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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.2]

PART 362—COLLECTIONS

Part 362, Title 6, Code of Federal Regulations (19 F. R. 2762) is revised to read as follows:

- Sec.
362.1 General.
362.2 Authority.
362.3 Receipts.

AUTHORITY: §§ 362.1 to 362.3 issued under R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1) 60 Stat. 1066, sec. 510 (g), 63 Stat. 438, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (i), 42 U. S. C. 1480 (c), 40 U. S. C. 442 (c).

§ 362.1 *General.* (a) Checks, money orders, and similar items to be remitted as payments on accounts of the Farmers Home Administration should be made payable to the Farmers Home Administration, except that offers in compromise of judgment accounts authorized in Part 364 of this chapter will be made payable to the Treasurer of the United States. All collection items in any form other than coin and currency will be accepted subject to collection, that is, subject to the items being paid. Post dated checks will not be accepted for payment on indebtedness due the Farmers Home Administration. When such checks are received, they will be returned immediately to the remitter.

(b) Collection items containing restrictive endorsements or notations which will not permit such items to be processed and applied to accounts in accordance with this chapter will be returned to the remitters by the Farmers Home Administration official receiving such items with a request that such notations be withdrawn. However, items containing restrictive endorsements or notations not affecting the handling thereof (for example: "payment in full," when the amount thereof does in fact pay the account in full) will be accepted and processed.

(c) In order to expedite the application of collections to insured loan accounts, insured loan borrowers should be advised to make payments on such

loans by cash, postal money orders, certified checks, cashier's checks, bank drafts, or bank money orders.

§ 362.2 *Authority.* Farmers Home Administration employees who are bonded are hereby authorized to receive, receipt for, exchange for money orders or bank drafts, and transmit collections.

§ 362.3 *Receipts.* Form FHA-37, "Receipt for Payment," will be used in receipting for collections and loan refunds. No other form of receipt will be used for this purpose.

Dated: September 13, 1955.

[SEAL] R. B. McLEISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-7562; Filed, Sept. 16, 1955;
8:52 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

PART 519—FRESH IRISH POTATOES

SUBPART—FRESH IRISH POTATOES LIVESTOCK FEED DIVERSION PROGRAM WMD 3a

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AUTHORITY: §§ 519.100 to 519.119, issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c.

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RECORD RETENTION REQUIREMENTS

Reprint Notice

A reprint of the Federal Register dated April 8, 1955, is now available. This issue, containing a 57-page index-digest of Federal laws and regulations relating to the retention of records by the public, is priced at 15 cents per copy.

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

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§ 519.100 *General statement.* In order to encourage the domestic consumption of fresh Irish potatoes produced in the continental United States by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payment for the diversion of 1955-crop potatoes for use as livestock feed, subject to the terms and conditions hereinafter set forth. Information relating to this program and forms prescribed for use hereunder may be obtained from the following:

Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Offices of the State Agricultural Stabilization and Conservation Committees in the respective States.

County Agricultural Stabilization and Conservation Committees in the respective counties.

§ 519.101 *Administration.* The program provided for in this part will be administered under the general direction and supervision of the Director, Fruit and Vegetable Division, Agricultural Marketing Service, and in the field will be carried out by the Commodity Stabilization Service through the Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees, hereinafter referred to as State and County Committees. Each State Committee will authorize one or more employees of the State Committee to act as representatives of the United States Department of Agriculture, hereinafter referred to as USDA, to approve applications for participation. State and County Committees or their authorized representatives do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 519.102 *Area.* This program will be effective in such States or areas as may be designated from time to time by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture. Information with respect to the areas designated may be obtained from the offices listed in § 519.100.

§ 519.103 *Period of program.* This program will be effective from the date of this announcement and continue until further notice, but in any event not later than June 30, 1956.

§ 519.104 *Rate of payment.* The rate of payment per 100 pounds of potatoes meeting the requirements of Specification A as defined in § 519.110 and which are diverted as prescribed in § 519.109 will be 50 cents for potatoes diverted during the months of September, October, November, and December 1955; 40 cents during the months of January, February, and March 1956; and 30 cents during the months of April, May, and June 1956. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

§ 519.105 *Eligibility for payment.* Payments will be made under this pro-

gram to any individual, partnership, association or corporation located in the continental United States, (a) who executes and files an application for participation on the prescribed forms, (b) whose application is approved, (c) who diverts fresh Irish potatoes directly or through any other person or persons, (d) who files claim as provided in § 519.112, and (e) who otherwise complies with all the terms and conditions of this subpart.

§ 519.106 *Application and approval for participation.* Persons desiring to participate in this program must submit a written application on Form CSS-117 "Application for Participation in Fresh Irish Potato Livestock Feed Diversion Program—WAMD 3a". Each applicant must submit a performance bond as provided in § 519.107. Applications and bonds should be submitted to the County ASC Office for the county within which the potatoes are to be diverted. Applications will be forwarded to the State ASC Office and will be considered in the order received in the respective areas and in accordance with the availability of funds. Applicants will be notified of the approval or non-approval of their application. Approved applications may be modified or amended with the consent of the applicant and the duly authorized representative of the State Committee: *Provided*, That such modification or amendment shall not be in conflict with the provisions of this subpart or any amendment or supplements hereto. An approved applicant is hereinafter referred to as "the diverter."

§ 519.107 *Performance bond.* Each applicant shall submit with his first application for participation a performance bond as further assurance that the potatoes diverted pursuant to this program will be used exclusively for livestock feed. The bond shall be executed on Form CSS-119 by the principal and two individual sureties, all of whom shall agree to indemnify the USDA for any losses, claims or payments made by USDA with respect to any quantity of such potatoes not used for livestock feed. The USDA may disapprove any bond if for any reason any surety does not in the opinion of USDA afford USDA full protection and security.

§ 519.108 *Period of diversion.* The potatoes in connection with which payments are to be made must be diverted (a) after the date of approval of the diverter's application, (b) within 30 calendar days after the date of such approval, and (c) in any event on or before June 30, 1956.

§ 519.109 *Definition of diversion.* Diversion of potatoes for use as livestock feed as used herein means the preparation of potatoes for feeding to livestock by cutting, slicing or chopping so as to render them unsuitable to enter into normal channels of trade and commerce as potatoes.

§ 519.110 *Diversion specifications.* Potatoes in connection with which payments will be made must meet the requirements of "Specification A" which is hereby defined as meaning potatoes

equal to or better than the quality requirements of U. S. No. 2 grade, 2 inches minimum diameter, with no tolerance being allowed for defects or undersize. Long varieties of potatoes which by clipping ends or second growth could be made to meet the quality requirements of U. S. No. 2 grade need not be so clipped to be classed Specification A but the portions which customarily would be clipped off shall not be considered as meeting the requirements of Specification A and this weight shall be deducted in determining the weight of those potatoes in the lot which do meet the requirements of Specification A.

§ 519.111 *Inspection and certificate of diversion.* Prior to diversion the potatoes shall be inspected by an inspector authorized or licensed by the Secretary of Agriculture to inspect and certify the class, quality, and condition of fresh Irish potatoes. The diverter shall be responsible for requesting and arranging for inspection sufficiently in advance of the diversion so that the inspector can be present to determine the proportion of potatoes in each lot which meet the quality requirements of Specification A. The inspector shall also verify the quantity of potatoes being diverted and that such potatoes have been diverted as defined in § 519.109. The diverter shall furnish such scale tickets, weighing facilities, or volume measurements as determined by the inspector to be necessary for ascertaining the net weight of the potatoes being diverted. The cost of inspecting, verifying the quantity, certifying that diversion has been performed, and issuing certificates thereof shall be borne by the diverter. Certificates shall be prepared on Form CSS-118 "Invoice and Certificates of Inspection and Diversion."

§ 519.112 *Claim for payment.* In order to obtain payment the diverter must submit a properly executed "Invoice and Certificates of Inspection and Diversion," Form CSS-118, to the State ASC Office which approved his application. All such claims shall be filed not later than August 31, 1956.

§ 519.113 *Compliance with program provisions.* If USDA determines that any quantity of potatoes diverted under this program was not used exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, the diverter shall not be entitled to diversion payments in connection with such potatoes and shall be liable to USDA for any other damages incurred as a result of such failure to use the potatoes exclusively for livestock feed purposes. USDA may deny any diverter the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA determines that: (a) The diverter has failed to use or caused to be used any quantity of potatoes diverted under this program exclusively for livestock feed purposes, whether such failure was caused directly by the diverter or by any other person or persons, (b) the diverter has not acted in good faith in connection

with any transaction under this program, or (c) the diverter has failed to discharge fully any obligation assumed by him under this program. Persons making any misrepresentation of facts in connection with this program for the purpose of defrauding the USDA will be subject to the applicable civil and criminal provisions of the United States Code.

§ 519.114 *Inspection of premises.* The diverter shall permit authorized representatives of USDA at any reasonable time to have access to his premises to inspect and examine such potatoes as are being diverted or stored for diversion, and to inspect and examine the diverter's facilities for diverting potatoes, in order to determine to what extent there is or has been compliance with the provisions of this program.

§ 519.115 *Records and accounts.* If the diverter sells or otherwise disposes of potatoes diverted pursuant to this program to any other person or persons for use as livestock feed the diverter shall keep accurate records and accounts showing the details relative to the diversion and disposition of such potatoes. The diverter shall permit authorized representatives of USDA at any reasonable time to inspect, examine and make copies of such records and accounts in order to determine to what extent there is or has been compliance with the provisions of this program. Such records and accounts shall be retained by the diverter for two years after date of last payment to him under the program.

§ 519.116 *Set-off.* If the diverter is indebted to USDA or to any other agency of the United States, set-off may be made against any amount due the diverter hereunder. Setting off shall not deprive the diverter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 519.117 *Joint payment or assignment.* The diverter may name a joint payee on the claim for payment or may assign, in accordance with the provisions of the Assignment of Claims Act of 1940; Public Law 811, 76th Congress, as amended (31 U. S. C. 203, 41 U. S. C. 15), the proceeds of any claim, to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment with the authorized representative of USDA who approved the application, together with a true copy of the instrument of assignment, in accordance with the instructions on Form CSS-66 "Notice of Assignment," which form must be used in giving notice of assignment to USDA. The "Instrument of Assignment" may be executed on Form CSS-347 or the assignee may use his own form of assignment. The CSS forms may be obtained from the State ASC Office or the Washington office shown in § 519.100.

§ 519.118 *Officials not to benefit.* No member of or delegate to Congress, or Resident Commissioner, shall be entitled to any share or part of any contract re-

sulting from this program or to any benefits that may arise therefrom, but this provision shall not be considered to extend to such a contract if made with a corporation for its general benefit or to any such person acting in his capacity as a farmer.

§ 519.119 *Amendment and termination.* This subpart may be amended or terminated at any time but the amendment or termination shall not be effective earlier than the date of filing with the Federal Register Division. No amendment or termination shall be applicable to any potatoes diverted before the effective time of such amendment or termination.

NOTE: The record-keeping and reporting requirements contained herein have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated this 14th day of September 1955.

