of timber from Indian forest lands will not be authorized until there have been prescribed practical methods of cutting, based on sound silvicultural principles. Cutting schedules shall be directed toward the salvage of timber that is deteriorating as a result of fire damage, insect infestation, disease, over-maturity or other cause; and toward achieving an approximate balance between maximum net growth and harvest during each cutting cycle. For all Indian reservations of major importance from an industrial forestry standpoint, management plans for the forest resource shall be prepared by the Bureau of Indian Affairs, and revised as needed. The plans shall contain a statement of the manner in which the policies of the Bureau of Indian Affairs are to be applied on the forest, with a definite plan of silvicultural management and a program of action, including a cutting schedule, for a specified period in the future.

§ 141.5 Cutting restrictions.

Clearcutting of large contiguous areas will be permitted only on lands that, when cleared, will be devoted to a more beneficial use than the growing of timber crops; but this restriction shall not prohibit clearcutting, by staggered settings or otherwise, when it is silviculturally good practice to harvest a particular stand of timber by such methods, or when it is not practicable to harvest such timber stand by methods other than clearcutting.

§ 141.6 Indian operations.

Indian tribal logging or sawmill enterprises may be organized and initiated, subject to consent of the authorized tribal representatives, where applicable, and approval by the Secretary.

§ 141.7 Timber sales from unallotted and allotted lands.

On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the Indian owners for allotted timber. The consent of the Secretary is required in all cases. Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $200 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber, the timber shall be appraised and sold at not less than its appraised value.

§ 141.8 Advertisement of sales.

Sales of timber shall be made only after advertisement except as provided in §§ 141.9 and 141.19.

(a) The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. The advertisement may limit sales of Indian timber to members of the tribe, or may grant to members of the tribe who submitted bids the right to meet the higher bid of a non-Indian. If the estimated stumpage value of the timber offered does not exceed $1,000, the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds $1,000, the advertisement shall also be made in at least one edition of a newspaper of general circulation in the locality where the timber is situated. If the estimated stumpage value does not exceed $10,000, the advertisement shall be for not less than 15 days; if the estimated stumpage value exceeds $10,000 but not $100,000, for not less than 30 days; and if the estimated stumpage value exceeds $100,000, for not less than 60 days.

(b) The approving officer may reduce the advertising period because of emergencies such as fire, beetle attack, blowdown, limitation of time, or when there would be no practical advantage in advertising for the prescribed periods.

(c) If no contract is executed after such advertisement, the approving officer may, within 1 year from the last day on which bids were to be received as defined in the advertisement, permit the sale of such timber in the open market upon the terms and conditions in the advertisement and at not less than the advertised

value or the appraised value at the time of sale, whichever is greater.

§ 141.9 Timber sales without advertisement.

With the consent of the tribal or individual Indian owners of the timber, and the approval of the Secretary, sales without advertisement may be made: (a) To Indians or non-Indians when the timber is to be cut in conjunction with the granting of a right-of-way or authorized occupancy, or must be cut to protect the forest from injury, or if it is impractical to secure competition by formal advertising procedures, or when otherwise specifically authorized by statutes or regulations; or (b) To Indians who are members of the tribe for stumpage value not exceeding $5,000. Such contracts shall not be made for a longer term than 2 years. The stumpage rates in connection with such sales shall be established by the approving officer after due appraisal procedure. Timber contract forms executed under authority hereof shall be those stipulated for the sale of timber under § 141.12, and shall carry the bond requirement stipulated in § 141.14. No more than one such sale without advertisement may be made to any person or operating group of persons in any one calendar year. In the case of each negotiated transaction the approving officer shall establish a documented record of the transaction, including a written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 141.8; the extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and a statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

§ 141.10 Deposit with bid.

(a) A deposit shall be made with each proposal for the purchase of either allotted or unallotted Indian timber. Such deposits shall be at least 20 percent if the appraised stumpage value is less than $10,000; at least 10 percent if the appraised stumpage value is between $10,000 and $100,000, but in any event not less than $2,000; at least 5 percent if the appraised stumpage value is between $100,000 and $250,000, but in any event not less than $10,000; and at least 3 percent if the appraised stumpage value exceeds $250,000, but in any event not less than $12,500.

(b) Deposits shall be in the form of either a certified check, cashier's check, bank draft, or postal money order, drawn payable to the order of the Bureau of Indian Affairs, or in cash.

(c) The deposit of the apparent high bidder, and of others who submit written requests to have their bids considered for acceptance, will be retained pending acceptance or rejection of the bids. All other deposits will be returned promptly following the opening and posting of bids.

(d) The deposit of the successful bidder will be retained as liquidated damages if the bidder does not execute the contract, and furnish the performance bond required by § 141.14, within the time stipulated in the advertisement of timber sale.

§ 141.11 Acceptance and rejection of bids.

(a) Applicants or bidders may be individuals, associations of individuals, or corporations. In ordinary circumstances the high bid received in connection with any advertisement issued under authority of this part shall be accepted. However, the approving officer, having set forth his reasons in writing shall have the right to reject the high bid:

(1) If he considers the high bidder to be unqualified to fulfill the contractural requirement of the advertisement, or

(2) If he has reasonable grounds to consider it in the interest of the Indians to reject the high bid.

(b) If the high bid is rejected, the approving officer may authorize:

(1) Rejection of all bids, or

(2) Acceptance of the offer of another bidder who, at the time of opening of bids, makes formal request that his bid be so considered.

(c) The officer authorized to accept the bid is also authorized in his discretion to waive minor technical defects in advertisements and proposals.

§ 141.12 Contracts required.

Except as provided in § 141.19(c), in sales of timber with an appraised stumpage value exceeding $200 the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. The approved forms provide flexibility to meet variable conditions, but essential departures from the fundamental requirements of such contracts shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. Contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion.

§ 141.13 Execution and approval of contracts.

(a) *Contracts for the sale of tribal timber.* All contracts for the sale of tribal timber shall be executed by the authorized representative of the tribe or tribal corporation. Contracts to be valid must be approved by the Secretary. There shall be included with the contract an affidavit executed by the appropriate officer of the tribe or tribal corporation setting forth the resolution or other authority of the governing body of the tribe or tribal corporation authorizing the sale.

(b) *Contracts for the sale of allotted timber.* Contracts for the sale of allotted timber shall be executed by the Indian owners or by an authorized official of the Bureau of Indian Affairs acting pursuant to a power of attorney from the Indian owner. Contracts to be valid must be approved by the Secretary.

(c) *Execution of contracts for incompetents.* The Superintendent shall execute contracts on behalf of Indian owners who are incompetent by reason of mental incapacity or minority. Contracts to be valid must be approved by the Secretary.

§ 141.14 Bonds required.

Performance bonds will be required in connection with all contracts for the sale of Indian timber, but in the discretion of the approving officer may not be required in connection with timber cutting permits issued pursuant to § 141.19. In sales in which the estimated stumpage value, calculated at the appraised stumpage rates, does not exceed $10,000 the bond shall be approximately 20 percent of the estimated stumpage value. In sales in which the estimated stumpage value exceeds $10,000 but is not over $100,000, the bond shall be approximately 15 percent of the estimated stumpage value but not less than $2,000; in sales in which the estimated stumpage value exceeds $100,000 but is not over $250,000, the bond shall be approximately 10 percent of the estimated stumpage value but not less than $15,000; and in sales in which the estimated stumpage value exceeds $250,000, the bond shall be approximately 5 percent of the estimated stumpage value but not less than $25,000. Bonds may be in the form of a corporate surety bond by an acceptable surety company; or cash bond designating the approving officer to act under a power of attorney; or negotiable United States Government bonds supported by appropriate power of attorney and performance bond.

§ 141.15 Payments for timber.

The basis of volume determination for timber sold shall be the Scribner Decimal C, International ¼ inch, or International Decimal ¼ inch log rules, cubic volume, weight, or such other form of measurement as the Secretary shall designate for each sale. Payments for timber will be required in advance of cutting, either as a single lump sum payment, or in the form of advance deposits, or as advance payments pursuant to § 141.16. Each advance deposit shall be at least 10 percent of the value of the minimum volume of timber required to be cut annually, figured at the appraised stumpage rates: *Provided*, That the approving officer may reduce the size of the last advance deposit before the completion of the sale or before periods of approximately 3 months or longer during which no timber cutting is anticipated. If a contract stipulates no minimum annual cutting requirements the amount of each advance deposit shall be determined by the approving officer. The advance payments that may be required in the sale of trust allotted timber, pursuant to § 141.16, shall not operate to reduce the size of advance deposits required by this section, but may postpone the necessity of requiring such deposits until the advance payments on the particular allotments being cut have been exhausted.

§ 141.16 Advance payments for allotment timber.

Unless otherwise authorized by the Secretary, and except in the case of lump sum sales, contracts for the sale of timber from trust allotments shall provide for the payment of 15 percent of the stumpage value, calculated at the bid price, within 30 days of contract approval, and for additional payments of 15 percent and 20 percent of the same total value within 3 years and 6 years respectively of approval if the contract extends beyond those periods; except, that no advance payment will be required that would make the sum of such payment and of advance deposits and advance payments previously applied against timber cut from the allotment exceed 50 percent of the bid stumpage value. The advance payments shall be credited against the allotment timber as it is cut and scaled, at the stumpage rates governing at the time of scaling.

§ 141.17 Time for cutting timber.

Unless otherwise authorized by the Secretary, the maximum period which shall be allowed, after the effective date of a timber contract, for cutting of the estimated volume of timber purchased shall be 5 years.

§ 141.18 Deductions for administrative expenses.

In sales of timber from either allotted or unallotted lands a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands, including the cost of timber sale administration, but not including the costs that are paid from funds appropriated specifically for fire suppression or forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, there shall be deducted 10 percent of the gross amount received for timber sold under regular supervision, and 5 percent when the timber is sold in such a manner that little administrative expense by the Indian Bureau is required.

§ 141.19 Timber cutting permits.

Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under the regular timber cutting permit forms. Permits to be valid must be approved by the Secretary. Permits will be issued only with the consent of authorized representatives of the tribe for unallotted lands, and for allotted lands with the consent of the Indian owner or the Superintendent as authorized in §§ 141.13(b) and 141.13(c). The stumpage value which may be cut in 1 year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed $200, but this limitation shall not apply to cutting under authority of paragraph (c) of this section.

(a) Such consents to the issuance of cutting permits shall stipulate the minimum stumpage rates at which timber may be sold under permit.

(b) Free-use cutting permits may be issued for specified species and types of forest products by persons authorized under § 141.13 to execute timber contracts. Timber cut under this authority may be limted as to sale or exchange for other goods or services.

(c) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to § 141.18. The permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his discretion for planting or other work to offset damage to the land or the timber caused by the Indian's failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interests.

§ 141.20 Free-use cutting without permits.

(a) Timber may be cut by an Indian for his personal use from an allotment in which he holds the sole beneficial interest, without a permit or contract; but timber cut under this authority shall not be sold, or exchanged for other goods or services. Such cutting shall conform to the principles of conservative use as contemplated by § 141.4.

(b) With the consent of the authorized tribal representatives and the Secretary, Indians may cut designated types of forest products from unallotted lands without a permit or contract, and without charge. Timber cut under this authority shall be for the Indian's personal use, and shall not be sold or exchanged for other goods or services. Such cutting shall conform to the principles of conservative use as contemplated by § 141.4.

§ 141.21 Fire protective measures.

The Secretary is authorized to hire temporary labor, rent fire fighting equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires. No expense for fighting a fire outside a reservation may be incurred unless the fire threatens the reservation, or unless such expense is incurred pursuant to an approved cooperative agreement with another forest protection agency. The rates of pay for fire fighters and for equipment rental shall be the rates for such fire fighting services that are currently in use by public and private forest fire protection agencies adjacent to Indian reservations on which a fire occurs, unless there are in effect at the time different rates that have been approved by the Secretary. The Secretary may enter into reciprocal agreements with any fire organizations, maintaining fire protection facilities in the vicinity of Indian reservations, for mutual aid in fire protection. This section does not apply to the rendering of emergency aid, or agreements for mutual aid, in fire protection pursuant to the act of May 27, 1955 (69 Stat. 66).

§ 141.22 Trespass.

