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Pages 7041–7088

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Contents

Agricultural Marketing Service

PROPOSED RULE MAKING:
Florida grapefruit; shipment limitation 7061
Handling of oranges, grapefruit, and tangerines grown in Texas; recommended decision and opportunity to file exceptions to proposed marketing agreement and order 7061
RULES AND REGULATIONS:
Lemons grown in California and Arizona; handling limitation 7043

Agricultural Research Service

PROPOSED RULE MAKING:
Federal plant pest regulations; miscellaneous amendments 7076

Agriculture Department

See Agricultural Marketing Service; Agricultural Research Service; Commodity Stabilization Service.

Commerce Department

See Public Roads Bureau.

Commodity Stabilization Service

RULES AND REGULATIONS:
Wheat; marketing quota regulations for 1958 and subsequent crop years 7043

Federal Aviation Agency

PROPOSED RULE MAKING:
Coded jet route; establishment 7079
Coded jet route; modification 7080
Control area extension; modification 7079
Control zone; revocation 7079
Federal airway, associated control areas and reporting points; designation 7078
Federal airway, associated control areas and reporting points; modification 7078
RULES AND REGULATIONS:
Restricted area; revocation 7045
Standard instrument approach procedures; miscellaneous alterations 7046

Federal Communications Commission

NOTICES:
Hearings, etc.:
Altus Broadcasting Co. (KWHW) et al 7081
Cookeville Broadcasting Co. et al 7081
Coughlin, Elizabeth G., and North Suburban Radio, Inc. 7082
Frier, W. R. (WBHF) 7082
Hennepin Broadcasting Associates et al 7082
Mid-America Broadcasting System, Inc., et al 7082
North Georgia Radio, Inc. (WBLJ), et al 7082
Packham, William R., and Radio Station WPCC, Inc. (WPCC) 7082
Silkwood, Ralph J 7082
Skyline Broadcasters, Inc., and Trabue, Earl McKinley 7082
Stebbins, M. Earlene, et al 7083
Thomas, Norman A., et al 7083
Washington Broadcasting Co. (WOL) et al 7083

Federal Reserve System

NOTICES:
Continental Bank and Trust Co.; order to increase capital 7083
RULES AND REGULATIONS:
Deed of trust notes issued under military housing program as collateral for advances 7044

Federal Trade Commission

RULES AND REGULATIONS:
Fiber content of special types of products 7043

Food and Drug Administration

PROPOSED RULE MAKING:
Food additives; filing of petition 7078
RULES AND REGULATIONS:
Exemptions from requirements of tolerances for certain pesticide chemicals in or on raw agricultural commodities 7045

Health, Education, and Welfare Department

See Food and Drug Administration.

Interior Department

See Land Management Bureau.

Internal Revenue Service

RULES AND REGULATIONS:
Cigarette papers and tubes; manufacturers and importers 7052
Cross reference 7052

Interstate Commerce Commission

NOTICES:
Long Island Rail Road Co.; diversion or rerouting of traffic 7086
Motor carrier transfer proceedings 7085
Petition for declaratory order 7086

Land Management Bureau

NOTICES:
Idaho; redelegation of authority to specified classes of employees; correction 7081
Utah; notice of proposed withdrawal of public lands 7081

Public Roads Bureau

RULES AND REGULATIONS:
Forest highways 7058

Securities and Exchange Commission

NOTICES:
Hearings, etc.:
Arkansas Fuel Oil Corp. and Cities Service Co 7083
Consolidated Development Corp. 7084
Miami Copper Co 7084
Pacific Indemnity Co 7085
Solar Aircraft Co 7085

(*Continued on next page*)

Treasury Department

See also Internal Revenue Service.

NOTICES:

Rayon staple fiber from Norway; determination of no sales at less than fair value 7081

Veterans Administration

RULES AND REGULATIONS:

Veterans claims:

Change in method of determining basic pay for purposes of computing dependency and indemnity compensation 7059

Liberalization of marriage requirements for widow's entitlement to death compensation 7059

Payment of additional compensation for dependents; new effective date 7059

Codification Guide

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

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

7 CFR

728 7043
953 7043

PROPOSED RULES:

330 7076
933 7061
1031 7061

12 CFR

201 7044

14 CFR

608 7045
609 7046

PROPOSED RULES:

600 (2 documents) 7078
601 (4 documents) 7078, 7079
602 (2 documents) 7079, 7080

16 CFR

303 7043

21 CFR

120 7045

PROPOSED RULES:

121 7078

23 CFR

15 7058

26 (1939) CFR

140 7052

26 (1954) CFR

285 7052

38 CFR

3 (3 documents) 7059

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Rules and Regulations

Title 7—AGRICULTURE

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

[Amdt. 20]

PART 728—WHEAT

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

MISCELLANEOUS AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

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

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

[Lemon Reg. 855, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

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

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

(ii) District 2: 372,000 cartons.

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

Dated: July 21, 1960.

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

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

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

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

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

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

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