[SEAL] S. R. SMITH,
*Authorized Representative of
the Secretary of Agriculture.*

[F. R. Doc. 55-7570; Filed, Sept. 16, 1955;
8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. F. C. 612, Revised, Supp. 4]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), revised administrative instructions issued as 7 CFR 301.76-2a, (20 F. R. 4361), effective June 22, 1955, as amended effective July 13, 1955, July 30, 1955, and August 17, 1955 (20 F. R. 4979, 5447, 5961), are hereby further amended in the following respects:

(a) The designation as regulated areas of the following warehouses, mills, and other premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Edward Beals Feed Lot, P. O. Box 163, San Luis.

C. A. Johnson Farm, Route 1, Box 66, Somerton.

Dave Johnson Farm, Route 1, Box 25, Avenue "E", three-eighths mile south of Seventeenth Street, Somerton.

CALIFORNIA

Blythe Alfalfa Growers Association Warehouses Nos. 2 and 3, West Hobson Way, Blythe.

Blythe Feed & Seed Co., West Hobson Way, Blythe.

Gilbert Britton Ranch, on south side of Airport Road, 5 miles south of Williams.

California Milling Co., east side of Santa Fe RR., Corcoran.

Dessert Seed Co., Commercial and RR., El Centro.

C. B. Dunlap Ranch, on north side of Huffmaster Road, one-half mile south of Sites.

Elm and North Feed Store, southeast corner Elm and North Streets, Fresno.

George Fiscallini Ranch, Williams.

M. H. Fisher Farm, at end of Malongo Road, 7 miles northwest of Williams.

Willard Hoy Ranch, Cortina School Road, 1 mile south of Myers Road, Williams.

Imperial Grain Growers' Association, 204 North Eighth, Brawley.

H. E. Maltby (Sanders) Ranch, Zumwalt Road, 2 miles south of Williams.

A. C. Musser Ranch, on north side of Myers Road, one-half mile west of Highway 99W, Williams.

W. G. Myers Ranch, on south side of Myers Road, 1 mile west of Highway 99W, Williams.

Henry Rhoades Ranch, Able Road, 1½ miles east from Husted Road Junction on north side of road, Williams.

San Joaquin Grain & Milling Co., 2030 14th Street, Bakersfield.

Elwood Sites Ranch, 2 miles south of Williams on west side of Zumwalt Road.

S. Sorensen Ranch, southwest corner of Hahn Road and Cortina School Road, 6¼ miles south of Williams.

Sunnyland Bulghur Co., 1435 Gearhart Street, Fresno.

Warner Seed Co., 310 South Eighth Street, Brawley.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Arizona Wholesale Supply Co., 191 Toole Avenue, Tucson.

Neal Collins Ranch, Thirteenth and one-half Street, Yuma.

Pablo Franco Ranch, 1764 Avenue B, Yuma.

CALIFORNIA

I. V. Bag Company (Nick Robolino, owner), located at intersection of East A and Road 46, 304 North Ninth Street, Brawley. Mail address P. O. Box 1313, Brawley.

C. H. Burns Ranch, located two miles northeast of Shafter at southwest corner of Mettler and Merced Avenue. Mail address Route 1, Box 12, Shafter.

Louis J. Charlebols, Jr., Ranch, Route 2, Box 375, Blythe.

Coachella Valley Feed Yard, east side of Highway 111, south of Avenue 54. Mail address Box 226, Thermal.

Hangover Farms, located northwest corner Road 20 (Highway 80) and West E, Box 418, El Centro.

Hiett Dairy, located one mile west of Delano on Hiatt Avenue, 300 yards south of County Line Road, Route 1, Box 1088, Delano.

Alvin Immel Ranch, located Oasis Canal, Gate 24, intersection of East O and Road 35, Holtville.

J. A. Ivey Ranch, Route 1, Box 167, Blythe.

Carl Johns & Son Ranch, located 10 miles northwest of Bakersfield on west side of Calloway Drive, 200 yards south of Snow Road, Route 4, Box 576, Bakersfield.

Estle Lain Ranch, located one-eighth mile west of intersection of road West O and

Road 21, north side of Road 21, Route 1, Box 9, El Centro.

N. K. Larsen Ranch, located at intersection West G and Road 33, Route 2, Box 138, Imperial.

Oro Farm and Cattle Co. (Benjamin Kosdon, owner), located one and one-half miles northeast of Buttonwillow on west side of Wasco Way, one-half mile north of Highway 178, Box 274, Buttonwillow.

Palo Verde School District Farm, Palo Verde Junior College, west side of Lovelkin, between Chancellor Way and 10th Avenue, Blythe.

Paul Pryor Dairy, 5501 Olive Drive, Oildale, located four miles west of U. S. Highway 99, south side of Olive Drive, approximately three miles northwest of Bakersfield.

J. W. Roberts Ranch, located at Ash Canal, Gate 160, intersection of East J and Road 18, Route 2, Box 57, Holtville.

F. O. Rosenbaum Ranch, Route 2, Box 29, Imperial.

Shafter High School, Shafter.

Southwest Flaxseed Association, East Q and one-fourth mile north of Road 22, Holtville. Mail address Imperial.

John Waterman Ranches, located one-eighth mile west of El Centro on Ross Avenue, Route 2, Box 95, El Centro.

D & A Wittenberg Ranch, located south side of Tulare Avenue, one-half mile west of Scaroni Avenue, 3 miles west of Shafter, Route 1, Box 238, Shafter.

Woodard Ranch (David Nowell, lessee), located one mile west and seven-tenths mile south of Blythe Checking Station. Mail address Box 561, Blythe.

Miguel D. Yslava Ranch, Route 1, Box 200, El Centro.

(c) The item appearing in the list, contained in such instructions under the sub-head California, as "Arlington Cattle Co., Quick's Warehouse, Star Route, Arlington" is changed to read: Arizona Stock Farms, Inc., Arlington.

This amendment shall be effective September 17, 1955.

This amendment revokes the designation as regulated areas of a number of warehouses, mills, and other premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of warehouses, mills, and other premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It further corrects a designation of one presently regulated area.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof

less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 8 and 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 14th day of September 1955.

[SEAL] W. L. POPHALI,
Chief, Plant Pest Control Branch.

[F. R. Doc. 55-7561; Filed, Sept. 16, 1955; 8:52 a. m.]

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

[Valencia Orange Reg. 53, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, 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 thereof 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 act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 922.353 (Valencia Orange Regulation 53, 20 F. R. 6673) are hereby amended to read as follows:

(ii) District 2: 508,200 boxes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 14, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-7569; Filed, Sept. 16, 1955; 8:54 a. m.]

[Valencia Orange Reg. 54]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.354 *Valencia Orange Regulation 54—(a) Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, 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 section until 30 days after publication thereof 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on September 15, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., September 18, 1955, and ending at 12:01 a. m., P. s. t., September 25, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 508,200 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 5, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-7626; Filed, Sept. 16, 1955;
11:30 a. m.]

PART 950—PEACHES GROWN IN UTAH

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL YEAR

Pursuant to the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 950.205 *Expenses and rate of assessment for the 1955-56 fiscal year.* (a) Expenses. Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the marketing agreement and order (§§ 950.1 to 950.95) to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal year beginning May 1, 1955, and ending April 30, 1956, both dates inclusive, will amount to \$3,420.

(b) Rate of assessment: The rate of assessment, which each handler who first ships peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order, is hereby fixed at one and one-half cents (\$.015) per bushel basket of peaches, or an equivalent quantity of peaches in other containers, or in bulk, shipped by such handler during said fiscal year.

(c) As used in this section, the terms "handler," "ship," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said marketing agreement and order.

It is hereby further found that it is impracticable and contrary to the pub-

lic interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this determination until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) said Administrative Committee at a meeting held on August 12, 1955, proposed an itemized budget of expenses and a rate of assessment based upon information then available as to production of peaches during the 1955 season and anticipated expenses; (2) necessary supplemental information supporting the proposed budget and rate of assessment was not made available to the Department until September 1, 1955; (3) shipments of peaches from Utah have, since 12:01 a. m., M. s. t., August 22, 1955, been subject to the regulatory provisions of Peach Order 1 (7 CFR 950.305; 20 F. R. 6074); (4) the rate of assessment is, in accordance with the marketing agreement and order, applicable to all fresh peaches shipped during the 1955-56 fiscal year; (5) a large volume of the Utah peach crop is handled by itinerant truckers who do not have permanent addresses in the production area and who operate in the area during only part of the season; and (6) in order to enable the said Administrative Committee to perform its duties and functions under said marketing agreement and order, it is essential that the rate of assessment be fixed immediately so as to permit the prompt collection, especially from the itinerant handlers, of each handler's assessment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 13, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-7560; Filed, Sept. 16, 1955;
8:52 a. m.]

[Lemon Reg. 607]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.714 *Lemon Regulation 607—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), 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 the quantity of such lemons which may be handled, 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 section until 30 days after publication thereof 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 section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on September 14, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 18, 1955, and ending at 12:01 a. m., P. s. t., September 25, 1955, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 285 Carloads;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: September 15, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F. R. Doc. 55-7607; Filed, Sept. 16, 1955;
8:55 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 39¹]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 385—EXPORTATIONS OF TECHNICAL DATA

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States* is amended in the following particulars:

a. The note following subparagraph (3) of paragraph (a) *What this part does* is amended to read as follows:

NOTE: *Arms, ammunition, and implements of war; "source material" and "facilities for the production or utilization of special nuclear material."* Items enumerated in the U. S. Munitions List (22 CFR Part 74) covering arms, ammunition and implements of war are not governed by the provisions of Part 368. (Information on comparable procedures relating to these items may be obtained from the Office of Munitions Control, Department of State, Washington 25, D. C.)

Through agreement between the Department of Commerce and the U. S. Atomic Energy Commission, the procedure set forth in Part 368 will apply to commodities classified as "source material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

b. Subparagraph (1) of paragraph (b) *United States Import Certificate* is amended to read as follows:

(1) *General.* Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an Import Certificate, such person shall apply for his certification by filling out and executing Form IT- or FC-826 (see Supplement S-18 for facsimile of form), in triplicate (in quadruplicate for "source material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission)

2. Section 370.4 *Exportations authorized by Government agencies other than Bureau of Foreign Commerce*, paragraph (d) *Commodities subject to Atomic Energy Act* is amended to read as follows:

(d) *Commodities subject to Atomic Energy Act.* Regulations promulgated

by the Atomic Energy Commission under the authority of the Atomic Energy Act of 1954 (10 CFR Parts 40 and 50), or as the same may be amended from time to time, shall govern the exportation of "source material," "special nuclear material," and "facilities for the production or utilization of special nuclear material" (except components for such facilities, which are licensed for export by the Bureau of Foreign Commerce) as defined in said act and regulations.

NOTE: 1. *Definitions*—(a) *Source material.* The term "source material" means any material except special nuclear material, which contains: by weight one-twentieth of one percent (0.05%) or more of (1) uranium, (2) thorium, or (3) any combination thereof.

(b) *Special nuclear material.* The term "special nuclear material" means plutonium, uranium enriched in the isotope 233 or in the isotope 235, or any material artificially enriched by any of the foregoing.