Federal statutes provide that: (a) Willful and unauthorized setting fire to timber, underbrush, or grass or other inflammable material upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, is punishable by fine of not more than $5,000 or imprisonment of not more than 5 years, or both; (b) whoever, having kindled or caused to be kindled, a fire in or near any forest, timber, or other inflammable material on such lands, leaves said fire without totally extinguishing it, or permits such fire to spread beyond his control, or leaves such fire unattended, shall be fined not more than $500 or imprisoned not more than 6 months, or both; (c) the unlawful cutting or wanton injury or destruction of trees standing, growing, or being upon such lands is punishable by fine of not more than $1,000 or imprisonment of not more than 1 year, or both; (d) section 1 of the act of June 25, 1948 (62 Stat. 787; 18 U.S.C. 1853) provides penalties for the unlawful cutting of timber on Government lands and on Indian lands under Government supervision. The Secretary may seize timber which he has reason to believe was unlawfully cut from restricted or trust Indian lands, mark the same and forbid its removal from the land or direct its removal to a point of safe keeping. When any such timber is found to be removed to land not under Government supervision the owner of the land should be notified that such timber is Indian trust property. The Secretary may accept payment of damages in full in settlement of civil trespass cases without resort to court action.

§ 141.23 Appeals under timber contracts.

Any action taken by an approving officer exercising delegated authority from the Secretary of the Interior or by a subordinate official of the Department of the Interior exercising an authority by the terms of the contract may be appealed to the Secretary of the Interior. Such appeal shall not stay any action under the contract unless otherwise directed by the Secretary of the Interior. Appeals will be filed in accordance with any applicable general regulations covering appeals. The Secretary shall notify the appropriate Indian tribal representatives upon receipt of an appeal by the purchaser, and shall notify the purchaser upon receipt of an appeal by the seller.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8149; Filed, Sept. 29, 1959; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER C—AREAS SUBJECT TO SPECIAL LAWS

[Circular No. 2025]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS

On pages 5808 and 5809 of the FEDERAL REGISTER of July 21, 1959, there was published a notice of proposed rule making to issue amendments to the regulations implementing the provisions relating to the development of recreational facilities on the O. and C. lands in accordance with the act of August 28, 1937 (50 Stat. 874) and Revised Statutes 2478 (43 U.S.C. 1201). Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

No comments, suggestions or objections have been received.

The proposed regulations are hereby adopted without change. This amendment shall become effective on the date of publication in the FEDERAL REGISTER. The amended regulations are set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 23, 1959.

§ 115.180 Statutory authority.

The act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c) authorizes the Secretary of the Interior, under such rules and regulations as may be necessary and proper, to conserve and manage such portions of the Revested Oregon and California and Reconveyed Coos Bay Wagon Road Grant Lands as are under his jurisdiction, for multiple purposes, including the provision of recreational facilities.

§ 115.181 Definitions.

Except as the context may otherwise indicate, for the terms used in §§ 115.180–115.184 and in contracts made thereunder:

(a) "Bureau" means the Bureau of Land Management, Department of the Interior.

(b) "O. and C. lands" means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant lands and other lands administered by the Bureau under the provisions of the act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a, 1181c).

(c) "Authorized Officer" means the Government official who has been duly authorized to (1) designate O. and C. lands as public recreational sites, (2) to administer the construction, operation and maintenance of public recreation facilities and (3) to administer the use of such sites and facilities through leasing or otherwise.

(d) "Public Recreational Sites" means O. and C. lands possessing special values for some form of intensive public outdoor recreational activity, including but not limited to picnicking, camping, swimming, boating or skiing.

(e) "Public Recreational Facilities" means improvements or structures of any type constructed, operated and maintained in public recreational sites for the enhancement of the public enjoyment of the recreational resources of such sites.

§ 115.182 Competing uses; memoranda of understanding.

(a) In public recreational sites the use and disposal of resources such as timber, minerals, and forage shall be administered in such a manner as to minimize damage to recreational or scenic resources and facilities. Such competing uses shall also be regulated so as to protect routes of access to public recreational sites and to minimize damage to scenic values along such access routes.

(b) Where adequate recreational facilities in a public recreational site are not provided for through lease or permits to state or local government agencies or their instrumentalities under authority of other laws or regulations referred to in § 115.184, such facilities may be constructed, operated and maintained by the authorized officer alone, or under a memorandum of agreement jointly with Federal, state or local government agencies or their instrumentalities.

§ 115.183 Use of public recreational sites and facilities operated by the Bureau.

(a) Public recreational sites and facilities operated by the Bureau shall be for transient use by the public and shall not be occupied by users for extended periods nor in a manner that, in the judgment of the authorized officer, is contrary to the public interest.

(b) The authorized officer may, in his discretion, post reasonable requirements for the use of public recreational sites and facilities operated by the Bureau, including but not limited to provisions to protect the area from fire, protect recreational values, and to protect the public health and safety.

(c) The authorized officer may establish and collect a reasonable service charge for the use of public recreational sites and facilities operated by the Bureau.

(d) No restrictions on the use of public recreational sites and facilities shall be made because of reasons of race, creed, color or country of origin.

(e) The penalty for wilful violation of any of the provisions of this section or of any reasonable rules or regulations promulgated thereunder may be denial of the use of the public recreational sites and facilities and if the circumstances so indicate, the initiation of an action for trespass on the property of the United States.

§ 115.184 Leases, permits, and licenses.

Leases, permits and licenses for the recreational use of the O. and C. lands, including lands containing recreational facilities may be granted, upon application, under the provisions of Parts 9, 254, 257, and 258 of this chapter and shall contain provisions determined necessary by the authorized officer, including but not limited to, provisions to protect the area from fire, protect recreational values, and to protect the public health and safety. Leases, permits and licenses which involve the operation of commercial concessions shall contain stipulations requiring conformance with reasonable public service rules including schedules of charges approved by the authorized officer.

[F.R. Doc. 59-8150; Filed, Sept. 29, 1959; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1987]

[81371]

WASHINGTON

Power Site Restoration No. 556; Partly Revoking Executive Orders of July 2, 1910 and March 31, 1911 (Power Site Reserves No. 129 and 179) and Power Site Classifications No. 349 and 407; Conditionally Restoring Lands in Power Site Reserves No. 129, 179, 197; Power Site Classifications No. 212, 349, and 407; and Power Projects 587, 791, 998, 2062, 2148, and 2149; Partly Revoking Public Land Order No. 1356 of November 5, 1956 (Chief Joseph Dam Project)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as Secretary of the Interior, and pursuant to determinations DA-153 and DA-157-Washington of the Federal Power Commission issued January 16, 1959, and September 2, 1958 respectively, it is ordered as follows:

The Executive orders of July 2, 1910 and March 31, 1911, creating Power Site Reserves No. 129 and 179 respectively; the departmental order of June 22, 1944 designated Power Site Classification No. 349, and the order of the Geological Survey of March 29, 1950 designated Power Site Classification No. 407, are hereby revoked so far as they affect the following-described lands, or any of them:

WILLAMETTE MERIDIAN

T. 35 N., R. 25 E.,
Sec. 18, S½SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, SW¼NW¼;
Sec. 29, NW¼NW¼.
T. 40 N., R. 25 E.,
Sec. 26, NE¼NE¼.
T. 40 N., R. 26 E.,
Sec. 9, SW¼NW¼.
T. 30 N., R. 27 E.,
Sec. 28, SE¼NW¼, NW¼SE¼, SE¼SE¼;
Sec. 34, SW¼NW¼, SW¼SE¼, NE¼SW¼.
T. 30 N., R. 28 E.,
Sec 14, SW¼NW¼.
T. 30 N., R. 29 E.,
Sec. 7, SE¼SE¼.

The areas described aggregate approximately 520 acres.

2. The Federal Power Commission has determined that the value of the following-described lands reserved for power purposes would not be injured or destroyed for such purposes by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, any location, entry, or selection of the lands marked by an asterisk however, to be subject to the further condition that the United States, its permittees or licensees, in the construction, operation and maintenance upon the lands of power project works, shall not be held liable for any damages to improvements placed on the lands, and any location, entry, or selection of the lands in T. 29 N., R. 26 E., to be subject to the further condition that the United States, its permittees or licensees shall not be held liable for any damage caused by the operation or maintenance of the Chief Joseph Dam Project of the Department of the Army, and to a reservation to the United States, its permittees or licensees of the right to use for flowage purposes all those portions of the lands in said township lying below an elevation of 953 feet:

WILLAMETTE MERIDIAN, WASHINGTON

T. 30 N., R. 22 E.,
Sec. 13, lots 5, 7;
Sec. 24, lots 1, 7.
T. 31 N., R. 22 E.,
Sec. 6, lot 2;
Sec. 7, SW¼NE¼;
Sec. 8, SW¼SW¼;
Sec. 21, SE¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 26, NE¼SW¼;
Sec. 35, E½NE¼.
T. 32 N., R. 22 E.,
Sec. 29, lot 10, SE¼SE¼;
Sec. 32, lot 6, E½SE¼.
T. 30 N., R. 23 E.,
Sec. 7, lot 1;
Sec. 19, lot 1, SE¼NW¼, NE¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼;
Sec. 28, lot 1;
Sec. 30, SE¼NE¼, SE¼NW¼.
T. 31 N., R. 23 E.,
Sec. 31, lots 2, 3, 4, SW¼NE¼, SE¼NW¼, NW¼SE¼.
*T. 29 N., R. 24 E.,
Sec. 31, lots 3, 4, 7.
*T. 30 N., R. 25 E.,
Sec. 18, lots 1, 2.
*T. 38 N., R. 25 E.,
Sec. 1, lot 9;
Sec. 2, lot 7.
*T. 39 N., R. 25 E.,
Sec. 1, lot 1;
Sec. 13, lot 8, W½NE¼SW¼;
Sec. 24, lot, 3, 4;
Sec. 25, NW¼NE¼, N½SW¼, SE¼SW¼.
*T. 40 N., R. 25 E.,
Sec. 4, lots 2, 6;
Sec. 9, SW¼NE¼, NW¼SE¼;
Sec. 12, W½SW¼;
Sec. 13, NE¼NE¼, SW¼NE¼, SE¼SW¼;
Sec. 23, lots 1, 3, 8, 9, 12, 20, 22, 23, 24, 13, 25, E½SW¼, SE¼SE¼;
Sec. 24, lot 2;
Sec. 26, lots 1, 5, 8, 9, 10, SE¼SE¼;
Sec. 28, lot 5.
T. 29 N., R. 26 E.,
Sec. 3, lots 3, 4, 5, NE¼SW¼.
*T. 39 N., R. 26 E.,
Sec. 18, lot 2.
T. 40 N., R. 26 E.,
Sec. 4, lot 12, S½SE¼;
*Sec. 5, lot 8;
*Sec. 7, lots 6, 7;
*Sec. 8, lot 1;
*Sec. 9, lots 1, 2, 3, 4, 5, SE¼NW¼;
*Sec. 10, lots 1, 2, 3, 6, 10, 11, 12, NE¼NW¼;
*Sec. 11, lots 1, 2, 3, 10, NE¼NE¼, SE¼SE¼;
*Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, W½E½, NE¼NW¼;
*Sec. 13, lots 1, 2, 3, 4, 5, 6, 7;
Sec. 13, lot 8;
Sec. 24, NE¼NE¼.
*T. 30 N., R. 27 E.,
Sec. 19, lot 7;
Sec. 20, lot 5;
Sec. 27, lot 4;
Sec. 28, lots 2, 3, 4, 5, 6;
Sec. 34, lots 3, 4, 5, 6;
Sec. 35, lot 5.
T. 40 N., R. 27 E.,
Sec. 18, lots 1, 5, 6;
Sec. 19, lots 1, 2, 3, 4, 7, 8, 9, 11, 12, SW¼NW¼, NE¼SW¼.
*T. 30 N., R. 28 E.,
Sec. 13, lot 2;
Sec. 14, lots 1, 2, 3;
Sec. 20, lots 1, 2, 3, 4;
Sec. 29, lots 1, 2, 3, 4;
Sec. 31, lots 7, 8, 9;
Sec. 32, lots 1, 2, 3.
*T. 30 N., R. 29 E.,
Sec. 7, lots 7, 9.

The areas described aggregate approximately 5,300 acres.

3. The lands are rough and mountainous with shallow rocky soil, and in the main are not considered suitable for cultivation.

4. Subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to location, entry, or selection under the public land laws in accordance with the following; those lands described in paragraph 2 of this order being so opened subject to the conditions and reservations stipulated in paragraph 2:

a. Until 10:00 a.m. on March 21, 1960, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852C), and the regulations in 43 CFR, and the stipulations in this order. During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (62 Stat. 275; 16 U.S.C. 818), as amended.

b. Applications under the homestead, desert land and small tract laws by veterans of World War II and the Korean Conflict, and by others claiming preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, filed at or before 10:00 a.m. on October 27, 1959, shall be considered as simultaneously filed at that time. Rights under such preference right applications after that hour and before 10:00 a.m. on December 22, 1959, will be governed by the time of filing.

c. All valid applications under the nonmineral public land laws other than those coming under subparagraphs (a) and (b) above, presented prior to 10:00 a.m. on December 22, 1959, will be considered as simultaneously filed at that hour. Any rights under such applications filed thereafter will be governed by the time of filing.

d. All applications under subparagraphs (a), (b) and (c) above, shall be subject to those from persons having prior existing valid settlement rights, preference rights conferred by existing law, and equitable claims subject to allowance and confirmation.

Persons claiming preferential consideration must submit evidence of their entitlement.

5. Public Land Order No. 1356 of November 5, 1956, reserving lands for use of the Department of the Army in connection with the Chief Joseph Dam Project, is hereby revoked so far as it affects the following described lands:

T. 29 N., R. 26 E.,
Sec. 3, lots 3, 4, and 5.

The lands are described in paragraph 2, supra.

6. The lands, except those described in paragraph 5, have been open to applications and offers under the mineral-leasing laws and, excepting those coming within the second proviso to section 2(a) of the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621), to location under the mining laws pursuant to the provisions of that act. The lands described in paragraph 5 shall be open to such applications and offers, and to mining locations, subject to the conditions prescribed by this order, at 10:00 a.m. on March 21, 1960.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59-8151; Filed, Sept. 29, 1959; 8:47 a.m.]

[Public Land Order 1994]

[80083]

UTAH

Opening Lands Under Section 24 of the Federal Power Act (Power Site Classification No. 219)

By virtue of the authority vested in the Secretary of the Interior by section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and pursuant to determination DA–126–Utah of the Federal Power Commission, issued August 5, 1958, it is ordered as follows:

1. The following-described lands, withdrawn in Power Site Classification No. 219 of May 13, 1929, shall, at 10:00 a.m. on October 30, 1959, be open to application, petition, location and selection under applicable public land laws, subject to valid existing rights, the requirements of applicable laws, the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279–284) as amended, to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as

amended, and to the preference rights of the State of Utah described in paragraph 2 of this order:

SALT LAKE MERIDIAN

T. 40 S., R. 21 E.
Sec. 26, W½SW¼NE¼NE¼ and SE¼NW¼NE¼.

The areas described contain 15 acres.

2. Until 10:00 a.m. on April 29, 1960, the lands shall be subject only to application by the State of Utah, in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the act of August 27, 1958 (Public Law 85-771) or to application for the reservation to the State, or any political subdivision thereof, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

3. The lands have been open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 24, 1959.

[F.R. Doc. 59-8152; Filed, Sept. 29, 1959; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 916; Amdt. 5]

PART 95—CAR SERVICE

Authorization To Operate and Use Certain Trackage

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 22d day of September A.D. 1959.

Upon further consideration of Service Order No. 916 (22 F.R. 2238, 7561; 23 F.R. 2019, 7538; 24 F.R. 2256), and good cause appearing therefor:

It is ordered, That § 95.916 *Service Order No. 916, authorizing the New York Central Railroad Company to operate and use certain trackage of the defunct New York, Ontario and Western Railroad Company, pending further negotiations,* be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1960, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., September 30, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4)).

It is further ordered, That this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-8163; Filed, Sept. 29, 1959; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Report and Order

In re Amendment of § 1.351 of the Commission's rules and regulations.

The Commission's Order (FCC 59-971) adopted September 18, 1959 and published in the FEDERAL REGISTER September 25, 1959, 24 F.R. 7728, is corrected by changing, in the second paragraph, "Report and Order (FCC 59-971)" to "Report and Order (FCC 59-970)".

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8183; Filed, Sept. 29, 1959; 8:51 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 31—PACIFIC REGION

Subpart—Deer Flat National Wildlife Refuge, Idaho

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F.R. 8126), I have determined that the hunting of deer during a part of the Idaho State season on the Deer Flat National Wildlife Refuge would be consistent with the management of the refuge.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of August 12, 1959 (24 F.R. 6503), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer on the Deer Flat National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 31 are amended by adding § 31.102 to Subpart—Deer Flat National Wildlife Refuge, Idaho, as follows:

§ 31.102 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Deer Flat National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Area.* All lands on the Deer Flat National Wildlife Refuge, Idaho, are open to deer hunting except in areas which may be posted for the protection of personnel and property.

(c) *Season.* Deer may be taken only during the open archery season as prescribed therefore by the laws and regulations of the State of Idaho provided that no deer may be taken during the waterfowl hunting season.

(d) *Hunting methods.* Deer may be taken solely by means of bow and arrow; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for hunting.

(e) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of checking stations or the public hunting area, and the State may promulgate such special regulations as may be necessary for these purposes.

(Sec. 10, 45 Stat. 1224; 16 U.S.C. 715i)

Although it is the policy of the Department of the Interior that wherever practicable the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) be observed voluntarily, the imminence of the deer hunting season in the State of Idaho makes more than the publication of the advance notice impracticable. In order to meet this emergency, this regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., and dated September 24, 1959.

D. H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 59-8148; Filed, Sept. 29, 1959; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 968]

[Docket No. AO-173—A-11]

MILK IN WICHITA, KANSAS, MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lassen Hotel, 155 North Market Street, Wichita, Kansas, beginning at 10:00 a.m., local time, on October 6, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order (24 F.R. 3566), regulating the handling of milk in the Wichita, Kansas, 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 Wichita Milk Producers Association:

Proposal No. 1. That § 968.51(a) shall be written as follows:

(a) *Class I milk.* The price per hundredweight shall be the basic formula price for the preceding month plus $1.65 during all months of the year plus or minus a supply-demand adjustment of not more than 30 cents computed as follows:

(1) Divide the total receipts of milk from producers in the first and second months preceding by the total volume of Class I milk at pool plants (excluding interhandler transfers) for the same months, multiply the results by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage".

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

(i) If the current 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 current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentage	
		Minimum	Maximum
January	November-December	128	138
February	December-January	129	139
March	January-February	129	139
April	February-March	136	146
May	March-April	142	152
June	April-May	148	158
July	May-June	142	152
August	June-July	135	145
September	July-August	135	145
October	August-September	134	144
November	September-October	131	141
December	October-November	129	139

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

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

(ii) One-half cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction and up to the same amount was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding.

(4) The Class I price so computed shall not be less than the price computed for the same period pursuant to Federal Order No. 13 (Kansas City).

Proposal No. 2. Re-number present § 968.10(d) to 968.10(e), and insert new § 968.10(d) as follows:

(d) Which is operated by a cooperative association and sixty percent (60%) or more of the milk delivered during the month by approved dairy farmers who are members of such association, is delivered directly or is transferred by the association to approved plants of other handlers.

Proposal No. 3. That the month of July be added to § 968.10(a), and that the second percentage citation occurring in § 968.10(b) be changed from "15 percent" to "10 percent."

Proposal No. 4. Add the following words to § 968.45:

Provided, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

Proposal No. 5. In § 968.70 *Net pool obligations of handlers* delete paragraph (d) and substitute therefor the following new paragraph (d):

(d) For any skim milk or butterfat subtracted from Class I milk pursuant to § 968.46 (a)(2) and (b), and pursuant to § 968.46(a)(4) which is in excess of the skim milk and butterfat applied pursuant to paragraph (c) of this section, add an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and at the Class III price and for any skim milk or butterfat so subtracted from Class II, add an amount equal to the difference in values of such skim milk and butterfat price and the Class III price: *Provided,* That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 120 percent of the total Class I utilization of such plants for the month.

Proposal No. 6. In § 968.84 *Payments out of the producer settlement fund,* add a new paragraph (c) to read as follows:

(c) Any amount due a handler pursuant to the section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 968.83, 968.85, 968.86 or 968.87.

Proposal No. 7. In § 968.86 *Marketing services,* change paragraph (a) to provide a maximum marketing service charge of eight cents per hundred in lieu of the present four cents.

Proposed by the Beatrice Foods Co., DeCoursey Cream Co., Hyde Park Dairies Inc., and Steffens Dairy Foods Co., all of Wichita, Kansas:

Proposal No. 8. Amend § 968.41(b) by deleting the present language and substituting the following:

(b) Class II shall be all skim milk and butterfat used to produce cottage cheese which is disposed of on routes in jurisdictions within the marketing area which require that cottage cheese be made from Grade A milk.

Proposal No. 9. Review the level of pricing of milk used to make cottage cheese as classified in both §§ 968.51 (b) and (c).

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 10. 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, Kenneth M. Fell, 2700 East Central, Wichita 2, Kansas, 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 24th day of September 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-8159; Filed, Sept. 29, 1959; 8:48 a.m.]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Budget of Expenses of Walnut Control Board and Rates of Assessment for 1959–60 Marketing Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Walnut Control Board that rates of assessment for walnuts during the 1959–60 marketing year which began August 1, 1959. The proposal, which is based on the recommendation of the Walnut Control Board and other available information, would be established in accordance with the applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon and Washington. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to data, views, or arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

Approximately 60 million pounds of unshelled walnuts and 30 million pounds of shelled walnuts are presently estimated to be assessable during the 1959–60 marketing year. On this basis, assessment rates of 0.12 cent per pound of merchantable unshelled walnuts and 0.18 cent per pound of merchantable shelled walnuts would assure the availability of sufficient funds to meet the estimated expenses of the Board for said marketing year.

The proposal is as follows:

§ 984.311 Budget of expenses of the Walnut Control Board and rates of assessment for the 1959–60 marketing year.

(a) *Budget of expenses.* The budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1959, shall be in the total amount of $113,500, such amount being reasonable and likely to be incurred for maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this Part 984, determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment for the said marketing year, payable by each handler to the Walnut Control Board on demand, shall be 0.12 cent per pound of merchantable unshelled walnuts handled or certified for handling, and 0.18 cent per pound of merchantable shelled walnuts handled or declared for handling by him during said marketing year.

Dated: September 25, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-8176; Filed, Sept. 29, 1959; 8:50 a.m.]

[7 CFR Part 1070]

CUCUMBERS

Importations

Notice is hereby given that the Secretary of Agriculture is giving consideration to the grading and inspection regulations that are to be made applicable to cucumbers imported into the United States, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable General Regulations (Part 1060 of this chapter). The regulations under consideration are to apply to all imports of cucumbers on the same basis as regulations that will become effective October 1, 1959 (§ 1015.303; 24 F.R. 7647), upon handlers of cucumbers grown in Florida pursuant to regulations issued under Marketing Agreement No. 118 and Order No. 115 (Part 1015 of this chapter).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1070.3 Cucumber Regulation No. 3.

(a) *Import restrictions.* During the period from October 19, 1959, through July 31, 1960, no person may import cucumbers unless the cucumbers meet the requirements of the U.S. No. 2, or better, grade. The requirements of this paragraph, except for decay, shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics.

(b) *Minimum quantities.* Any importation which in the aggregate, does not exceed 54 pounds may be imported without regard to the provisions of paragraph (a) of this section.

(c) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of cucumbers under the Plant Quarantine Act of 1912.

(d) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4(a) of this chapter, as a governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of cucumbers that are imported or to be imported into the United States under the provisions of section 8e of the Act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported cucumbers is required pursuant to § 1060.3 *Eligible imports* of this chapter and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified cucumbers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located each importer must give the specified advance notice to the applicable office listed below prior to the time cucumbers will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., 305 E. Jackson St., P.O. Box 111, Harlingen, Tex. (Tel. Garfield 3-5644).	1 day.
All Arizona points.	R. H. Bertelson, Rm. 202, Trust Bldg., 305 American Ave., P.O. Box 1646, Nogales, Ariz. (Tel. Atwater 7-2902).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Bldg., 784 So. Central Ave., Los Angeles 21, Calif. (Tel. Madison 2-8756).	3 days.
All Florida points.	Lloyd W. Boney, Dade County Growers Market, 1200 NW. 21st Terrace, Rm. 5, Miami 42, Fla. (Tel. Franklin 1-6932).	Do.
All other points.	E. E. Conklin, Chief, Fresh Products & Standardization Branch, Fruit and Vegetable Division, AMS, U.S. Dept. of Agriculture, Washington 25, D.C. (Tel. Republic 7-4142, Ext. 5870).	Do.