(c) *Production facility.* The term "production facility" means:

(i) Any nuclear reactor designed or used primarily for the formation of plutonium or U-233, or

(ii) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only, or

(iii) Any facility designed or used for the chemical, physical, or metallurgical processing or fabricating or allowing of special nuclear material, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(d) *Utilization facility.* The term "utilization facility" means: Any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

2. *Regulations, forms, and instructions.* Copies of the Atomic Energy Commission regulations, together with forms and instructions for submitting license applications, and information with respect to the issuance of a license, may be obtained from the United States Atomic Energy Commission, Washington 25, D. C.

Parts 1 and 2 of this amendment shall become effective as of September 20, 1955.

3. Section 372.2 *Definitions of validated licenses*, paragraph (h) *Specific technical data license* is amended to read as follows:

(h) *Technical Data License.* A "Technical Data License" is a validated license authorizing the exportation of specified technical data to a specified ultimate consignee(s). (See § 385.4 of this subchapter.)

4. Part 385, *Exportations of Technical Data*, is amended to read as follows:

Sec.	Definitions.
385.1	General Licenses GTDP, GTDU, and GTDS.
385.2	Security provisions for certain types of technical data.
385.3	Exportations to Subgroup A destinations.
385.4	Presentation of Shipper's Export Declaration.
385.5	Reexportations.

AUTHORITY: §§ 385.1 to 385.6 Issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1943 Supp.

§ 385.1 *Definitions*—(a) *Technical data.* "Technical data" means any professional, scientific or technical information, including any model, design, photograph, photographic negative, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adopted for use in connection with any process, synthesis, or operation in the production, manufacture, utilization, or reconstruction of articles or materials. As used in this part, technical data do not include "classified" technical data, i. e., technical data which have been officially assigned a security classification, i. e.: "top secret," "secret," or "confidential," by an officer or agency of the United States Government.

(b) *Exportation of technical data.*¹ "Exportation of technical data" is defined as any release of unclassified technical data for use outside the United States (except Canada²) and includes the actual shipment out of the United States as well as the furnishing of data in the United States to persons with the knowledge or intention that the persons to whom it is furnished will take such data out of the United States.

§ 385.2 *General Licenses GTDP, GTDU, and GTDS*—(a) *General License GTDP; unclassified technical data generally available in published form.*

A general license designated GTDP is hereby established authorizing the exportation to all destinations of unclassified technical data generally available in published form, provided such technical data are (1) sold at newsstands or bookstores; or (2) available by subscription or purchase without restrictions to

¹ License applications or questions as to the exportation of unclassified technical data relating to commodities which are licensed by government agencies other than the Bureau of Foreign Commerce shall be referred to the appropriate government agency for consideration (see § 370.4 of this subchapter). License applications or questions as to the exportation of classified technical data shall be referred to the Office of Munitions Control, Department of State, Washington 25, D. C.

² In addition to the regulations issued by the U. S. Patent Office, technical data contained in or related to inventions made in foreign countries or in the United States, are subject to the Bureau of Foreign Commerce regulations covering the exportation of technical data, in the same manner as the exportation of other types of technical data. Patent attorneys and others are advised to consult with the U. S. Patent Office, Department of Commerce, Washington 25, D. C., relative to the U. S. Patent Office regulations concerning the filing of patent applications or amendments in foreign countries.

³ Exportation or release of technical data for use in Canada is permitted without authorization or license from the Bureau of Foreign Commerce.

⁴ A "general license" is a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in the Export Regulations.

¹ This amendment was published in Current Export Bulletin No. 755, dated September 8, 1955.

any person or available without cost to any person; or (3) granted second class mailing privileges by the U. S. Government; or (4) freely available at public libraries.

(b) *General License GTDU; technical data either unpublished or not generally available in published form.* A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, either unpublished or not generally available in published form, to any destination, except a Subgroup A destination.⁵

(c) *General License GTDS; unclassified scientific and educational technical data.* A general license designated GTDS is hereby established authorizing the exportation to all destinations of unclassified scientific and educational technical data involving:

(1) Dissemination of information not directly and significantly related to design, production and utilization in industrial processes, including such dissemination by correspondence and attendance at, or participation in, meetings; or

(2) Instruction in academic institutions and academic laboratories.

NOTE: "Instruction" is interpreted not to include research under contract where the research relates directly and significantly to design, production and utilization in industrial processes.

§ 385.3 *Security provisions for certain types of technical data—(a) General.* This section establishes a procedure whereby persons or firms may obtain, through the Bureau of Foreign Commerce, official U. S. Government opinions as to the desirability of exporting or releasing for use in foreign friendly countries certain types of unpublished technical data which have significance to the common security and defense of the United States.

(b) *Scope.* The scope of this section is concerned with technical data in connection with:

- (1) Advanced developments, technology, and production "know-how";
- (2) Prototypes; and
- (3) Special installations.

NOTE: Official opinions are not necessary in order to export advertising catalogs or pamphlets; sales technical data supporting a proposal or quotation for installation of United States origin equipment; maintenance, repair and operating data for existing installations of United States origin equipment; technical data for the assembly, erection and installation of United States origin equipment licensed for export.

(c) *Substance.* (1) Before completing arrangements to export or release for use in foreign friendly countries any unpublished technical data included in the scope of the security provisions, exporters should request an official opinion from the U. S. Government, through the Bureau of Foreign Commerce, as to the desirability of exporting or releasing the technical data. Requests for official opinion from the U. S. Government shall be submitted by letter, in duplicate, to the Department of Commerce, Bureau

of Foreign Commerce, Reference FC-1220, Washington 25, D. C. Information included in these requests will be treated in confidence in order not to disturb competitive relationships.

(2) The letter shall set forth all the necessary facts as may be required to present to the Bureau of Foreign Commerce a complete disclosure of the relationships existing between the applicant and the consignee and to describe adequately the type of technical data to be exported. The letter of explanation should present a composite picture of the kind and types of technical data, the uses for which and by whom such data will be employed, identification of all parties to the transaction, and specification of the conditions or agreements relative thereto.

(3) As a minimum, the letter should include the following information:

(i) A detailed itemization of the technical data to be exported, including a detailed description of the nature of the specific technical data, processes involved, if any, and whether new installations, developments or projects are concerned.

(ii) A list of names and addresses of the firms in foreign countries who will use or see the technical data.

(iii) Whether the technical data will be used abroad in the production of any material or product that is to be exported from the country of ultimate destination, and if so, name the country (ies) to which the material or product is to be exported, and if possible, the estimated quantities of each material or product.

(iv) Whether the technical information is required for the national defense, public health or safety of the country of destination. If the technical data are to be used in a project sponsored by the U. S. Government, it should be so indicated.

(v) The manner or means by which the information will be furnished to the foreign consignee (i. e., blue prints, specifications, technical aid contracts, manufacturing agreements, patent licensing arrangements, instructional or training material, training in the U. S. of foreign personnel, personal delivery by U. S. personnel sent abroad, etc.).

§ 385.4 *Exportations to Subgroup A destinations—(a) Scope.* (1) Under the provisions of this section, there is established a procedure for the exportation to Subgroup A destinations of technical data not exportable under General Licenses GTDP or GTDS (See § 385.2).

(2) Pursuant to this procedure, application may be made for a validated license which, if issued, authorizes the exportation of specified technical data to a designated foreign consignee or consignees, within a validity period of six months.

(b) *Application form and acknowledgment card.* An application for a technical data license shall be submitted on Form IT- or FC-419, in duplicate, accompanied by an Acknowledgment Card, Form IT- or FC-116, as described in paragraph (c) below, and the letter of explanation described in paragraph (d) of this section.

(c) *Completion of application form and acknowledgment card.* (1) Form IT- or FC-419 shall be completed as provided in § 372.5 of this subchapter except that items 11 (a), (c), (d), 13, and 14 shall be left blank. Item 11 (b) shall contain a general statement which specifies the form(s) of the technical data (blueprints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form IT- or FC-419 immediately above the printed words "United States of America".

(2) The Acknowledgment Card, Form IT- or FC-116, shall also be completed as provided in § 372.5 of this subchapter except that the Schedule B Number, processing code, related commodity group number, and commodity description shall be omitted and the symbol "TD" shall be entered in the space provided for the processing code.

(d) *Letter of explanation.* Each application shall be supported by a comprehensive letter of explanation in duplicate, setting forth all the necessary facts as may be required to present to the Bureau of Foreign Commerce a complete disclosure of the relationships existing between the applicant and the consignee and to describe adequately the type of technical data to be exported. The letter of explanation should present a composite picture of the kind and types of technical data, the uses for which such data will be employed, identification of all parties to the transaction, and specification of the conditions or agreements relative thereto.

(e) *Issuance and use of validated licenses.* (1) When an application for a license to export technical data is approved by the Bureau of Foreign Commerce, an export license will be issued on Form IT- or FC-628, authorizing, subject to the provisions of the Export Regulations and to the terms and provisions of such license, the exportation of the types of technical data described therein.

(f) *Export clearance.* The Technical Data license shall be deposited with the Collector of Customs at the port of exit or the Postmaster, as appropriate, before exportation or deposit of the data with the Postmaster for mailing.

(g) *Amendments.* Requests for amendments shall be made in accordance with the provisions of § 380.2 of this subchapter.

(h) *Other applicable provisions.* Insofar as consistent with the provisions of this Section, all of the provisions of the Export Regulations shall apply equally to applications for licenses issued under this section.

§ 385.5 *Presentation of shipper's export Declaration.* A Shipper's Export Declaration, in the number of copies set forth in § 379.3 (c) of this subchapter, shall be presented to the Collector of Customs prior to the exportation or release for foreign use of technical data other than by mail, including surface or air parcel post, or by telegram, wireless, cable, or telephone. Except where a shipment is made by mail in accordance with the provisions of § 379.1 (b),

⁵See § 371.3 (a) (2) of this subchapter for listing of destinations in Subgroup A.

(1) (ii) of this subchapter, a Declaration is not required to be presented to the Postmaster.

§ 385.6 *Reexports*—(a) *Prohibited reexports*. (1) No exportation may be made under any type of general license with the knowledge or intention that the technical data so exported are to be reexported from the country of destination unless the reexportation has been specifically authorized by the Department of Commerce or is permitted under the provisions of paragraph (b) of this section.

(2) No exportation may be made under any validated license with the knowledge or intention that the technical data so exported are to be reexported from the country stated on the license application, unless the reexportation has been specifically authorized by the Bureau of Foreign Commerce or is permitted under the provisions of paragraph (b) of this section.

(b) *Permissive reexports*. Any technical data which have been exported from the United States may be reexported from any destination to any other destination provided that, at the time of reexportation, the technical data to be reexported may be exported directly from the United States to the new country of destination under General License GTDP, GTDU or GTDS.

Parts 3 and 4 of this amendment shall become effective as of September 8, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-7514; Filed, Sept. 16, 1955; 8:45 a. m.]

[General Revision of Export Regs.,
Amdt. P. L. 22¹]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:²

¹ This amendment was published in Current Export Bulletin No. 755, dated September 8, 1955.

² All outstanding licenses for these commodities issued by the Atomic Energy Commission prior to September 26, 1955, remain valid until they expire or are revoked.

Dept. of Commerce Schedule B No.	Commodity	Unit	Exporting code and related commodity group	GLV dollar value limits	Vol. Limit License required
707559	X-ray apparatus, and parts, n. e. c.; Desimeter and desimeter charger readers (report desimeter charger readers not adaptable to X-ray in 919959). ¹	No.	SATE	None	EO
707559	Parts, n. e. c., specially fabricated for desimeters and desimeter charger readers (report parts for desimeter charger readers not adaptable to X-ray in 919959). ¹		SATE	25	EO
707559	Electronic-type components; Electron tubes (report X-ray tubes in 707559 and 707557). ¹	No.	RARA 51	50	EO
707560	Electrometer tubes designed to operate with grid currents of less than 1 microampere, and photomultiplier tubes having photo cathode sensitivity of 10 or more microamperes per lumen and an average amplification greater than 10 ³ . ¹	No.	RARA 52	50	EO
707560	Resistors of value of 1,000 megohms or over. ¹	No.	RARA 52	50	EO
707565	Geophysical and mineral prospecting equipment, n. e. c., and specially fabricated parts, n. e. c. (report by name). ¹		MINE	None	EO
707565	Geiger-Mueller counters (all types), and specially fabricated parts, n. e. c. (Report Geiger-Mueller counter tubes in 919959). ¹		MINE	None	EO
919959	Mass spectrometers and leak detectors, mass spectrometer type. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for mass spectrometers and mass spectrometer type leak detectors. ¹		SATE	25	EO
919959	Mass spectrographs. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for mass spectrographs. ¹		SATE	25	EO
919959	Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.; Coincidence units adaptable to radiation measurement. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for coincidence units adaptable to radiation measurement. ¹		SATE	25	EO
919959	Electroscopes, except student types and metal leaf type. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for electroscopes, except student types and metal leaf type. ¹		SATE	25	EO
919959	Desimeter charger readers (report desimeter charger readers adaptable to X-ray in 707559), and all desimeters in 707559). ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for desimeter charger readers. ¹		SATE	25	EO
919959	Equipment, n. e. c., for health monitoring against radiation hazards. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for equipment for health monitoring against radiation hazards. ¹		SATE	25	EO
919959	Radiation detection equipment, n. e. c. (report all Geiger-Mueller counters and field exploration types of radiation detection instruments in 707559). ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for radiation detection equipment. ¹		SATE	25	EO
919959	Geiger-Mueller counter tubes and proportional counters. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for proportional counters. ¹		SATE	25	EO
919959	Ionization chambers. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for ionization chambers. ¹		SATE	25	EO
919959	Neutron counters. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated neutron counters. ¹		SATE	25	EO
919959	Positive ion sources, n. e. c., suitable for use in cyclotrons and other electronuclear machines. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for positive ion sources suitable for use in electronuclear machines. ¹		SATE	25	EO
919959	Scalers and rate-meters adaptable to radiation measurement. ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for scalars and rate-meters adaptable to radiation measurement. ¹		SATE	25	EO
919959	Scintillation counters. (Report field exploration types of radiation detection instruments in 707559). ¹	No.	SATE	None	EO
919959	Parts, n. e. c., specially fabricated for scintillation counters. ¹		SATE	25	EO

¹ This commodity is subject to the IC/DV procedure (see § 374.2), effective October 24, 1955; is subject to DL restrictions (see § 374.2), excepted from the Time Limit Licensing procedure (see Part 377), and excepted from the provisions of General License GIT (see § 371.9(c)), effective October 8, 1955.

This part of the amendment shall become effective as of 12:01 a. m., September 26, 1955, unless otherwise indicated in the footnotes.

2. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry.¹

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
703020	Electrical quantity and characteristic measuring and testing instruments and parts (report automotive-type electrical testing instruments in 703185); instruments capable of measuring currents of less than 1 microampere. (2) 1 2	No.	ELME 3	None	RO
703350	Parts and accessories, n. e. c., specially fabricated for instruments capable of measuring currents of less than 1 microampere. (2) 1 2	No.	ELME 3	25	RO
708320	Amplifiers designed for use in nuclear measurements, including linear amplifiers, preamplifiers, and distributed chain amplifiers. (1) 1 2	No.	ELME 2	None	RO
708320	Parts, n. e. c., specially fabricated for amplifiers designed for use in nuclear measurements. (2) 1 2	No.	ELME 2	25	RO
708320	Other amplifiers, n. e. c., and specially fabricated parts, designed for use in nuclear measurements. (2) 1 2	No.	RARA E2	200	RO
770870	Dial-in, c. (report audio-amplifying in 703500). (2) 1 2 (diameter vacuum pumps, 3 inches in diameter and larger (diameter measured inside the barrel at the inlet jet). (2) 1 2	No.	GIEQ 1	None	RO

¹ The letter "P" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2), and is exempted from the "Time Limit Licensing procedure (see Part 377), effective October 8, 1955.

² The letter "C" is added in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the provisions of General License G17 (see § 371.9 (c)), effective October 8, 1955.

³ The letter "R" is added in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Foreign Distribution Licensing procedure (see Part 378).

⁴ The letter "G" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under General License G17 to R and O destinations, only within the dollar-value limit specified on the Positive List (see § 371.10 (c)).

⁵ The destination control is changed from R to RO, effective September 15, 1955.

⁶ The commodity coverage is increased, effective September 26, 1955.

⁷ A separate entry is established. Formerly included in second entry under this Schedule B number.

This part of the amendment shall become effective as of 12:01 a. m., September 26, 1955, unless otherwise indicated in the footnotes.

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
601702	Steel ingots, blooms, billets, slabs, sheet bars, and tin-plate bars, including stainless:	S. ton	STEE	100	RO
601705	Ingots, alloy steel, including stainless, special types only. (1) 2 2 3	S. ton	STEE	100	RO
601810	Billets, blooms, slabs, sheet bars, and tinplate bars, alloy steel, including stainless, special types only. (1) 2 2 3	S. ton	STEE	100	RO
610310	Semifinished material for seamless pipe and tubing, alloy steel, including stainless, special types only. (1) 2 2 3	S. ton	STEE	100	RO
610310	Wire rods, alloy steel, including stainless, special types only. (1) 2 2 3	Lb.	STEE	100	RO
610320	Skels, alloy steel, including stainless, special types only. (1) 2 2 3	Lb.	STEE	100	RO

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
602050	Steel bars, including bar size shapes:	Lb.	STEE 10	100	RO
602050	Bars, cold finished (all cold drawn or cold rolled flats and rounds in coils or cut to lengths, and special sections):	Lb.	STEE 10	100	RO
602050	Stainless steel, special types only. (1) 2 2 3	Lb.	STEE 10	100	RO
602050	Alloy steel, except stainless, special types only. (1) 2 2 3	Lb.	STEE 10	100	RO
602050	Bars, hot-rolled, except tool and die, drill steel bars (all regular bars, including bars in coils and special sections and bar shapes under 3 inches (report tool steel bars in 602560; hollow drill steel bars in 602670; and special sections and bar shapes, 3 inches and over in 604510-604530):	Lb.	STEE 11	100	RO
602560	Stainless steel, special types only. (1) 2 2 3	Lb.	STEE 11	100	RO
602560	Alloy steel, except stainless, special types only (report projectile and shell steel in 602610) 2 2 3	Lb.	STEE 11	100	RO
602650	Tool steel bars, alloy steel, special types only. 2 2 3	Lb.	STEE	100	RO
602670	Hollow drill steel bars, alloy steel, special types only. 2 2 3	Lb.	STEE	100	RO
603135	Steel plates, including boiler plate (hot or cold-rolled), not fabricated:	Lb.	STEE 9	100	RO
603145	Stainless steel (including stainless-clad plates), special types only. (1) 2 2 3	Lb.	STEE 9	100	RO
603510	Alloy steel, except stainless, special types only. (1) 2 2 3	Lb.	STEE 3	100	RO
603550	Hot-rolled, special types only. (1) 2 2 3	Lb.	STEE 3	100	RO
603570	Hot-rolled, special types only. 2 2 3	Lb.	STEE 3	100	RO
603580	Cold-rolled, special types only. 2 2 3	Lb.	STEE 3	100	RO
603750	Hot-rolled stainless steel, special types only. (1) 2 2 3	Lb.	STEE 8	100	RO
603760	Cold-rolled stainless steel, special types only. (1) 2 2 3	Lb.	STEE 8	100	RO
603850	Hot-rolled alloy steel, except stainless, special types only. (1) 2 2 3	Lb.	STEE 8	100	RO
603860	Hot-rolled alloy steel, except stainless, special types only. 2 2 3	Lb.	STEE 8	100	RO
604530	Structural shapes and pilings:	S. ton	STEE 14	1,000	RO
604530	Structural shapes, not fabricated:	S. ton	STEE 14	1,000	RO
604530	Stainless steel, special types only. (1) 2 2 3	S. ton	STEE 14	1,000	RO
604530	Alloy steel, except stainless, special types only. 2 2 3	S. ton	STEE 14	1,000	RO
606110	Pipe, tubes, and tubing, n. e. c., new and used (except scrap) (report pipe assemblies specially fabricated for particular machines or equipment as parts of such machines or equipment):	Lb.	STEE 12	100	RO
606130	Pressure tubes and tubing (including boiler tubes and tubing):	Lb.	STEE 12	100	RO
606130	Seamless, alloy steel, except stainless, special types only. 2 2 3	Lb.	STEE 12	100	RO
606130	Welded, alloy steel, except stainless, special types only. 2 2 3	Lb.	STEE 12	100	RO
607450	Mechanical tubing, alloy steel, except stainless, special types only. 2 2 3	Lb.	STEE	100	RO
607500	Pipe and tubing, stainless steel, special types only. (1) 2 2 3	Lb.	STEE	100	RO
607710	Pipe and tubing, alloy steel, except stainless, special types only. 2 2 3	Lb.	STEE	100	RO
608150	Steel wires, n. e. c. (all round, shaped, and flat wire rebar in 608310-608330):	Lb.	STEE 18	100	RO
608150	Uncoated wire, alloy steel, except stainless, special types only. 2 2 3	Lb.	STEE 18	100	RO
608150	Uncoated wire, stainless steel, special types only. (1) 2 2 3	Lb.	STEE 18	100	RO
608210	Coated wire, except galvanized, alloy steel, including stainless special types only. (1) 2 2 3	Lb.	STEE 18	100	RO
610491	Castings, iron and steel, rough and semifinished:	Lb.	STEE	100	RO
610492	Castings, alloy steel, except stainless, special types only. 2 2 3	Lb.	STEE	100	RO
610492	Grinding balls, stainless steel, special types only. (1) 2 2 3	Lb.	STEE	100	RO
610492	Other castings, stainless steel, special types only. (2) 2 2 3	Lb.	STEE	100	RO
610493	Forgings, rough and semifinished:	Lb.	STEE 1	100	RO
610493	Grinding balls, alloy steel, including stainless, special types only. (1) 2 2 3	Lb.	STEE 1	100	RO
610493	Other forgings, alloy steel, including stainless, special types only. (2) 2 2 3	Lb.	STEE 1	100	RO