(3) Inspection certificates shall cover only the quantity of cucumbers that is being imported at the particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued by the Federal or Federal-State Inspection Service, shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any cucumbers to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U.S. Import requirements under Section 8e of the Agricultural Marketing Agreement Act of 1937.

(e) *Definitions.* (1) The grades and sizes used in this section shall have the same meaning assigned those terms in the United States Standards for Cucumbers (§§ 51.2220 to 51.2238, inclusive, of this title), including the tolerances set forth therein.

(2) All other terms shall have the same meaning as when used in the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities.

Dated: September 24, 1959.

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

[F.R. Doc. 59-8158; Filed, Sept. 29, 1959; 8:48 a.m.]

Commodity Stabilization Service

[7 CFR Part 811]

CONTINENTAL SUGAR

Requirements, Quotas, and Quota Deficits for Calendar Year 1960

Pursuant to the authority contained in the Sugar Act of 1948, as amended (7 U.S.C. 1100; Pub Law 545, 84th Cong.), the Secretary of Agriculture is preparing to determine the sugar requirements and to establish sugar quotas for the calendar year 1960 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 of the preceding calendar year and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of the changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947–1949 as indicated by the Consumers Price Index as published by the Bureau of Labor Statistics of the Department of Labor.

Section 202 of the act provides the method by which the Secretary must establish quotas for domestic areas and foreign countries at different levels of total requirements.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

A public hearing will be held in Washington, D.C., in the Auditorium of the South Building, U.S. Department of Agriculture, on November 24, 1959, at 10:00 a.m., e.s.t., for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar requirements and the establishment of sugar quotas for the continental United States for the calendar year 1960. The principal matters for consideration at the hearing relate to (1) the manner of determining deficiencies or surpluses in inventories of sugar, (2) the effect upon requirements of various changes in demand conditions, (3) the effect of the prospective 1960 level and trend of consumer purchasing power, (4) the manner in which the relationship between the wholesale price of refined sugar and the general cost of living in the United States should be employed or considered, and (5) the relative importance of the foregoing factors in determining the sugar requirements for 1960.

Data, views or arguments pertaining to the principal matters for consideration at the hearing may be presented in writing in lieu of oral presentations. Such written statements should be submitted prior to the hearing to the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. Views and arguments in rebuttal of statements or views expressed at the hearing may be submitted in written form to the Sugar Division not later than December 4, 1959.

Prior to the issuance of regulations setting forth the sugar requirements for the continental United States for the calendar year 1960 and the sugar quotas for 1960 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing.

Prior to the issuance of regulations setting forth the sugar requirements for Hawaii and for Puerto Rico for the calendar year 1960 and the sugar quotas for 1960 for local consumption in such areas, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in duplicate to the Sugar Division, Commodity Stabilization Service not later than December 4, 1959.

All data, views or arguments submitted prior to or at the hearing will be accepted as a part of the record, but will not be copied into the transcript of the oral testimony given at the hearing. All such data, views or arguments will be available for examination at the office of the Hearing Clerk.

Issued at Washington, D.C., this 25th day of September 1959.

CLARENCE D. PALMBY,
Acting Administrator, Commodity Stabilization Service.

[F.R. Doc. 59-8179; Filed, Sept. 29, 1959; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 613, 687, 699]

[Administrative Order 521]

VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Correction

In F.R. Document 59-8027 appearing in the issue for Friday, September 25, 1959, at page 7736, make the following changes:

1. In the paragraph beginning "The preparation of textile fibers * * *" the word "filing" should read "filling".

2. In Industry Committee No. 45-C, the representative for the employers should read "Fredrick Shultz, Arecibo, P.R.".

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-NY-12]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

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

Red Federal airway No. 57 presently extends from Akron, Ohio, to Youngstown, Ohio. An IFR Peak-Day Airway Traffic Survey for the last half of the calendar year 1958, and the first half of the calendar year 1959, shows aircraft movements on this airway as zero and

three respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, § 601.4257 relating to the designated reporting points would also be revoked.

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

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue N.W., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

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

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) as follows:

1. Section 600.257 *Red Federal airway No. 57 (Akron, Ohio, to Youngstown, Ohio)* is revoked.

2. Section 601.257 *Red Federal airway No. 57 control areas (Akron, Ohio, to Youngstown, Ohio)* is revoked.

3. Section 601.4257 *Red Federal airway No. 57 (Akron, Ohio, to Youngstown, Ohio)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8141; Filed, Sept. 29, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-38]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

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

Blue Federal airway No. 71 presently extends from Toledo, Washington, to Seattle, Washington. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows aircraft movements on this airway as zero and two respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4671, relating to the associated designated reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007 Airport Station, Los Angeles 45, California. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) as follows:

1. Section 600.671 *Blue Federal airway No. 71 (Toledo, Wash., to Seattle, Wash.)* is revoked.

2. Section 601.671 *Blue Federal airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.)* is revoked.

3. Section 601.4671 *Blue Federal airway No. 71 (Toledo, Wash., to Seattle, Wash.)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8142; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-39]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

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

Blue Federal airway No. 76 presently extends from Sinclair, Wyoming, to Casper, Wyoming. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows aircraft movements on this airway as two and two respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4676, relating to the associated designated reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007 Airport Station, Los Angeles 45, California. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) as follows:

1. Section 600.676 *Blue Federal airway No. 76 (Sinclair, Wyo., to Casper, Wyo.)* is revoked.

2. Section 601.676 *Blue Federal airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.)* is revoked.

3. Section 601.4676 *Blue Federal airway No. 76 (Sinclair, Wyo., to Casper, Wyo.)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc., 59-8143; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-40]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

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

Red Federal airway No. 78 presently extends from Medford, Ore., to Klamath Falls, Ore. The Federal Aviation Agency is considering revocation of Red 78. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows no aircraft movements on this airway. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4278, relating to the associated designated reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 supp., Parts 600, 601) as follows:

1. Section 600.278 *Red Federal airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.)* is revoked.

2. Section 601.278 *Red Federal airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.)* is revoked.

3. Section 601.4278 *Red Federal airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8144; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

(Airspace Docket No. 59-LA-41)

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

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

Blue Federal Airway No. 37 presently extends from Casper, Wyoming, to Rapid City, South Dakota. An IFR Peak-Day Airway Traffic Survey for each half of calendar year 1958, shows aircraft movements on this airway as zero and eight respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4637 relating to the associated designated reporting points, would also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los Angeles 45, California. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR 1958 Supp., Parts 600, 601) as follows:

1. Section 600.637 *Blue Federal airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

2. Section 601.637 *Blue Federal airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

3. Section 601.4637 *Blue Federal airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.)* is revoked.

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8145; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-204]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.213, 601.213, and 601.4213 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 13 presently extends from Wilkes-Barre, Pa., to Boston, Mass. An IFR Peak-Day Airway Traffic Survey for the period July 1, 1958, through June 30, 1959, shows seven aircraft movements for Red 13 airway segment from Franklin, Mass., to Bedford, Mass. On the basis of the survey, it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 13 would then extend from Wilkes-Barre, Pa., to Franklin, Mass. In addition, the caption to § 601.4213 relating to the associated reporting points, will be amended.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty

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

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

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

In consideration of the foregoing, it is proposed to amend §§ 600.213 (14 CFR, 1958 Supp., 600.213, 24 F.R. 2227), 601.213 (14 CFR, 1958 Supp., 601.213, 24 F.R. 2231), and 601.4213 (24 F.R. 2232, 3873) as follows:

1. Section 600.213 *Red Federal airway No. 13 (Wilkes-Barre, Pa., to Boston, Mass.)*:

(a) In the caption, delete "*(Wilkes-Barre, Pa., to Boston, Mass.)*" and substitute therefor, "*(Wilkes-Barre, Pa., to Franklin, Mass.)*".

(b) In the text, delete "via the intersection of the north course of the Providence, R.I., radio range and the southwest course of the Boston, Mass., radio range to the intersection of a direct line between the intersection of the north course of the Providence radio range, and the southwest course of the Boston radio range and the Bedford, Mass., non-directional radio beacon (located at latitude 42°28'47", longitude 71°23'21") with the west course of the Boston, Mass., radio range" and substitute therefor, "to the INT of the N course of the Providence, RR and the SW course of the Boston, Mass., RR."

2. In the caption of § 601.213 *Red Federal airway No. 13 control areas (Wilkes-Barre, Pa., to Boston, Mass.)* delete "*(Wilkes-Barre, Pa., to Boston, Mass.)*" and substitute therefor, "*(Wilkes-Barre, Pa., to Franklin, Mass.)*".

3. In the caption of § 601.4213 *Red Federal airway No. 13 (Wilkes-Barre, Pa., to Boston, Mass.)*, delete "*(Wilkes-Barre, Pa., to Boston, Mass.)*" and substitute therefor, "*(Wilkes-Barre, Pa., to Franklin, Mass.)*".

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8147; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-179]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6002 and 601.6002 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 2 presently extends from Seattle, Wash., to Boston, Mass. The Federal Aviation Agency has under consideration modification of Victor 2 segment between Albany, N.Y., and Boston, Mass., by redesignating it from the Albany VOR via the intersection of the Albany VOR 075° and the Keene, N.H., VOR 285° radials; Keene VOR; Manchester, N.H., VOR; to the intersection of the Manchester VOR 117° and the Boston VOR 014° radials (Ipswich, Mass., Intersection). This modification of Victor 2 will provide a dual route structure with VOR Federal airway No. 14 east of Albany for air traffic departing and arriving the Boston Terminal area, and will realign Victor 2 from its present routing between Gardner, Mass., and Boston, to avoid the area in which the establishment of a Restricted Area/Military Climb Corridor for the Bedford, Mass., AFB, is proposed. By an amendment in the text of § 600.6002 which was effective July 2, 1959 (24 F.R. 3870), "Syracuse, N.Y., omnirange station;" was left in the amended text in error, and will therefore be deleted concurrently with this action.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

In consideration of the foregoing, its is proposed to amend §§ 600.6002 (14 CFR, 1958 Supp., 600.6002, 24 F.R. 2227, 3870), and 601.6002 (14 CFR, 1958 Supp., 601.6002) as follows:

1. In § 600.6002 *VOR Federal airway No. 2 (Seattle, Wash., to Boston, Mass.)*:

(a) In the caption, delete "*(Seattle, Wash., to Boston, Mass.)*" and substitute therefor, "*(Seattle, Wash., to Ipswich, Mass.)*"

(b) In the text, delete "Syracuse, N.Y., omnirange station;"

(c) In the text, delete "Gardner, Mass., VOR; INT of the Gardner VOR 098° radial and the Boston-Bedford, Airport ILS localizer front course; Boston-Bedford, Mass., Airport ILS localizer; INT of the Boston-Bedford Airport ILS localizer back course and the Boston VOR 014° radial; to the Boston, Mass., VOR." and substitute therefor, "point of INT of the Albany VOR 075° and the Keene VOR 285° radials; Keene, N.H., VOR; Manchester, N.H., VOR; to the point of INT of the Manchester VOR 117° and the Boston, Mass., VOR 014° radials."

2. In the caption of § 601.6002 *VOR Federal airway No. 2 control areas (Seattle, Wash., to Boston, Mass.)*, delete "*(Seattle, Wash., to Boston, Mass.)*" and substitute therefor, "*(Seattle, Wash., to Ipswich, Mass.)*"

Issued in Washington, D.C., on September 23, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8146; Filed, Sept. 29, 1959; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 59-FW-13]

JET ROUTES

Establishment

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

The Federal Aviation Agency has under consideration the establishment of VOR/VORTAC jet route No. 85 between Miami, Fla., and the United States-Canadian border for scheduled air carrier jet aircraft service between Miami and Detroit, Mich., which will begin in the near future. The portion of J-85-V between Miami and Alma, Ga., would coincide with existing VOR/VORTAC jet route No. 49. This would provide continuity of the route and would thereby simplify flight planning and air traffic management. If such action is taken, Jet Route J-85-V would be established from Miami, Fla., via Gainesville, Fla., Alma, Ga., Spartanburg, S.C., Charleston, W. Va., Cleveland, Ohio, to the United States-Canadian border. The segment of J-85-V between the Cleveland,

Ohio, VOR and the United States-Canadian border would be established via the Cleveland VOR direct radial to the Windsor, Ont., VOR. Air traffic utilizing this segment would proceed from the United States-Canadian border to the Windsor VOR via Victor 42.