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-7515; Filed, Sept. 16, 1955;
8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6341]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LEO NELSON, INC. ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.15 *Business status, advantages, or connections*: Stock, product or service; § 13.30 *Composition of goods*; § 13.73 *Formal regulatory and statutory requirements*: Fur Products Labeling Act; § 13.90 *History of product or offering*; § 13.135 *Nature*: Product or service; § 13.155 *Prices*: Exaggerated as regular and customary; § 13.285 *Value*. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1845 *Composition*: Fur Products Labeling Act; § 13.1854 *History of product*: Fur Products Labeling Act; § 13.1870 *Nature*: Fur Products Labeling Act. In connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offer for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur products" are defined in the Fur Products Labeling Act, falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which: (1) Fails to disclose: (a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the Rules and Regulations; (b) that the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact; (2) represents, directly or by implication: (a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business; (b) the value of fur products, when such claims and representations are not true in fact; (c) that any such products are the stock of a business in a state of liquidation, contrary to fact; and (3) makes pricing claims or representations of the type

referred to in (2) (a) and (b) above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based, as required by § 301.44 (e) (Rule 44 (e)) of the rules and regulations promulgated pursuant to the Fur Products Labeling Act effective August 9, 1952; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Leo Nelson, Inc. et al., Hackensack, N. J., Docket 6341, August 25, 1955]

In the Matter of Leo Nelson, Inc., a Corporation, and Leo Nelson, Individually and as an Officer of Said Corporation

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission charging the corporate respondent—which was incorrectly designated in said complaint as Leo Nelson, Inc., but which acknowledged service of process upon it and consented that the proceeding should be treated as though Nelson Furs, Inc., its correct name, had been properly there named as party respondent—and charging respondent Leo Nelson, an individual, president of said corporate respondent, with falsely advertising fur products, and other practices, in violation of the Fur Products Labeling Act and the Federal Trade Commission Act; and upon an agreement between respondents and counsel in support of the complaint which provided for entry of a consent order.

By the terms of said agreement, respondents admitted all the jurisdictional allegations set forth in the complaint; agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with allegations thereof in the complaint; and expressly waived the filing of answer, a hearing before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions or oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission; and respondents agreed that the order provided for should have the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon, and specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with such agreement.

It was further agreed that such agreement, together with the complaint, should constitute the entire record in the matter and should be filed with the hearing examiner for his consideration in accordance with § 3.21 of the Commission's rules of practice; that the signing of the agreement was for settlement purposes only and did not constitute an

admission by respondents that they had violated the law as alleged in the complaint; that the complaint in the matter might be used in construing the terms of the order to be entered, which order might be altered, modified, or set aside in the manner provided by the statute for the orders of the Commission; that the agreement was subject to approval in accordance with §§ 3.21 and 3.25 of the Commission's rules of practice; and that the order should have no force and effect until and unless it became the order of the Commission.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, and, on the basis thereof, concluded that the proceeding was in the public interest; and that the aforesaid agreement was an appropriate disposition of the proceeding; and in which, in accordance with the action contemplated and agreed upon, he issued cease and desist order.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance," dated August 25, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Nelson Furs, Inc., a corporation (erroneously referred to in the complaint as Leo Nelson, Inc., and which by the agreement for a consent order is to be substituted for Leo Nelson, Inc., and is to be treated as though Nelson Furs, Inc., was named as a party respondent in the complaint), and its officers, and Leo Nelson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offer for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact.

2. Represents, directly or by implication:

(a) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

(b) The value of fur products, when such claims and representations are not true in fact;

(c) That any such products are the stock of a business in a state of liquidation, contrary to fact.

3. Makes pricing claims or representations of the type referred to in paragraph 2 (a) and (b) above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e) of this chapter) promulgated pursuant to the Fur Products Labeling Act effective August 9, 1952.

By said "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 25, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-7556; Filed, Sept. 16, 1955; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes
[T. D. 6139; Regs. 42]

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

Correction

In Federal Register Document 55-6979, published at page 6283 of the issue for Saturday, August 27, 1955, amendatory paragraph 7 (B) is changed to read as follows:

(B) By changing paragraph (b) (1) (ii) (26 CFR 130.33 (b) (1) (ii)) to read as follows:

(ii) *Domestic messages.* In the case of each domestic telegraph, cable, or radio dispatch or message, the amount paid therefor is subject to tax at the rates specified for the following periods:

Period:	Rate (percent)
(a) On and after Apr. 1, 1954.....	10
(b) Nov. 1, 1951 to Mar. 31, 1954, inclusive.....	15
(c) Apr. 1, 1944 to Oct. 31, 1951, inclusive.....	25
(d) Nov. 1, 1942 to Mar. 31, 1944, inclusive.....	15
(e) Prior to Nov. 1, 1942.....	10

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter C—Procurement

PART 590—GENERAL PROVISIONS

PART 592—PROCUREMENT BY NEGOTIATION

PART 601—LABOR

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 590.457 is added as follows:

§ 590.457 *Expediting administrative actions—(a) Promptness.* The prompt resolution of procurement problems is a necessary and important element in the orderly and efficient accomplishment of the procurement mission. It is essential to resolve at purchasing office level those problems which contracting officers have authority to resolve finally. Promptness in handling such problems has a salutary effect on relations between the Army and Contractors and may prevent undue financial hardship to contractors in many instances.

(b) *Eliminating delays.* In order to eliminate unnecessary delays in resolving problems which arise during the administration of contracts, and to insure that contractors receive payments to which they are entitled as promptly as possible, procurement and auditing personnel will:

(1) Conduct all investigations, negotiations, voucher auditing and processing, and other procurement and contract administration matters in an expeditious manner.

(2) Exert every effort to resolve as promptly as possible all problems capable of local resolution which arise between procurement personnel and personnel of other agencies within and without the Department of the Army.

(3) Forward without delay completely documented reports relating to procurement and contract administration problems which cannot be resolved promptly at local level or which for any reason require action by an authority at a higher level.

(c) *Clear directives.* It is the responsibility of Heads of Procuring Activities to issue complete and clear instructions to field activities, where necessary to implement Subchapter A, Chapter I of this title, and this subchapter, and other pertinent directives, and to see that these directives are thoroughly understood by operating personnel.

(d) *Sound conclusions.* In accomplishing the actions outlined above, personnel, will exercise care to preclude any misunderstanding of the intent of this section. The interest of the Government must be fully protected in all cases and action personnel must take time necessary to reach sound conclusions. Excessive and unjustifiable delays, however, must be eliminated.

2. In § 592.502, paragraph (a) (1) and (2) (v) and paragraph (b) are revised to read as follows:

§ 592.502 *Authority to make advance payments.* * * *

(a) Authority to make advance payments is vested in the Assistant Secre-

tary of the Army (Financial Management). Requests for such authority will, in each instance, be submitted to the Comptroller of the Army, through the head of the procuring activity concerned and the Deputy Chief of Staff for Logistics (Chief, Purchases Branch). The request including all supporting documents, submitted in original and two copies, will be supported by the following data:

(1) All requests for authority to make advance payments will contain a finding of fact and recommendation substantially as follows, signed by the chief of the originating office and the chief of each office through which the request is forwarded:

Based on statements contained in inclosures attached hereto (and preceding inclosures¹), I find that an advance pay-

(2) All requests for advance payment authorizations shall be accompanied by the following information attached as inclosures:

(v) An original and two copies of the Determination and Findings required by § 3.302 (g) of this title in the form set forth in § 592.305 (d).

(b) Requests for approval of the authorization of an advance payment may be presented during the negotiation of a contract and prior to completion thereof. If the proposed contract is available, a copy thereof shall be attached to the request. If copy of the contract is not available at the time the request is forwarded, a copy shall be submitted promptly to the Comptroller of the Army for review and filing subsequent to execution.

3. In § 592.504, the opening portion of paragraph (b) and all of paragraph (c) are revised as follows:

§ 592.504 *Security provisions.* * * *

(b) When contract clause provides for deposit of monies from the advance payment to be placed in a special bank account, the contractor shall obtain, execute, and turn over to the contracting officer for transmittal, through the head of the procuring activity concerned to the Comptroller of the Army two copies of an agreement executed by each bank in which a control bank account is established. Such an agreement shall be prepared substantially in the following form:

(c) Upon the liquidation of advance payments, releases, and agreements to release mortgages, guarantors in guaranty agreements, sureties on advance payment bonds, and other security devices which may be required in connection with advance payments, will be executed by the Assistant Secretary of the Army (Financial Management). Requests for such executions, accom-

¹ To be included when applicable. ment of not to exceed _____ percent of the total cost of Contract No. _____ referred to herein is proper; it is in the interest of national defence and it is recommended that it be approved by the Assistant Secretary of the Army (Financial Management).

panied by a certification of the contracting officer that the advance payment has been completely liquidated, will be forwarded to the Comptroller of the Army through the Head of the procurement activity concerned and the Deputy Chief of Staff for Logistics (Chief, Purchases Branch).

4. Section 592.505 is revised, and in § 592.650-5 (b), revise opening portion of subparagraph (2), as follows:

§ 592.505 *Interest on advance payments.* Except when specifically authorized by the Under Secretary of the Army, to be made without interest, whenever an advance payment is made to a contractor by the Army, a charge will be made for use of Government money so furnished. The charge will be in the nature of an interest charge, computed on the rate set by the Assistant Secretary of the Army (Financial Management) and figured in accordance with SR 35-225-8 (special regulations of the Army pertaining to accounting and reporting for advance payments and recoupments). In the case of a fixed-price contract, the amount of the charge will be deducted from payments under the contract. In the case of a cost-plus-fixed-fee contract, the charge will be deducted from the amount of the fee otherwise payable to the contractor. In case such fee is not sufficient to take care of such interest, chargeable deduction will be made from any other monies due the contractor. Such interest will not be an item of reimbursable cost under the contract.

§ 592.650-5 *Use of DD Form 738 as a voucher.* * * *

(b) *More than one payment.* * * *

(2) Subsequent payments not to exceed five may be made using one of the following methods:

5. Section 592.650-11 is revised to read as follows:

§ 592.650-11 *Use of DD Form 738 on APO shipments.* (a) DD Form 738 (Order and Voucher for Purchase of Supplies and Services) is authorized for use for parcel post or mail shipments to an APO number as a method of accomplishing small purchases where a purchase order is required.

(b) When making such shipments, external distribution of copies of DD Form 738 is required as follows:

(1) One advance copy mailed to the appropriate overseas supply agency which has been annotated as to date shipment is made and quantities shipped. Annotation of date of shipment will be in the "Memorandum" block as this is the only space where such information is clearly discernible.

(2) Three copies inside the package (none on the outside).

(c) The contracting officer is responsible for assuring the prompt receipt of the advance copy by the overseas supply agency (paragraph (b) (1) of this section). This advance copy may be furnished to the overseas supply agency either by the Contractor directly or by the contracting officer whichever is most feasible and expeditious.