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

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

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

In consideration of the foregoing, it is proposed to amend Part 602 (14 CFR, 1958 Supp., Part 602) by adding the following section:

§ 602.585 VOR/VORTAC jet route No. 85 (Miami, Fla., to the United States-Canadian border).

From the Miami, Fla., VOR via the INT of the Miami VOR 316° and the Gainesville, Fla., VOR 167° radials; Gainesville VOR; INT of the Gainesville VOR 354° and the Alma, Ga., VOR 179° radials; Alma VOR; Spartanburg, S.C., VOR; Charleston, W. Va., VOR; INT of the Charleston VOR 357° and the Cleveland, Ohio, VOR 172° radials; Cleveland VOR; to the INT of the Cleveland VOR 334° radial and the United States-Canadian border.

Issued in Washington, D.C. September 28, 1959.

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

[F.R. Doc. 59-8225; Filed, Sept. 29, 1959; 8:52 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[493.31]

HAIR DYE BRUSHES

Prospective Tariff Classification

SEPTEMBER 24, 1959.

It appears probable that a correct interpretation of paragraph 1506, Tariff Act of 1930, requires that certain bamboo handled brushes similar in appearance to tooth brushes but used on the person in the application of dye to the hair be classified under the provision of such paragraph for other toilet brushes with duty at the rate of 1 cent each and 50 percent ad valorem if valued not over 40 cents each or at the rate of 1 cent each and 12½ percent ad valorem if valued over 40 cents each which may result in a higher rate of duty than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing uniform practice of classifying such articles as other brushes under paragraph 1506 of the tariff act with duty at the rate of 35 percent ad valorem is under review by the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

[F.R. Doc. 59-8172; Filed, Sept. 29, 1959; 8:50 a.m.]

[643.3]

SHOEBOARD FROM CANADA

Purchase Price Less Than Foreign Market Value

SEPTEMBER 24, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of platform insole shoeboard, known as "Flexite," manufactured by Milmont Fibreboards Limited of Montreal, Canada, is less, or likely to be less, than the foreign market value, as defined by sections 203 and 205, respectfully, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of platform insole shoeboard, known as "Flexite," manufactured by Milmont Fibreboards Limited of Montreal, Canada, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] LAWTON M. KING,
Acting Commisisoner of Customs.

[F.R. Doc. 59-8173; Filed, Sept. 29, 1959; 8:50 a.m.]

[DB 731.1]

SORTED AND GRADED WOOL

Proposed Revocation of Drawback Rates

SEPTEMBER 25, 1959.

The Bureau of Customs has under consideration a proposal to revoke as to future transactions all existing drawback rates on sorted, graded, or sorted and graded wool produced with the use of imported wool, and requiring firms which are applying or desire to apply such processes to imported wool with benefit of drawback to file new applications for the establishment of rates of drawback so that the applications may be passed upon on the basis of current operations.

The proposal arises from the findings of a recent survey of industry practices that the sorting operation, as contemplated in existing drawback rates on sorted wool begining with Treasury Decision 42617 of March 1, 1928, is no longer used, and that though the term "sorting" continues to be employed in the industry, it now applies to operations beyond the purview of the drawback rates. The survey further disclosed that the grading of foreign and domestic wool is now done at the source and, accordingly, that wools imported into the United States ordinarily require no grading.

Consideration will be given to any relevant data, views, or arguments pertaining to the foregoing matter which are submitted in writing to the Bureau of Customs, Washington 25, D.C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] LAWTON M. KING,
Acting Commisisoner of Customs.

[F.R. Doc. 59-8174; Filed, Sept. 29, 1959; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization

of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. Section 1.10 *Organization and delegations* is amended by deleting the words "Assistant Commissioner, Inspections;".

2. The fourth sentence of paragraph (a) *Regional Offices* of section 1.51 *Field Service* is amended to read as follows: "The Southwest Regional Office, located in San Pedro, California, has jurisdiction over districts 13, 14, 15, 16, 17, 18, 19, 20, and 35."

3. Paragraph (b) *District Offices* of section 1.51 *Field Service* is amended in the following respects:

a. Districts 1. St. Albans, Vermont; 7. Buffalo, New York; 10. St. Paul, Minnesota; 12. Seattle, Washington; and 22. Portland, Maine, are amended by deleting the word "stations" or "station" and inserting in lieu thereof the word "offices" or "office", respectively.

b. Districts 17 and 32 are amended to read as follows:

17. *Honolulu, Hawaii.* The district office in Honolulu, Hawaii, has jurisdiction over the State of Hawaii and Guam, Mariana Islands.

* * * * *

32. *Anchorage, Alaska.* The district office in Anchorage, Alaska, has jurisdiction over the State of Alaska.

c. The following district offices are added in numerical sequence:

33. *Manila, Philippines.* The district office in Manila has jurisdiction over the Philippines, all of continental Asia lying to the east of the western borders of Afghanistan and Pakistan, Japan, Korea, Australia, New Zealand, and all other countries in the Pacific areas.

34. *Frankfurt, Germany.* The district office in Frankfurt, Germany, has jurisdiction over Europe, Africa and countries of the Middle East lying to the west of the western borders of Afghanistan and Pakistan.

35. *Mexico City, Mexico.* The district office in Mexico City has jurisdiction over Mexico and Central America.

4. District 17 of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended to read as follows:

DISTRICT NO. 17—HONOLULU, HAWAII

Class A

*Agana, Guam, M.I. (including the port facilities at Apra Harbor, Guam).
Honolulu, Hawaii.

Class C

Hilo, Hawaii.
Kahului, Hawaii.
Nawiliwilli, Hawaii.
Port Allen, Hawaii.

5. Subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended in the following respects:

a. District 17 is amended to read as follows:

DISTRICT NO. 17—HONOLULU, HAWAII

Agana, Guam, Mariana Islands, Agana Field,

b. District 7—Buffalo, N.Y., is amended by deleting "Buffalo, N.Y., Municipal Airport" and inserting in lieu thereof "Buffalo, N.Y., Greater Buffalo International Airport."

6. Subparagraph (4) of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended to read as follows:

(4) *Immigration offices in foreign countries:*

Athens, Greece.
Halifax, Nova Scotia, Canada.
Hamilton, Bermuda.
Havana, Cuba.
Hong Kong, B.C.C.
Monterrey, Mexico.
Montreal, Quebec, Canada.
Naples, Italy.
Nassau, Bahamas.
Ottawa, Canada.
Quebec, Quebec, Canada.
Rome, Italy.
St. John, New Brunswick, Canada.
Tijuana, Mexico.
Tokyo, Japan.
Toronto, Ontario, Canada.
Vancouver, British Columbia, Canada.
Victoria, British Columbia, Canada.
Vienna, Austria.
Winnipeg, Manitoba, Canada.

Dated: September 23, 1959.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 59-8162; Filed, Sept. 29, 1959; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 53]

NEW MEXICO

Small Tract Classification Cancellation

SEPTEMBER 22, 1959.

Pursuant to authority delegated to me by Bureau Order No. 54, dated April 21, 1954 (19 F.R. 2473), I hereby cancel Classification Order No. 53, Small Tract, New Mexico, appearing in 24 F.R. 7260, dated September 1, 1959.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 59-8153; Filed, Sept. 29, 1959; 8:47 a.m.]

[Notice 4]

ALASKA

Notice of Filing of Protraction Diagram, Anchorage Land District

SEPTEMBER 23, 1959.

1. Notice is hereby given that the following protraction diagrams have been officially filed of record in the Anchorage Land Office, 334 East Fifth Avenue, Anchorage, Alaska, effective upon publication of this notice, and will become the basic record for the description of oil and gas lease offers filed after 10:00 a.m., 30 days after the publication of this notice, in accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959):

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

SEWARD MERIDIAN

S 10–1, Ts. 13 to 16 N., Rs. 49 to 52 W.
S 10–2, Ts. 13 to 16 N., Rs. 53 to 56 W.
S 10–3, Ts. 13 to 16 N., Rs. 57 to 60 W.
S 10–4, Ts. 13 to 16 N., Rs. 61 to 64 W.
S 10–5, Ts. 9 to 12 N., Rs. 61 to 64 W.
S 10–6, Ts. 9 to 12 N., Rs. 57 to 60 W.
S 10–7, Ts. 9 to 12 N., Rs. 53 to 56 W.
S 10–8, Ts. 9 to 12 N., Rs. 49 to 52 W.
S 10–9, Ts. 5 to 8 N., Rs. 49 to 52 W.
S 10–10, Ts. 5 to 8 N., Rs. 53 to 56 W.
S 10–11, Ts. 5 to 8 N., Rs. 57 to 60 W.
S 10–12, Ts. 5 to 8 N., Rs. 61 to 64 W.
S 10–13, Ts. 1 to 4 N., Rs. 61 to 64 W.
S 10–14, Ts. 1 to 4 N., Rs. 57 to 60 W.
S 10–15, Ts. 1 to 4 N., Rs. 53 to 56 W.
S 10–16, Ts. 1 to 4 N., Rs. 49 to 52 W.
S 11–1, Ts. 13 to 16 N., Rs. 33 to 36 W.
S 11–2, Ts. 13 to 16 N., Rs. 37 to 40 W.
S 11–3, Ts. 13 to 16 N., Rs. 41 to 44 W.
S 11–4, Ts. 13 to 16 N., Rs. 45 to 48 W.
S 11–5, Ts. 9 to 12 N., Rs. 45 to 48 W.
S 11–6, Ts. 9 to 12 N., Rs. 41 to 44 W.
S 11–7, Ts. 9 to 12 N., Rs. 37 to 40 W.
S 11–8, Ts. 9 to 12 N., Rs. 33 to 36 W.
S 11–9, Ts. 5 to 8 N., Rs. 33 to 36 W.
S 11–10, Ts. 5 to 8 N., Rs. 37 to 40 W.
S 11–11, Ts. 5 to 8 N., Rs. 41 to 44 W.
S 11–12, Ts. 5 to 8 N., Rs. 45 to 48 W.
S 11–13, Ts. 1 to 4 N., Rs. 45 to 48 W.
S 11–14, Ts. 1 to 4 N., Rs. 41 to 44 W.
S 11–15, Ts. 1 to 4 N., Rs. 37 to 40 W.
S 11–16, Ts. 1 to 4 N., Rs. 33 to 36 W.
S 12–1, Ts. 13 to 16 N., Rs. 17 to 20 W.
S 12–2, Ts. 13 to 16 N., Rs. 21 to 24 W.
S 12–3, Ts. 13 to 16 N., Rs. 25 to 28 W.
S 12–4, Ts. 13 to 16 N., Rs. 29 to 32 W.
S 12–5, Ts. 9 to 12 N., Rs. 29 to 32 W.
S 12–6, Ts. 9 to 12 N., Rs. 25 to 28 W.
S 12–7, Ts. 9 to 12 N., Rs. 21 to 24 W.
S 12–8, Ts. 9 to 12 N., Rs. 17 to 20 W.
S 12–9, Ts. 5 to 8 N., Rs. 17 to 20 W.
S 12–10, Ts. 5 to 8 N., Rs. 21 to 24 W.
S 12–11, Ts. 5 to 8 N., Rs. 25 to 28 W.
S 12–12, Ts. 5 to 8 N., Rs. 29 to 32 W.
S 12–13, Ts. 1 to 4 N., Rs. 29 to 32 W.
S 12–14, Ts. 1 to 4 N., Rs. 25 to 28 W.
S 12–15, Ts. 1 to 4 N., Rs. 21 to 24 W.
S 12–16, Ts. 1 to 4 N., Rs. 17 to 20 W.

2. Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 334 East Fifth Avenue, Anchorage, Alaska.

IRVING W. ANDERSON,
Manager, Anchorage Land Office.

[F.R. Doc. 59-8154; Filed, Sept. 29, 1959; 8:47 a.m.]

[Wyoming-059320]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 23, 1959.

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming-059320, for withdrawal of the lands described below from location and entry under the General Mining Laws of the United States.

The applicant desires the land for administrative sites to be used in connection with the administration of the Medicine Bow National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor of the Bureau of Land Management, Department of the Interior, Post Office Box 929, Cheyenne, Wyoming.