(d) When appropriate, instructions to the contractor will indicate clearly the distribution to be made of the copies required in paragraph (b) of this section.

(e) When shipment is to move through postal channels, inspection will be performed at origin only when the dollar value, quantity, nature, or geographical location of the item warrants. When origin inspection is not practicable, or is waived by the contracting officer, acceptance will be accomplished by the contracting officer on the basis of a certificate of mailing obtained by the contractor from a United States post office and submitted to the contracting officer as evidence of dispatch. In such cases, the order will provide for delivery of the shipment to a United States post office, postage prepaid and properly addressed to the specified consignee. Instructions to the contractor should require that the purchase order number be inserted on the certificate of mailing, and the contractor should be cautioned as to the necessity of receipt of a certificate of mailing in order that prompt payment may be made of the invoice. A copy of the purchase order may be furnished to the Contractor, to be returned to the contracting officer with the certificate of mailing attached.

6. In § 601.404-2, paragraphs (b), (c) (1), (9), and (10) are revised to read as follows:

§ 601.404-2 *Wage determinations.*

* * *

(b) *Responsibility for requesting determinations.* The office responsible for the preparation of specifications or the negotiation of contracts for projects in excess of \$2,000 is responsible for requesting the appropriate predetermination of wage rates to be contained in the contract. When contract specifications are prepared, they should include a current wage determination. If the wage determination is not available when invitations for bid are issued, the specifications will contain a statement that wage rates will be supplied by addendum to the specifications. Contracting officers will not open bids on projects subject to the provisions of the Davis-Bacon Act until the requested determination of wage rates has been incorporated in the specifications. No negotiated contract, either preliminary (letter contract) or definitive, will be executed until the applicable wage determinations have been obtained.

(c) *Manner of requesting determinations.* Requests for determination of wage rates will be made as follows:

(1) Requests will be forwarded in duplicate on Department of Labor Form DB-11, to the District Engineer, Corps of Engineers, having jurisdiction over military construction in the area where work is to be performed. Copies of the form may be obtained by request to the District Engineer. Include advertising and opening dates in the covering letter.

(9) In the event emergency conditions arise before receipt of the determination, the work may be advertised with a notice in the invitation that the schedule of minimum wage rates to be paid under

the contract will be published as an addendum to the specification. Under no circumstances may bids be opened until the wage rates have been furnished to all bidders.

(10) In cases of extreme urgency, requests for wage determinations may be forwarded to the District Engineer, by telephone or telegraph, and immediate steps will be taken to obtain the necessary wage rates. Reasons for requesting special or priority action must be fully explained. Such requests must include the classifications needed, cost of the work, a brief description thereof, and its location. They must be confirmed by submission of a DB-11.

7. Section 601.703 is added and §§ 606.105, 606.106, and 606.107 are revised to read as follows:

§ 601.703 *Ruling on applicability or interpretation.* Location of offices of regional directors of the Wage and Hour and Public Contracts Divisions of the Department of Labor are set forth in § 601.653.

§ 606.105 *Open-end contracts.* See Subpart K of this part.

§ 606.106 *Call type contracts.* See Subpart K of this part.

§ 606.107 *Simplified purchase procedures.* Maximum use will be made, to the extent practicable and economical, of simplified purchase procedures. Simplified purchase procedures available for use are open-end and call type contracts (Subpart K of this part), the Imprint fund, Standard Form 44, DD Form 738 and the charge account (Subpart F, Part 592 of this subchapter). Each proposed purchase and procurement program should be considered on its own merits and that means of accomplishing it which is most advantageous to the Government, price, quality and other factors considered should be used.

8. In § 606.202, add paragraphs (e) and (f) as follows:

§ 606.202 *Execution of contracts; requirements.* * * *

(e) *Presigned contracts subject to approval.* Contracts subject to the approval of higher authority as prescribed by these procedures (e. g., § 606.204-2 and § 606.204-5) or by instructions of heads of procuring activities or both, are not binding on the Government until so approved, even though signed by both parties.

(f) *Contracts subject to approval of award.* Where approval of award of a contract is required either by these procedures (e. g., § 606.204-2 and § 606.204-8) or by instructions of heads of procuring activities or both, no contract will be entered into or signed by a contracting officer until approval to award the contract has been obtained.

9. In § 606.203-4, revise paragraphs (a) (1), (2), and (3) (ii), and (b) as follows:

§ 606.203-4 *System of numbering—*
(a) *Contracts.* Contract numbers, when required, will be placed in the space provided therefor on the printed contract form, or, if no such space is pro-

vided, in the upper right corner of the contract separate from all other information. A typical example of the general scheme of numbering is illustrated below:

DA-09-200 AIII-1.

(1) The capital letters "DA" represent the Army Establishment.

(2) "09-200" represents the Station number of the contracting activity. AR 35-218 contains a list of domestic and foreign station numbers which will be used. Request for assignment of station numbers not included in the publication cited herein will be addressed to the Office, Comptroller of the Army, Attn: Accounting and Financial Policy Division.

(3) * * *

(ii) Request for assignment of letter symbols to activities not included herein will be by letter addressed to the Office, Chief of Finance, Attn: Advisory Services Division, which will secure the necessary approval from the Comptroller General of the United States.

(b) *Supplemental agreements and change orders.* Supplemental agreements and change orders will bear the same identification as the contract which is modified or amended thereby. The same series of consecutive numbers will be used for either supplemental agreements or change orders. Example: Modification No. 1—Supplemental Agreement to Contract DA 09-200-AIII-1; Modification No. 2—Change Order to Contract DA 09-200-AIII-1. This numbering system shall apply to all contracts executed on and after January 1, 1955.

10. Sections 606.203-5, 606.203-6, and 606.203-7 are revised to read as follows:

§ 606.203-5 *Determination of numbering activity*—(a) *General.* Letter symbols are a requirement of the Comptroller General of the United States to indicate the responsible procuring activity rather than appropriation changeable. Contracts which are executed under supervision of a procuring activity, regardless of the source of funds used to finance the contracts, are to be regarded and designated by numbering as that activity's responsibility.

(c) *Commanding officer acting in dual capacity.* Where the commanding officer of an installation is acting in a dual capacity as commanding officer of a class II installation and commanding officer of a class I activity, and the installation has only one station number which is assigned for the class II installation, a request may be submitted to the Office, Comptroller of the Army, Attn: Accounting and Financial Policy Division, in accordance with AR 35-218 (fiscal and disbursing station numbers), for the assignment of a station number to be used in connection with procurement relating to post activities (class I). The request must contain the correct title of the procuring activity, which title must be different from the one presently assigned. If desirable, the title may be changed by the addition of the word "Post" to the present title.

§ 606.203-6 *Delivery orders.* Section 606.203-3 is not applicable to delivery orders placed against contracts of another technical service, military department, or Federal agency, or delivery orders not in excess of \$1,000 executed on DD Form 702 or DD Form 738. Delivery orders in excess of \$1,000 shall not be numbered pursuant to the system described in § 606.203-4, but may be given such other identification as may be prescribed by the heads of procuring activities. When partial payments through unforeseen contingencies later become necessary, the total number of all payments will not exceed five, and similar action will be taken as indicated in § 592.650-5 (b) (2) of this subchapter.

§ 606.203-7 *Assignment, cancellation, or alteration of letter symbols and station numbers.* (a) The letter symbol or station number of a contract shall not be altered in any way without express approval of the Office of the Comptroller of the Army or the Chief of Finance.

(b) Requests for assignment, cancellation or alteration of station numbers shall be in accordance with AR 35-218 (fiscal and disbursing station numbers).

(c) Requests for assignment, cancellation or alteration of letter symbols should be addressed to the Office of the Chief of Finance, Attn: Advisory Services Division.

11. In § 606.204-1 revise paragraph (a) (1) (ii) to read as follows:

§ 606.204-1 *Personal or professional services.* * * *

(a) *Employment of experts or consultants by formal contract*—(1) *Statutory authority.* * * *

(ii) The annual Department of Defense Appropriation Act provides that:

During the current fiscal year the Secretary of Defense and the Secretaries of the Air Force, Army, Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 16 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: Provided, that such contracts may be renewed annually.

12. Sections 606.206 and 606.1102 (b) are revised to read as follows:

§ 606.206 *Distribution of contracts.* Contracts will not be distributed nor will information be released concerning the contract award until the contract has been properly signed by all parties and approved by higher authority if such approval is required. In the case of those contracts which require approval and such approval does not appear on the contract itself or the cover sheet, there will be attached a statement or certificate by the contracting officer that the award or the contract has been approved and the name, title, and office of the person by whom approved, together with a reference to the date thereof and/or to the administrative file con-

taining the original approval. In the case of those contracts (whether numbered or unnumbered) made as a result of formal advertising, Standard Form 1036 will be executed and attached.

§ 606.1102 *General.* * * *

(b) *Open-end type contract.* An open-end type contract is a procurement instrument under which the contractor agrees to furnish supplies or services at specified unit prices during a designated period of time when such supplies or services are ordered by the Government. It normally specifies the individuals or activities authorized to issue orders on behalf of the Government. Under such a contract, funds are obligated for individual purchases each time an actual order is placed except where the terms of the contract require acceptance of the order by the contractor. When the contract requires acceptance, funds cannot be obligated until the contractor has accepted the order. When the contract provides no limitation as to the maximum quantity which the contractor will furnish, contracting officers should not execute delivery orders for what, under the circumstances, may be unreasonable quantities. Generally, the function, purpose and use of the open-end type contract are similar to those of the call type contract. (Paragraph (a) of this section.)

[C 15, AFP, July 23, 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-7534; Filed, Sept. 16, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix C—Public Land Orders

[Public Land Order 1213]

[Misc. 1953410]

WASHINGTON

REVOKING PUBLIC LAND ORDER NO. 164 OF SEPTEMBER 6, 1943, WHICH WITHDREW PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS AERIAL GUNNERY AND BOMBING RANGES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 164 of September 6, 1943, withdrawing public lands in Washington for use of the War Department as aerial gunnery and bombing ranges, which was partially revoked by Public Land Order No. 403 of August 29, 1947, is hereby revoked so far as it affects the remaining lands withdrawn thereby, described as follows:

WILLAMETTE MICHRIAN

T. 16 N., R. 23 E.,
Sec. 14, NW $\frac{1}{4}$, NE $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 24, NW $\frac{1}{4}$.

RULES AND REGULATIONS

T. 16 N., R. 24 E.,
 Sec. 20, S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$
 SE $\frac{1}{4}$;
 Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

The areas described aggregate 1,880 acres of which 80 acres are owned by Grant County.

The NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 28, T. 16 N., R. 24 E., are non-public lands. The remaining lands are either under first form reclamation withdrawal or are withdrawn for the Columbia National Wildlife Refuge and are, therefore, not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7536; Filed, Sept. 16, 1955;
 8:46 a. m.]