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

MEDICINE BOW NATIONAL FOREST

Bow Administrative Site

T. 18 N., R. 80 W.,
Sec. 21, E½NW¼NE¼, W½NE¼NE¼, SE¼NE¼NE¼, E½SE¼NE¼, NW¼SE¼NE¼;
Sec. 22, S½SW¼NW¼, NW¼SW¼NW¼.

Blackhall Mountain Administrative Site

T. 12 N., R. 83 W.,
Sec. 1, W½SW¼SW¼, W½E½SW¼SW¼, SW¼NW¼SW¼;
Sec. 2, SE¼SE¼, SE¼NE¼SE¼, E½SW¼NE¼SE¼.

Brooklyn Lake Administrative Site

T. 16 N., R. 79 W.,
Sec. 10, E½SE¼SE¼, SE¼SW¼SE¼SE¼;
Sec. 11, W½SW¼SW¼;
Sec. 15, N½NE¼NE¼, NE¼SE¼NE¼NE¼, W½SE¼NE¼NE¼, E½SW¼NE¼NE¼, NW¼SW¼NE¼NE¼, NE¼SE¼NW¼NE¼, SE¼NE¼NW¼NE¼.

Brush Creek Administrative Site

T. 16 N., R. 81 W.,
Sec. 17, W½SE¼SW¼, W½E½SE¼SW¼;
Sec. 20, NE¼NW¼.

Centennial Administrative Site

T. 15 N., R. 78 W.,
Sec. 4, SE¼NE¼, NE¼SE¼, E½E½NW¼SE¼, E½E½SW¼NE¼, less 1.52 acres in the Little LaRue Lode M.E. SUR. 81.
T. 16 N., R. 78 W.,
Sec. 33, S½SE¼, S½N½SE¼, S½NE¼SW¼, N½SE¼SW¼.

Cold Springs Administrative Site

T. 29 N., R. 75 W.,
Sec. 28, NW¼NE¼.

Deep Creek Administrative Site

T. 14 N., R. 88 W.,
Sec. 12, N½NW¼.

Fox Creek Park Administrative Site

T. 13 N., R. 78 W.,
Sec. 21, S½SW¼NE¼SE¼, NW¼SE¼SE¼, NW¼SW¼SE¼SE¼, NE¼SW¼SE¼, N½SE¼SW¼SE¼, NW¼SW¼SE¼, E½NE¼SE¼SW¼, E½SE¼NE¼SW¼, S½S½NW¼SE¼, NW¼SW¼NW¼SE¼.

Jack Creek Administrative Site

T. 15 N., R. 86 W.,
Sec. 18, SW¼SE¼NE¼, SE¼SW¼NE¼, W½NE¼SE¼, E½NW¼SE¼.

Kennaday Peak Administrative Site

T. 17 N., R. 81 W.,
Sec. 16, W½NW¼NW¼;
Sec. 17, NE¼NE¼.

Keystone Administrative Site

T. 14 N., R. 79 W.,
Sec. 22, SW¼NE¼NE¼, E½SW¼NE¼, W½SE¼NE¼;
Sec. 21, W½SW¼SE¼NE¼, S½SW¼NE¼, E½SE¼SE¼NW¼.

Mountain Home Administrative Site

T. 12 N., R. 78 W.,
Sec. 17, W½SW¼NE¼.

Rambler Administrative Site

T. 14 N., R. 86 W.,
Sec. 26, SE¼NW¼SW¼, E½SW¼SW¼, SW¼SE¼SW¼.

Sandstone Administrative Site

T. 13 N., R. 87 W.,
Sec. 9, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 10, N½NW¼SW¼, NW¼NE¼SW¼, S½SW¼NW¼, S½N½SW¼NW¼, SW¼SE¼NW¼, S½NW¼SE¼NW¼.

Shingle Mill Administrative Site

T. 15 N., R. 85 W.,
Sec. 28, SW¼SW¼, W½SE¼SW¼;
Sec. 33, N½N½NW¼NW¼, N½NW¼NE¼NW¼.

Spruce Mountain Administrative Site

T. 14 N., R. 79 W.,
Sec. 12, W½NW¼NE¼, W½SW¼NE¼, N½NW¼SE¼, W½NW¼NE¼SE¼, E½NE¼NW¼, E½SE¼NW¼.

Trail Administrative Site

T. 13 N., R. 88 W.,
Sec. 17, N½NE¼.

Containing 1,415.98 acres, more or less.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F.R. Doc. 59-8155; Filed, Sept. 29, 1959; 8:47 a.m.]

[Notice 1]

ALASKA

Notice of Filing of Protraction Diagrams, Fairbanks Land District

SEPTEMBER 22, 1959.

1. Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 2d Avenue, Fairbanks, Alaska, effective October 1, 1959. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1949), (oil and gas) offers to lease lands shown in these protracted surveys, filed on or after October 1, 1959, must describe the lands only according to the section, township, and range shown on the approved protracted surveys.

ALASKA PROTRACTION DIAGRAMS
(UNSURVEYED)

SEWARD MERIDIAN—FOLIO NO. 7

Sheet No. 1, Ts. 33 to 34 N., Rs. 81 to 82 W.
Sheet No. 2, Ts. 29 to 32 N., Rs. 81 to 84 W.
Sheet No. 3, Ts. 25 to 28 N., Rs. 81 to 84 W.
Sheet No. 4, Ts. 25 to 28 N., Rs. 85 to 88 W.
Sheet No. 5, Ts. 21 to 24 N., Rs. 89 to 91 W.
Sheet No. 6, Ts. 21 to 24 N., Rs. 85 to 88 W.
Sheet No. 7, Ts. 21 to 24 N., Rs. 81 to 84 W.
Sheet No 8, Ts. 17 to 20 N., Rs. 81 to 84 W.
Sheet No. 9, Ts. 17 to 20 N., Rs. 85 to 88 W.
Sheet No. 10, Ts. 17 to 20 N., Rs. 89 to 92 W.
Sheet No. 11, Ts. 17 to 20 N., Range 93 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 8

Sheet No. 1, Ts. 13 to 16 N., Rs. 81 to 84 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 85 to 88 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 89 to 92 W.
Sheet No. 4, Ts. 14 to 16 N., Rs. 93 to 94 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 89 to 92 W.
Sheet No. 6, Ts. 9 to 12 N., Rs. 85 to 88 W.
Sheet No. 7, Ts. 9 to 12 N., Rs. 81 to 84 W.
Sheet No. 8, Ts. 5 to 8 N., Rs. 81 to 84 W.
Sheet No. 9, Ts. 5 to 8 N., Rs. 85 to 88 W.
Sheet No. 10, Ts. 5 to 8 N., Rs. 89 to 92 W.
Sheet No. 11, Ts. 1 to 3 N., Rs. 101 to 104 W.
Sheet No. 12, Ts. 1 to 4 N., Rs. 97 to 100 W.
Sheet No. 13, Ts. 1 to 3 N., Rs. 94 to 96 W.
Sheet No. 14, Ts. 2 to 4 N., Rs. 89 to 91 W.
Sheet No. 15, Ts. 1 to 4 N., Rs. 85 to 88 W.
Sheet No. 16, Ts. 1 to 4 N., Rs. 81 to 84 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 9

Sheet No. 1, Ts. 13 to 16 N., Rs. 65 to 68 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 69 to 72 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 73 to 76 W.
Sheet No. 4, Ts. 13 to 16 N., Rs. 77 to 80 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 77 to 80 W.
Sheet No. 6, Ts. 9 to 12 N., Rs. 73 to 76 W.
Sheet No. 7, Ts. 9 to 12 N., Rs. 69 to 72 W.
Sheet No. 8, Ts. 9 to 12 N., Rs. 65 to 68 W.
Sheet No. 9, Ts. 5 to 8 N., Rs. 65 to 68 W.
Sheet No. 10, Ts. 5 to 8 N., Rs. 69 to 72 W.
Sheet No. 11, Ts. 5 to 8 N., Rs. 73 to 76 W.
Sheet No. 12, Ts. 5 to 8 N., Rs. 77 to 80 W.
Sheet No. 13, Ts. 1 to 4 N., Rs. 77 to 80 W.
Sheet No. 14, Ts. 1 to 4 N., Rs. 73 to 76 W.
Sheet No. 15, Ts. 1 to 4 N., Rs. 69 to 72 W.
Sheet No. 16, Ts. 1 to 4 N., Rs. 65 to 68 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 10

Sheet No. 1, Ts. 13 to 16 N., Rs. 49 to 52 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 53 to 56 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 57 to 60 W.
Sheet No. 4, Ts. 13 to 16 N., Rs. 61 to 64 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 61 to 64 W.
Sheet No. 6, Ts. 9 to 12 N., Rs. 57 to 60 W.
Sheet No. 7, Ts. 9 to 12 N., Rs. 53 to 56 W.
Sheet No. 8, Ts. 9 to 12 N., Rs. 49 to 52 W.
Sheet No. 9, Ts. 5 to 8 N., Rs. 49 to 52 W.
Sheet No. 10, Ts. 5 to 8 N., Rs. 53 to 56 W.
Sheet No. 11, Ts. 5 to 8 N., Rs. 57 to 60 W.
Sheet No. 12, Ts. 5 to 8 N., Rs. 61 to 64 W.
Sheet No. 13, Ts. 1 to 4 N., Rs. 61 to 64 W.
Sheet No. 14, Ts. 1 to 4 N., Rs. 57 to 60 W.
Sheet No. 15, Ts. 1 to 4 N., Rs. 53 to 56 W.
Sheet No. 16, Ts. 1 to 4 N., Rs. 49 to 52 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 11

Sheet No. 1, Ts. 13 to 16 N., Rs. 33 to 36 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 37 to 40 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 41 to 44 W.
Sheet No. 4, Ts. 13 to 16 N., Rs. 45 to 48 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 45 to 48 W.
Sheet No. 6, Ts. 9 to 12 N., Rs. 41 to 44 W.
Sheet No. 7, Ts. 9 to 12 N., Rs. 37 to 40 W.
Sheet No. 8, Ts. 9 to 12 N., Rs. 33 to 36 W.
Sheet No. 9, Ts. 5 to 8 N., Rs. 33 to 36 W.
Sheet No. 10, Ts. 5 to 8 N., Rs. 37 to 40 W.
Sheet No. 11, Ts. 5 to 8 N., Rs. 41 to 44 W.
Sheet No. 12, Ts. 5 to 8 N., Rs. 45 to 48 W.
Sheet No. 13, Ts. 1 to 4 N., Rs. 45 to 48 W.
Sheet No. 14, Ts. 1 to 4 N., Rs. 41 to 44 W.
Sheet No. 15, Ts. 1 to 4 N., Rs. 37 to 40 W.
Sheet No. 16, Ts. 1 to 4 N., Rs. 33 to 36 W.

Cover Sheet Showing Location Map and Index.

SEWARD MERIDIAN—FOLIO NO. 12

Sheet No. 1, Ts. 13 to 16 N., Rs. 17 to 20 W.
Sheet No. 2, Ts. 13 to 16 N., Rs. 21 to 24 W.
Sheet No. 3, Ts. 13 to 16 N., Rs. 25 to 28 W.
Sheet No. 4, Ts. 13 to 16 N., Rs. 29 to 32 W.
Sheet No. 5, Ts. 9 to 12 N., Rs. 29 to 32 W.
Sheet No. 6, Ts. 9 to 12 N., Rs. 25 to 28 W.
Sheet No. 7, Ts. 9 to 12 N., Rs. 21 to 24 W.
Sheet No. 8, Ts. 9 to 12 N., Rs. 17 to 20 W.
Sheet No. 9, Ts. 5 to 8 N., Rs. 17 to 20 W.
Sheet No. 10, Ts. 5 to 8 N., Rs. 21 to 24 W.
Sheet No. 11, Ts. 5 to 8 N., Rs. 25 to 28 W.
Sheet No. 12, Ts. 5 to 8 N., Rs. 29 to 32 W.
Sheet No. 13, Ts. 1 to 4 N., Rs. 29 to 32 W.
Sheet No. 14, Ts. 1 to 4 N., Rs. 25 to 28 W.

Sheet No. 15, Ts. 1 to 4 N., Rs. 21 to 24 W.
Sheet No. 16, Ts. 1 to 4 N., Rs. 17 to 20 W.

Cover Sheet Showing Location Map and Index.

2. Copies of these diagrams are for sale at one dollar ($1.00) per sheet by the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 2d Avenue, Fairbanks, Alaska.

ROBERT L. JENKS,
Manager.

[F.R. Doc. 59-8168; Filed, Sept. 29, 1959; 8:49 a.m.]

Office of the Secretary

ALASKA

Extension of Time to Homesteaders To Respond to Requests for Waiver of Claims to Oil and Gas

Pursuant to the authority granted to the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. 1201), it is hereby ordered that all homesteaders in the State of Alaska who have received or may receive, prior to the termination of the 86th Congress, a request from the authorized officer of the Bureau of Land Management to file with his office a waiver of claim of rights to the oil and gas deposits in the lands in their homesteads are hereby notified that they have until the termination of the 86th Congress, or until 30 days after the receipt of request for said waiver, whichever is later, to take one of the following actions, namely to file the waiver with the land office, to petition for reclassification of the lands as not oil and gas in character, or to appeal to the Director, Bureau of Land Management, Washington 25, D.C.

ELMER F. BENNETT,
Acting Secretary of the Interior.

SEPTEMBER 23, 1959.

[F.R. Doc. 59-8156; Filed, Sept. 29, 1959; 8:48 a.m.]

Oil Import Administration

CRUDE OIL, UNFINISHED OILS, FINISHED PRODUCTS

Applications for Allocations

Pursuant to section 5 of Oil Import Regulation 1, Revision 1, as amended (24 F.R. 4654, 6759), the following forms for filing applications for allocations for the allocation period January 1, 1960 through June 30, 1960 may now be obtained from the Oil Import Administration, Department of the Interior, Washington 25, D.C.

1. Application for Crude and Unfinished Oils Import Allocation Districts I–IV;
2. Application for Crude and Unfinished Oils Import Allocation District V;
3. Application for Crude and Unfinished Oils Import Allocation Puerto Rico;
4. Application for Finished Petroleum Products Import Allocation Districts I–IV;
5. Application for Finished Petroleum Products Import Allocation District V;
6. Application for Finished Petroleum Products Import Allocation Puerto Rico);
7. Application for a Residual Fuel Oil Import Allocation Districts I–IV;
8. Application for a Residual Fuel Oil Import Allocation Puerto Rico.

As a service, copies of the forms will be mailed to present holders of import licenses. However, all applicants are notified that this is merely a service and that their failure to receive copies of the forms through the mail will in no way excuse them from complying with the provisions of section 5 of Oil Import Regulation 1, Revision 1 that all applications must be filed with the Administrator, not later than 60 calendar days (November 2, 1959) prior to the beginning of the allocation period.

No form is prescribed for applications for residual fuel oil import allocations for District V. Eligible persons desiring such allocations may obtain same by applying in writing to the Administrator.

T. C. SNEDEKER,
Acting Administrator,
Oil Import Administration.

SEPTEMBER 25, 1959.

[F.R. Doc. 59-8175; Filed, Sept. 29, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTES NOS. 1 AND 15-A

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

Notice is hereby given that on September 28, 1959, the Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, tentatively found and determined that United States flag combination passenger cargo ship sailings of not less than one and not more than two per annum on the following described service with the "SS Argentina" and/or the "SS Brasil" are essential to the promotion, development, expansion, and maintenance of the foreign commerce of the United States and that such operation will provide a combination passenger cargo service of sufficient frequency and regularity so as to furnish adequate, regular, certain, and permanent service in the service described as follows: From a United States North Atlantic port or ports to ports on the East Coast of South America on Trade Route No. 1 including port(s) in Trinidad, Barbados, Bermuda, and the Bahamas en route and thence to ports in South and East Africa on Trade Route No. 15–A with the option of returning either via Cape of Good Hope or via the Suez Canal, but not to carry passengers or cargo between Gulf of Aden, Red Sea, Suez Canal, or Mediterranean Sea ports and Atlantic approaches thereto and United States North Atlantic ports.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing in triplicate to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on October 6, 1959. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: September 29, 1959.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-8244; Filed, Sept. 29, 1959; 9:43 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12940; FCC 59M-1247]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 12940; regulations relating to connections of Telephone Company facilities with certain facilities of customers.

Pursuant to prehearing conference of this date following oral argument on the "Petition to Postpone Date for Hearing", filed September 18, 1959, by the Atchison, Topeka and Santa Fe Railway System: *It is ordered*, This 24th day of September, 1959, that the petition is granted and the hearing now scheduled for October 7, 1959, be, and the same is hereby, rescheduled for October 26, 1959, 2:00 o'clock p.m. in the offices of the Commission, Washington, D.C.

Released: September 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8184; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket No. 12934; FCC 59M-1238]

CLEARWATER BROADCASTING CORP. (WDCL)

Order Continuing Hearing

In re application of Clearwater Broadcasting Corporation (WDCL), Tarpon Springs, Florida, Docket No. 12934, File No. BML-1746; for modification of license.

The Hearing Examiner having under consideration a motion filed September 22, 1959, on behalf of the Chief of the Broadcast Bureau, requesting that the hearing now scheduled to be commenced on September 28 be continued until October 26, 1959, on account of the illness of Bureau counsel; and

It appearing that counsel for the applicant has informally consented to the immediate consideration and grant of the motion and that a grant thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 23d day of September 1959, that the aforesaid motion is granted, and that the hearing now scheduled to be commenced on September 28, 1959, is continued to 10:00 a.m. on Monday, October 26, 1959.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8185; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket Nos. 13197, 13198; FCC 59M-1237]

LAWRENCE W. FELT AND INTERNATIONAL GOOD MUSIC, INC.

Order Scheduling Prehearing Conference

In re applications of Lawrence W. Felt, Carlsbad, California, Docket No. 13197, File No. BPH-2499; International Good Music, Inc., San Diego, California, Docket No. 13198, File No. BPH-2695; for construction permits.

It is ordered, This 23d day of September 1959, that a prehearing conference under Rule 1.111 is scheduled for Monday, October 26, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: September 24, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8186; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket No. 12874; FCC 59M-1244]

RADIO AMERICAS CORP. (WORA)

Order Continuing Hearing

In re application of Radio Americas Corporation (WORA), Mayaguez, Puerto Rico, Docket No. 12874, File No. BP-11925; for construction permit.

It is ordered, This 24th day of September 1959, that pursuant to the agreement of the parties, hearing in the above-entitled proceeding is continued to October 1, 1959, commencing at 10:30 a.m. in the offices of the Commission at Washington, D.C.

Released: September 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8187; Filed, Sept. 29, 1959; 8:51 a.m.]

[Docket No. 12813; FCC 59M-1246]

SOUTHBAY BROADCASTERS

Order Continuing Hearing

In re application of Burr Stalnaker, John B. Stodelle and Melva G. Chernoff, d/b as Southbay Broadcasters, Chula Vista, California, Docket No. 12813, File No. BP-11469; for construction permit for a new standard broadcast station.

The Hearing Examiner having under consideration the petition for continuance of procedural dates filed in the above-entitled proceeding on September 18, 1959, by KFWB Broadcasting Corporation;

It appearing that the said request is made to permit additional study of the exhibits exchanged by applicant looking toward possible resolution of the engineering problems involved;

It further appearing that all parties to the proceeding have consented to immediate consideration and grant of the said petition and good cause for a grant thereof has been shown:

It is ordered, This 24th day of September 1959 that the said petition is granted and the dates for the exchange of exhibits by respondent KFWB Broadcasting Corporation and for notification of witnesses to be called for cross-examination presently scheduled for September 22, 1959, and September 25, 1959, are continued to October 23, 1959 and October 28, 1959, respectively;

It is further ordered, That the hearing presently scheduled for September 29, 1959, is continued to November 10, 1959, commencing at 11:00 a.m. in the offices of the Commission at Washington, D.C.

Released: September 25, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8188; Filed, Sept. 29, 1959; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9177]

FLINT-GRAND RAPIDS ADEQUACY OF SERVICE INVESTIGATION

Postponement of Oral Argument

In the matter of the investigation of the adequacy of service by Capital Airlines, Inc. to Flint and Grand Rapids, Michigan.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that oral argument in the above-entitled proceeding now assigned to be held on September 30, 1959, is indefinitely postponed.

Dated at Washington, D.C., September 28, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-8243; Filed, Sept. 29, 1959; 9:10 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19088 etc.]

AMERICAN PETROFINA CO. OF TEXAS ET AL.

Order for Hearing and Suspending Proposed Changes in Rates

SEPTEMBER 23, 1959.

In the matter of American Petrofina Company of Texas (Operator), et al., Docket Nos. G-19088, et al.; Sunray Mid-Continent Oil Company, Docket No. G-19090.

In the order for hearing and suspending proposed changes in rates, issued on August 11, 1959 and published in the FEDERAL REGISTER on August 19, 1959 (24 F.R. 6730), "footnote 2" should be omitted.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8165; Filed, Sept. 29, 1959; 8:49 a.m.]

[Docket No. G-16144, etc.]

BOSWELL-FRATES CO. ET AL.

Notice of Severance

SEPTEMBER 24, 1959.

In the matters of Boswell-Frates Company, et al., Docket Nos. G-16144, et al.; The Pure Oil Company, Docket No. G-16169.

Notice is hereby given that in view of the Notice of Withdrawal of the application in Docket No. G-16169, filed by The Pure Oil Company, on September 21, 1959, said application is severed from the above-entitled consolidated proceedings now scheduled for hearing on October 20, 1959, for such disposition as may hereinafter be determined appropriate by the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8166; Filed, Sept. 29, 1959; 8:49 a.m.]

[Docket No. G-18836]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application and Date of Hearing

SEPTEMBER 23, 1959.

Take notice that on June 23, 1959, Columbia Gulf Transmission Company (Applicant) filed in Docket No. G-18836 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 41.1 miles of 24-inch pipeline loop along Applicant's East Lateral pipeline in Vermilion and St. Mary Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant's existing operations consist solely of the transportation of natural

gas for United Fuel Gas Company from fields in southern Louisiana to delivery points at Means and Leach, Kentucky. The instant application states that changed operation conditions result in increased takes of gas on the East Lateral section of Applicant's system, and that operation of a recently completed dehydration plant and a hydrocarbon extraction plant now under construction will necessitate the transportation of additional volumes of gas per day to maintain required deliveries through the East Lateral.

The estimated cost of the proposed construction is $3,916,000, which will be supplied from current funds available to Applicant.

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 October 27, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 16, 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. 59-8167; Filed, Sept. 29, 1959; 8:49 a.m.]

[Docket No. G-12197 etc.]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Consolidation of Proceedings

SEPTEMBER 23, 1959.

In the matters of the Manufacturers Light and Heat Company, Docket Nos. G-12197, G-16404; G-16820 and G-18425.

By order issued September 30, 1958, the proceedings in Docket Nos. G-12197 and G-16404 were consolidated for hearing, and, by notice issued September 3, 1959, the Commission set these proceedings for hearing on September 30, 1959.

On September 16, 1959, The Manufacturers Light and Heat Company moved to consolidate the proceeding in Docket No. G-16820 and the proceeding in Docket No. G-18425 with the proceedings in Docket Nos. G-12197 and G-16404.

Take notice that the proceeding in Docket No. G-16820 and the proceeding in Docket No. G-18425 are hereby consolidated for hearing with the proceedings in Docket Nos. G-12197 and G-16404.

Take further notice that pursuant to the prior orders of the Commission, sections 4 and 15 of the Natural Gas Act, the Commission's rules of practice and procedure and the Notice of Date of Hearing issued September 3, 1959, a public hearing will be held commencing on September 30, 1959, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in the proceedings hereby consolidated for hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-8090; Filed, Sept. 29, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 520]

ADMINISTRATOR'S ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

Appointments

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U.S.C. 201), Reorganization Plan No. 6 of 1950 (3 CFR 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290), I, Clarence T. Lundquist, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint the following named person to constitute the Administrator's Advisory Committee on Sheltered Workshops:

Mr. John M. Convery, National Association of Manufacturers, New York, N.Y.

Mr. Willis C. Gorthy, Institute for the Crippled & Disabled, New York, N.Y.

Mr. Kenneth Hamilton, Ohio State University, Columbus, Ohio.

Mr. Seymour Brandwein, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.

Mr. Edward Hochhauser, Altro Health & Rehabilitation Services, Inc., New York, N.Y.

Mr. S. L. Hoffman, S. L. Hoffman Manufacturing Company, New York, N.Y.