[Public Land Order 1214]

[Misc. 58887]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 737 OF JULY 28, 1951, AND RESERVING PORTIONS OF RELEASED LAND FOR TOWNSITE PURPOSES

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 by section 2380 of the Revised Statutes (43 U. S. C. 711), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 737 of July 28, 1951, which withdrew the following-described land from settlement, location, sale or entry, for classification, is hereby revoked:

Beginning at a point from which the southeast corner Sec. 32, T. 17 S., R. 7 W., F. M. bears approximately S. 66° 23' W., 2,460 feet, and the northeast corner Sec. 32, T. 17 S., R. 7 W., F. M. bears approximately N. 27° 37' W., 4,870 feet, thence by metes and bounds: N. 19° 50' E., 1,820 feet; S. 89° 39' 30" E., 2,020 feet to west right-of-way line of Paxon-McKinley Park Road; S. 0° 20' 30" W., 2,370 feet along the right-of-way line; south-westerly, 350 feet along the right-of-way line on a curve to the P. O. T. of the north limit of right-of-way of the Cantwell Road; N. 70° 10' W., 2,510 feet along the north right-of-way line of the Cantwell spur of the Paxon-McKinley Park Road to point of beginning.

The area described contains 119.19 acres.

2. Subject to valid existing rights, the following-described public lands which are a portion of the lands released from withdrawal by paragraph 1 of this order, are hereby withdrawn from all forms of

appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved for townsite purposes, to be hereafter disposed of under applicable townsite laws:

TOWNSITE OF CANTWELL

U. S. Survey No. 3203 A (Boundaries).
 U. S. Survey No. 3203 B (Subdivision).

The tracts contain 114.21 acres.

The lands released from withdrawal by paragraph 1 of this order, and not otherwise withdrawn by paragraph 2, described as Lot 38, U. S. Survey No. 3229, containing 4.98 acres, are included in an allowed entry (Fairbanks 08494) and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting a preference right of application to veterans and others.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7537; Filed, Sept. 16, 1955;
 8:46 a. m.]

[Public Land Order 1215]

[Sacramento 050149]

CALIFORNIA

TRANSFERRING LANDS RESERVED BY PUBLIC LAND ORDER NO. 240 OF JULY 20, 1944, FROM DEPARTMENT OF THE INTERIOR TO DEPARTMENT OF THE ARMY FOR USE AS SCHOOL SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described tract of public land in California, which was reserved by Public Land Order No. 240 of July 20, 1944, under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war, is hereby transferred from the Department of the Interior to the Department of the Army for use as a school site as authorized by the act of September 23, 1950 (64 Stat. 967):

MOUNT DIABLO MERIDIAN

T. 26 N., R. 16 E.,
 Sec. 2, that portion of Lot 2 described as follows: Beginning at a point from which the quarter-section corner between Sections 2 and 35, Tps. 26 and 27 North, Range 16 E. bears N. 89° 37' W. 186 feet. From the initial point S. 89° 37' E. 600 feet; thence South 492 feet; thence N. 89° 37' W. 600 feet; thence North 492 feet to the point of beginning.

The tract described contains 6.78 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7538; Filed, Sept. 16, 1955;
 8:47 a. m.]

[Public Land Order 1216]

ALASKA

WITHDRAWING LANDS FOR USE OF BUREAU OF INDIAN AFFAIRS AND ALASKA ROAD COMMISSION; REVOKING EXECUTIVE ORDER OF MARCH 10, 1903, EXECUTIVE ORDER NO. 1347 OF MAY 6, 1911, AND EXECUTIVE ORDER NO. 1361 OF MAY 26, 1911; PARTLY REVOKING EXECUTIVE ORDER OF JUNE 30, 1904

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 otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a), it is ordered as follows:

Subject to valid existing rights the lands described in paragraphs 1, 2, and 3 of this order are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved as follows:

1. For use of the Bureau of Indian Affairs as school reserves:

[60507]

(a) Rampart.

Beginning at a point located 406 feet east from Corner 7 of U. S. Survey 1496; thence N. 46° 03' E., 470 feet; N. 45° 27' W., 470 feet; S. 46° 03' W., 470 feet; S. 45° 27' E., 470 feet to the point of beginning.

The area described contains approximately 5 acres.

[60634]

(b) Stevens Village.

Beginning at a point 16 feet west and 112 feet south from the southwest corner of the school building; thence East, 100 feet; North, 274 feet; West, 100 feet; South 274 feet to the point of beginning.

The area described contains 0.6 acre.

2. For use of the Alaska Road Commission for road purposes:

[Anchorage 017620]

KENAI

Beginning at corner No. 3, U. S. Survey 1435, thence by metes and bounds: S. 46° 04' W., 44.5 feet Northwesterly, 74.1 feet on an arc to the right with a radius of 308.5 feet; N. 46° 34' W., 100.0 feet; S. 46° 04' W., 10.0 feet; N. 46° 34' W., 221.0 feet; Northwesterly, 206.9 feet on an arc to the right with a radius of 348.3 feet; S. 46° 34' E., 584.0 feet to point of beginning.

The area described contains 0.69 acre.

3. For use of the Alaska Road Commission as an administrative site:

[104743]

VALDEZ TOWN SITE

Block 80, Lot 1.

4. The Executive order of March 10, 1903, reserving the following-described tract situate near the easterly shore of Valdez Bay, as a site for a Signal Station and base of supply for the Fort Lisoum-Fort Egbert military telegraph line is hereby revoked:

Beginning at a point on the northern boundary line of the present town of Valdez, situated, with respect to surrounding objects, as described in a survey of said tract

made by George E. Baldwin, U. S. Deputy Surveyor, in January, 1903; thence N. 61° 27' E., along the present northern boundary of the town of Valdez, 261 feet, to Corner No. 2; thence N. 28° 33' W., 92 feet, to Corner No. 3; thence S. 61° 27' W., 261 feet, to Corner No. 4; thence S. 28° 33' E., 92 feet, to Corner No. 1, the place of beginning. Each of said Corners is marked by a spruce post 4 x 4 inches, 24 inches long, set 18 inches in ground; the exact location of the corner being marked by a nail driven flush with top of post.

5. The Executive order of June 30, 1904, so far as it reserved for military purposes a tract of land situate near the easterly shore of Valdez Bay, at the northwest corner of McKinley Street extended and Reservation Avenue extended, in the town of Valdez, being a rectangular tract of land fronting 182 feet on Reservation Avenue extended and 75 feet on McKinley Street extended, is hereby revoked.

6. Executive Order No. 1347 of May 6, 1911, withdrawing the following-described lands in lots 26 to 32 inclusive, Block 80 of the town site of Valdez, for a cable-landing reservation in connection with the operation and maintenance of the United States military telegraph and cable lines in Alaska, is hereby revoked:

Beginning at a point on the southwesterly side of Cable Reservation No. 2, as shown on blueprint of a map prepared by Captain B. O. Lenoir, Signal Corps, U. S. Army, February 25, 1911;—said point being 50' 2.88" from the junction of said southwest side with Reservation Avenue, and 25' from the west corner of said Cable Reservation No. 2; thence in a straight line to a point on the northeast side of the old VonGunther building, now occupied by Chas. Crawford as a planing mill, 63' 6" from its junction with the dock; and 25' from the north corner of the extension appended to the rear of the planing mill; thence directly to extreme low tide in a line parallel with the dock and distant therefrom 75'; thence along the edge of extreme low water, 90°, to a point 75' distant; thence 90° returning parallel with the dock, at a distance therefrom of 150', to a point 50' from the west corner of Crawford's planing mill, and in prolongation of the southwest side of this planing mill (said point being 138' 6" from the junction of the southwest side of this building with the dock; said west corner of building includes the extension on rear of building and as the extension would exist if continued uniformly across the rear of building); thence in a straight line to the west corner of Cable Reservation No. 2; thence along the southwest side of Cable Reservation No. 2 to the place or point of beginning. Said Cable Landing Reservation being 25' wide at its northeast end which abuts on Cable Reservation No. 2. The south boundary of Cable Landing Reservation crosses the southwest line of Front Street, 77' 2" from the junction of the southwest line of Front Street with the dock. The north boundary of Cable Landing Reservation crosses the southwest line of Front Street 48' 3" distant from the crossing of the south boundary. The width of the Cable Landing Reservation at this point is 48' 3". The width of the Cable Landing Reservation at, and from the southwest side of the old VonGunther building or Crawford's planing mill and its prolongation to extreme low water being 75', and parallel to the dock. Its southeast or nearest side being distant from the dock 75'.

7. Executive Order No. 1361 of May 26, 1911, placing the following-described tract of land, which is a portion of the

No. 182—3

land described in paragraph 5 of this order, under control of the Secretary of the Interior for disposition under the provisions of the act of July 5, 1934 (23 Stat. 103), or as might otherwise be provided by law, with a view to incorporating the same in the street system of the town of Valdez, is hereby revoked:

Beginning on the northwesterly side of Reservation Avenue, at a point 137' 7.92" from the southwesterly side of McKinley street; thence N 28° 33' W. parallel with the southwesterly side of said McKinley street, 75' 2.88" to the northwesterly side of the said reservation; thence S 61° 27' W, 44' 6" to the westerly corner of the said reservation; thence S 28° 33' E, with the southwesterly side of the reservation to Reservation Avenue; thence with Reservation Avenue N 61° 27' E, 44' 6" to the point of beginning.

The lands described in paragraph 4, 5, 6 and 7 of this order are within the boundaries of Valdez Town Site, and so far as not re-withdrawn by paragraph 2 of this order, will be subject to disposal only under applicable town site laws.

8. The withdrawal made by paragraph 2 of this order shall take precedence over but not otherwise affect Executive Order No. 8739 of April 21, 1941, reserving lands for the use of the Alaska Game Commission as a headquarters site in connection with the administration of Alaska game laws.

FRED G. AARDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7539; Filed, Sept. 16, 1955;
8:47 a. m.]

[Public Land Order 1217]

MONTANA

RESERVING PUBLIC LANDS FOR USE IN CONNECTION WITH PHILIPSBURG ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and to existing withdrawals for power purposes, the following-described public lands in Granite County, Montana, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, except for oil and gas, provided that no part of the surface of the lands shall be used in connection with prospecting, mining and removal of the oil and gas, and reserved for use by the Forest Service, Department of Agriculture, in connection with the Philipsburg Administrative Site:

PRINCIPAL MERIDIAN

T. 7 N., R. 13 W.,
Sec. 31, all, exclusive of patented mineral claims, unsurveyed.
T. 7 N., R. 14 W.,
Sec. 36, lots, 1, 3, 4, 5, 6, 7, and 8.

The areas described aggregate 168.01 acres.

FRED G. AARDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7540; Filed, Sept. 16, 1955;
8:47 a. m.]

[Public Land Order 1218]

NEW MEXICO

RESERVING LANDS WITHIN GILA AND APACHE NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (39 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Gila and Apache National Forests in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites:

NEW MEXICO PRINCIPAL MERIDIAN

GILA NATIONAL FOREST

Walnut Creek Administrative Site

T. 17 S., R. 14 W.,
Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 240 acres.

APACHE NATIONAL FOREST

Reserve Administrative Site

T. 7 S., R. 19 W.,
Sec. 11, lots 8, 9, 16.

The areas described aggregate 109.55 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AARDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7541; Filed, Sept. 16, 1955;
8:47 a. m.]