Mrs. Elizabeth K. Lammie, Pennsylvania Branch Shut-In Society, Philadelphia, Pa.

Mr. Walter J. Mason, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.

General John F. McMahon, Volunteers of America, New York, N.Y.

Rt. Rev. Msgr. John O'Grady, National Conference of Catholic Charities, Washington, D.C.

Mr. Kenneth E. Pohlmann, United Mine Workers of America Welfare & Retirement Fund, Washington, D.C.

Mr. Alvin D. Puth, National Rehabilitation Association, Washington, D.C.

Mr. Peter J. Salmon, Industrial Home for the Blind, Brooklyn, N.Y.

Mr. Percy J. Trevethan, Goodwill Industries of America, Inc., Washington, D.C.

Mr. Arthur H. Korn (Non-voting member), Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C.

The above appointments will expire June 30, 1961.

Signed at Washington, D.C., this 25th day of September 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-8171; Filed, Sept. 29, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 197]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 25, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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 62192. By order of September 21, 1959, Division 4, approved the transfer to Matthew C. Welsh and Robert J. Welsh, doing business as Welsh Brothers Motor Service, 920 150th Street, Hammond, Ind., of Certificate No. MC 59844, issued March 28, 1942, to The N. C. Sorensen Motor Express Co., Inc., 1800 North Western Avenue, Chicago, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, points in Illinois, Wisconsin, Indiana, and Michigan, within 70 miles of Chicago.

No. MC-FC 62450. By order of September 21, 1959, Division 4, approved the transfer to The N. C. Sorensen Motor Express Co., Inc., 1800 North Western Avenue, Chicago, Ill., of Certificate No. MC 45716, issued June 13, 1941, to Matthew C. Welsh and Robert J. Welsh, doing business as Welsh Brothers Motor Service, 920 150th Street, Hammond, Ind., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in that part of Illinois and Indiana bounded by a line beginning at Lake Michigan and extending west along Illinois Highway 58 to junction U.S. Highway 45, thence south along U.S. Highway 45 to Frankfort, Ill., thence

east along U.S. Highway 30 to the eastern boundary line of Lake County, Ind., thence north along the boundary line of Lake and Porter Counties, Ind., to Lake Michigan, and thence along the shore of Lake Michigan to point of beginning, including points on the indicated portions of the highways specified.

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

[F.R. Doc. 59-8164; Filed, Sept. 29, 1959; 8:49 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

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

Approved September 28, 1959

S. 2162 ..... Public Law 86-382
An Act to provide a health benefits program for Government employees.

H.R. 8385 ..... Public Law 86-383
An Act making appropriations for Mutual Security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

1 CFR

	Page
31	7631

3 CFR

Proclamations:

	Page
2799	7517
2937	7517
2938	7517
2942	7517
2972	7517
3310	7397
3311	7397
3312	7399
3313	7517
3314	7517

Executive orders:

	Page
July 2, 1910	7251, 7873
Mar. 31, 1911	7873
Apr. 29, 1912	7829
Mar. 17, 1913	7529
Nov. 21, 1916	7787
Feb. 11, 1933	7337
5904	7143
7926	7787
9173	7253
9790	7787
10232	7493
10292	7493
10328	7493
10344	7493
10530	7269
10594	7493
10700	7519
10714	7493
10773	7519
10836	7269
10837	7493
10838	7519

5 CFR

	Page
2	7565
6	7087, 7127, 7162, 7272, 7273, 7351, 7496, 7520, 7719
24	7805
325	7605

6 CFR

	Page
50	7520
300	7719
331	7089
351	7749
421	7090, 7092, 7237, 7239, 7599
427	7520
446	7599
481	7807
483	7239, 7241, 7631, 7633
484	7092

7 CFR

	Page
48	7127
51	7633
52	7435
68	7403, 7721
301	7242
319	7691
330	7519
362	7605
722	7055, 7058
723	7243
725	7243
811	7269
813	7438
815	7438
831	7499
902	7853
903	7198
904	7753
905	7198
906	7198, 7853
907	7198
908	7198
909	7808, 7855
911	7198
912	7198
913	7198
916	7198
917	7198
918	7198
919	7198
921	7198
922	7198, 7351, 7565, 7753
923	7198
924	7198
925	7198
928	7198
929	7198
930	7198
931	7198
932	7198
933	7199, 7243, 7567, 7568
935	7198
939	7855
941	7198
942	7198
943	7198, 7856
944	7198
946	7198
948	7198
949	7198
952	7198
953	7059, 7199, 7272, 7353, 7439, 7569, 7635, 7754, 7808
954	7198
956	7198
957	7353
959	7272
961	7403
963	7856
965	7198
966	7198
967	7198
968	7059, 7198
969	7354, 7355
970	7569
971	7198
972	7198
974	7198
975	7198
976	7198
977	7198
978	7198
980	7198
982	7198, 7439
985	7198
986	7198
987	7198
988	7198
989	7500, 7722
991	7198
994	7198
995	7198
996	7753
998	7198
999	7753
1000	7198
1001	7605
1002	7198
1004	7198
1005	7198
1008	7198, 7355
1009	7198
1010	7403
1011	7198
1012	7198
1013	7198
1014	7198
1015	7863
1016	7198
1017	7570, 7635
1018	7198
1023	7198
1066	7809
1105	7571

Proposed rules:

	Page
28	7835
29	7789
319	7107
351	7108
722	7382
729	7461
811	7878
902	7585
906	7510, 7585
909	7107

7 CFR—Continued Page

Proposed rules—Continued

913 7406
924 7163
938 7702
954 7409
958 7107
963 7207
968 7876
970 7278
982 7380
984 7877
989 7423, 7461
997 7619
1002 7381
1009 7381
1015 7647
1018 7703
1024 7138
1027 7530
1066 7279
1070 7877

8 CFR

103 7364
299 7364

9 CFR

73 7244
74 7244
76 7365
78 7636
79 7307

12 CFR

6 7606
217 7062
219 7062
220 7496
224 7062, 7723
329 7062
541 7864
545 7864
561 7864
563 7864

13 CFR

121 7458
128 7063

14 CFR

1 7065
3 7065
4b 7067, 7582
6 7072
7 7074
13 7076
20 7307, 7496, 7521
29 7309
40 7253, 7582, 7865
41 7582, 7865
42 7582, 7866
43 7582, 7637
45 7582
46 7866
60 7129, 7253, 7496
207 7866
225 7155
241 7253
294 7869
298 7155
406 7312
507 7254, 7255, 7365, 7366, 7521, 7724
514 7521
550 7810
600 7130–7132, 7366–7369, 7582, 7724, 7823–7826
601 7130–7132, 7312, 7366–7369, 7582, 7724, 7823–7827
602 7369, 7370, 7608
608 7273, 7312, 7313, 7637

14 CFR—Continued Page

609 7157, 7158, 7255, 7609
1209 7638

Proposed rules:

1 7204
3 7204
4b 7204
5 7204
6 7204
7 7204
8 7204
9 7204
10 7204
13 7204
14 7204
60 7164
221 7163
241 7620
507 7164, 7552, 7648
514 7165
600 7081, 7083, 7138, 7165–7167, 7383, 7384, 7464, 7465, 7649–7654, 7704, 7733, 7734, 7878–7881
601 7082, 7083, 7165–7167, 7205, 7206, 7384, 7465, 7466, 7651–7655, 7704, 7705, 7733–7735, 7878–7881
602 7206, 7424, 7655, 7881
608 7585, 7620, 7735

15 CFR

230 7522
361 7087
371 7200
373 7200
374 7200
379 7200
382 7200
385 7200
399 7201

Proposed rules:

364 7336

16 CFR

1 7606
3 7606
13 7059–7061, 7098, 7099, 7133, 7273, 7274, 7723, 7761

Proposed rules:

1—310 7083

17 CFR

270 7313

Proposed rules:

230 7259
249 7740

19 CFR

11 7522
19 7608

20 CFR

25 7638

21 CFR

1 7639
9 7693
19 7754
51 7522
120 7102, 7639, 7754
121 7399, 7614
141a 7614
141b 7258
141c 7400, 7616
141e 7618
146 7103, 7400, 7616
146a 7258, 7614
146b 7258
146c 7400, 7616
146e 7618

Proposed rules:

15 7620
29 7648

21 CFR—Continued Page

Proposed rules—Continued

53 7110
120 7167, 7552
121 7168, 7337

22 CFR

11 7497

Proposed rules:

41 7644

24 CFR

200 7458, 7762
204 7762
221 7762
222 7764
225 7767
226 7767
232 7767
233 7768
235 7768
236 7769
241 7769
242 7773
243 7773
244 7774
261 7774
262 7775
263 7775
266 7776
267 7777
268 7777
277 7779
292a 7779
293a 7779
294 7779
295 7782
400 7642

25 CFR

121 7100
141 7869

Proposed rules:

221 7163

26 (1954) CFR

1 7313, 7370, 7724
19 7371, 7373
48 7726

Proposed rules:

1 7103, 7460, 7584, 7696
48 7460
301 7645

27 CFR

5 7078, 7377

29 CFR

101 7500
102 7500
401 7827
408 7827

Proposed rules:

9 7551
613 7736, 7878
687 7736, 7878
699 7736, 7878

30 CFR

Proposed rules:

33 7135
35 7728
36 7696
250 7460

31 CFR

361 7523

32 CFR

45 7134
83 7134
146 7134
148 7134

32 CFR—Continued

	Page
211	7134
538	7501
561	7619
713	7440
716	7523
730	7441
765	7440
836	7162
1101	7782
1602	7506
1604	7506
1613	7693
1621	7078, 7506
1626	7506
1628	7506
1632	7506
1655	7506
1660	7506
1690	7694
1713	7526

32A CFR

BDSA (Ch. VD):	
M–17	7377

33 CFR

124	7581
126	7581
203	7379, 7784
204	7379, 7581

36 CFR

1	7458
13	7404
20	7404
221	7582
Proposed rules:	
20	7335, 7405, 7732

38 CFR

3	7259
6	7319
8	7319

39 CFR

22	7182
111	7245
112	7245
122	7245
131	7245
132	7245
161	7245
162	7245, 7784
168	7249, 7506, 7784

41 CFR

18—61	7639
Proposed rules:	
202	7735, 7736

42 CFR

21	7274
Proposed rules:	
73	7835

43 CFR

115	7333, 7873
161	7582

43 CFR—Continued

	Page
200	7334
270	7527
404	7529
412	7529
Proposed rules:	
14	7406
160	7834
161	7834
192	7834
201	7460
202	7529
Public land orders:	
82	7200
486	7252
657	7253
1061	7251
1071	7252
1356	7873
1621	7200
1654	7252
1929	7459
1963	7727
1964	7079
1965	7200
1966	7251
1967	7251
1968	7251
1969	7251
1970	7252
1971	7252
1972	7252
1973	7253
1974	7334
1975	7459
1976	7459
1977	7459
1978	7528
1979	7528
1980	7529, 7786
1981	7529
1982	7695
1983	7727
1984	7786
1985	7786
1986	7787
1987	7873
1988	7787
1989	7829
1990	7830
1991	7830
1992	7831
1993	7831
1994	7874

44 CFR

Proposed rules:	
401	7280

45 CFR

114	7694
531	7832

46 CFR

12	7177
30	7179
32	7179

46 CFR—Continued

	Page
33	7179
34	7179
35	7181
43	7181
44	7182
45	7182
51	7183
52	7184
54	7185
55	7187
56	7188
57	7190
61	7190
71	7190
76	7191
91	7191
95	7191
110	7192
111	7192
112	7194
113	7194
161	7195
167	7196
172	7197, 7506, 7507
176	7197
181	7197
183	7197
251	7832
308	7103
Proposed rules:	
201—380	7138

47 CFR

1	7728, 7832, 7875
3	7162, 7274–7276, 7385, 7507, 7728, 7755
7	7334, 7642
8	7334, 7642
17	7832
19	7276
Proposed rules:	
3	7710, 7259, 7280, 7466, 7467, 7737
7	7110
8	7110
9	7110
10	7110, 7469
11	7110
16	7110
19	7110

49 CFR

95	7103, 7404, 7405, 7875
196	7695
198	7695

50 CFR

6	7079, 7277
17	7755
31	7510, 7875
34	7833
35	7833
115	7335, 7834
Proposed rules:	
31	7105, 7203, 7204, 7277
32	7106, 7204
34	7106, 7277
35	7379