[Public Land Order 1219]

[Utah 03124]

UTAH

WITHDRAWING PUBLIC LANDS CONTAINING MATERIALS IN ADDITION TO THOSE WITHDRAWN BY PUBLIC LAND ORDER NO. 1187 OF JULY 11, 1955

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn, in addition to those withdrawn by Public Land Order No. 1187 of July 11, 1955, from all forms of appropriation and disposal under the public-land laws, including the mining and mineral leasing laws, excepting disposals of materials under the act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185-1187), and reserved under jurisdiction of the Secretary of the Interior:

SALT LAKE MERIDIAN

T. 6 N., R. 5 W.,
Sec. 7, NW $\frac{1}{4}$;
Sec. 19, NW $\frac{1}{4}$.

RULES AND REGULATIONS

T. 6 N., R. 6 W.,
Sec. 12, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 450.89 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.
SEPTEMBER 13, 1955.

[F. R. Doc. 55-7542; Filed, Sept. 16, 1955;
8:48 a. m.]

[Public Land Order 1220]

[Colorado 09006]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF
DEPARTMENT OF THE AIR FORCE IN CON-
NECTION WITH AIR FORCE ACADEMY

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Air Force in connection with the Air Force Academy as authorized by the act of April 1, 1954 (68 Stat. 47):

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 67 W.,
Sec. 31.

T. 12 S., R. 67 W.,
Secs. 6, 7, 18;

Sec. 19, lots 1, 2, 3, 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 30 and 31.

The areas described aggregate 4,337.51 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7543; Filed, Sept. 16, 1955;
8:48 a. m.]

[Public Land Order 1221]

[BLM 040204]

MICHIGAN

WITHDRAWING PUBLIC LANDS FOR USE OF
DEPARTMENT OF THE AIR FORCE FOR MILITARY
PURPOSES IN CONNECTION WITH
K. I. SAWYER AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Michigan are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws and reserved for the use of the Department of the Air Force for military purposes in connection with K. I. Sawyer Air Force Base:

MICHIGAN MERIDIAN

T. 46 N., R. 25 W.,
Sec. 36, NE $\frac{1}{4}$.

The area described aggregates 160 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7544; Filed, Sept. 16, 1955;
8:48 a. m.]

[Public Land Order 1222]

[Misc. 67394]

ALASKA

EXCLUDING CERTAIN LANDS FROM TONGASS
NATIONAL FOREST; RESERVING PORTIONS OF
LANDS FOR PURCHASE AS HOMESITES OR AS
TRADE AND MANUFACTURING SITES

By virtue of the authority vested in the President by Section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The following-described area in Alaska is hereby excluded from the Tongass National Forest, and the boundaries of the said forest are modified accordingly:

Beginning at M. C. No. 1, U. S. Survey No. 2827 on the northwest tip of Prince of Wales Island, latitude 56°21'22" N., longitude 133°36'30" W., thence, S. 41°00' E., 2.28 chains; S. 18°00' W., 1.10 chains; S. 65°00' E., 3.10 chains; N. 89°00' E., 6.20 chains; S. 35°00' E., 0.78 chains; S. 34°30' W., 31.50 chains to a point from which corner No. 4, U. S. Survey 2827 bears West, 7.42 chains; S. 56°30' W., 59.70 chains to a point on line of mean high tide; Northerly and northeasterly, 90.00 chains, approximately along line of mean high tide to point of beginning.

And including Joe Mace Island, Baker Island, and all islands located between these islands and the mainland of Prince of Wales Island.

The tracts described aggregate approximately 281 acres.

2. Effective at 10:00 a. m. on the 35th day after the date of this order, any of the above-described land which is occupied by holders of permits from the Department of Agriculture, who own valuable improvements on the land, is hereby restored, subject to valid existing rights, for purchase as homesites, headquarters sites, or trade and manufacturing sites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461).

3. The status of the public lands described in paragraph 1 and not occupied as provided in paragraph 2 of this order, shall not be changed until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one day preference-right period for filing such applications by veterans of World War II, the Korean Conflict, and others entitled to preference, or providing for disposal of the lands under the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48

U. S. C. 634a et seq.), or the Recreation Act of June 14, 1926 (44 Stat. 741) as amended by the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869).

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[F. R. Doc. 55-7545; Filed, Sept. 16, 1955;
8:48 a. m.]

[Public Land Order 1223]

COLORADO AND UTAH

PARTIALLY REVOKING PUBLIC LAND ORDERS
NOS. 459, 494 AND 745, WHICH RESERVED
PUBLIC LANDS AND MINERALS IN PATENTED
LANDS FOR USE OF ATOMIC ENERGY COM-
MISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Orders No. 459 of March 25, 1948, No. 494 of July 7, 1948, and No. 745 of August 22, 1951, withdrawing public lands and reserved minerals in patented lands for use of the United States Atomic Energy Commission, are hereby revoked so far as they affect the following-described lands:

In Public Land Order No. 459:

[28706]

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

T. 43 N., R. 18 W.,
Sec. 28, S $\frac{1}{2}$;
Sec. 31, NW $\frac{1}{4}$.

T. 43 N., R. 19 W.,
Sec. 20, NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$.

The areas described aggregate 920 acres of public lands and 160 acres of patented lands, the NW $\frac{1}{4}$ sec. 31 having been patented with no reservation of minerals.

In Public Land Order No. 494:

[38753]

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

T. 50 N., R. 17 W.,
Sec. 29, S $\frac{1}{2}$;
Sec. 32, E $\frac{1}{2}$.

T. 50 N., R. 18 W.,
Sec. 13, NW $\frac{1}{4}$.

T. 51 N., R. 18 W.,
Secs. 20, 29, and 31.

The areas described aggregate 2,720 acres.

In Public Land Order No. 745:

[38753]

UTAH

SALT LAKE MERIDIAN

T. 22 S., R. 22 E.,
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.

T. 22 S., R. 23 E.,
Secs. 19 and 20;
Secs. 27 to 36, inclusive.

T. 23 S., R. 21 E.,
Secs. 8 to 12, inclusive;
Sec. 15.

T. 23 S., R. 22 E.,
Secs. 1 to 8, inclusive.

T. 23 S., R. 23 E.,
Secs. 1 to 6, inclusive.

The areas described aggregate 27,679.97 acres of public lands and 143.91 of patented lands, the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 19 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 31 having been patented without reservation of minerals.

2. The lands covered by Public Land Order No. 459 are $\frac{3}{4}$ miles northeast of Egnar, Colorado. The lands covered by Public Land Order No. 494 are a few miles east and southeast of Gateway, Colorado. The lands are all of a rough and mountainous character, with sagebrush, pinon, and juniper trees and a generally sparse understory of grasses and desert-like plants. The lands are not suitable for crop production because of steep slopes and shallow rocky soils. They are within Colorado Grazing District No. 4. The lands embraced in Public Land Order No. 745 lie adjacent to the north and east borders of the Arches National Monument and north of the Colorado River. They are managed as part of Utah Grazing District No. 9 and are valuable for grazing.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights, the provisions of any existing withdrawals, and to the requirements of applicable law, the lands released from withdrawal by this order are hereby opened to filing of applications, selec-

tions, and locations in accordance with the following:

(a) Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, presented prior to 10:00 a. m. on October 19, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 13, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under subparagraphs (1) and (2) above, and applications and offers under the min-

eral-leasing laws, presented prior to 10:00 a. m. on January 13, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The vacant public lands described in paragraph 2, and the reserved minerals in the patented lands described in paragraph 3 will be open to location under the United States mining laws, beginning at 10:00 a. m. on January 13, 1956. Mining locations made prior to that time are invalid.

5. Persons claiming veterans' preference rights under paragraph 4 (a) (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado, as to the lands in the State of Colorado, and to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah, as to the lands in the State of Utah.

FRED G. AARDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 13, 1955.

[P. R. Doc. 55-7529; Filed, Sept. 16, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 978 I]

[Docket No. AO-184-A12]

HANDLING OF MILK IN NASHVILLE, TENNESSEE MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to 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 in the Davidson County Court House, Nashville, Tennessee, beginning at 10:00 a. m., September 22, 1955, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement hereto-

fore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area (7 CFR 978 et seq.). The proposed amendments have not received the approval of the Secretary of Agriculture.

The amendments to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, milk marketing area were proposed by the Nashville Milk Producers, Inc., and handlers regulated by the Nashville, Tennessee Milk Marketing Order.

Proposed by Nashville Milk Producers, Inc., as follows:

1. Amend §§ 978.50 and 978.51 so as to substantially increase the annual Class I price, and particularly consider amending § 978.51 (c) on an emergency basis to provide a Class I differential of \$1.70, October 1955 through February 1956.

2. Amend § 978.50 (d) (a) to provide for computing the price of milk during the months of March through August, inclusive, so that the excess price will not be higher than the base price.

Proposed by Handlers Regulated by the Nashville, Tennessee, Milk Marketing Order:

3. Amend § 978.8 *Fluid milk; plant* by deleting paragraph (b) and paragraph (c) thereof.

4. Amend § 978.72 to provide that in no event shall the uniform price for excess milk exceed the uniform price for base milk.

5. Amend § 978.15 by deleting the words "March through August", and replacing with the words "March through July".

Amend § 978.16 by deleting the words "March through August", and replacing with the words "March through July".

Amend § 978.71 by deleting the words "September through February", and replacing with the words "August through February".

Amend § 978.72 by deleting the words "March through August", and replacing with the words "March through July".

Amend § 978.81 (b) by deleting the words "September through February", and replacing with the words "August through February"; and by deleting the

FINDINGS OF FACT¹

CANNED PINEAPPLE; IDENTITY

words "March through August", and replacing with the words "March through July".

6. Amend § 978.51 by deleting the present paragraph (b), and replacing with a new paragraph (b):

(b) The Class II price shall be the price determined pursuant to § 978.50 (c).

7. Amend § 978.80 and § 978.81 by deleting the present provisions for the payment of producers by the market administrator, and substituting therefor provisions that the producer be paid by the handler who received the milk from such producer; and make conforming changes in the order otherwise.

Proposed by the Dairy Division, Agricultural Marketing Service:

8. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, Presbyterian Building, Room 101, 152-4th Avenue, North, Nashville 3, Tennessee, or from the Hearing Clerk, Room 1371, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: September 15, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-7571; Filed, Sept. 16, 1955;
8:55 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

[Docket No. FDC-56]

CANNED PINEAPPLE AND CANNED PINEAPPLE JUICE; DEFINITIONS AND STANDARDS OF IDENTITY, STANDARDS OF QUALITY, AND STANDARDS OF FILL OF CONTAINER

NOTICE OF PROPOSED RULE MAKING

In the matter of fixing and establishing definitions and standards of identity, standards of quality, and standards of fill of container for canned pineapple and canned pineapple juice:

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371; 67 Stat. 18) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on August 29, 1951 (16 F. R. 8743), and upon consideration of proposed findings of fact filed by interested parties, which are adopted in part and rejected in part, as is apparent from the detailed findings made below, it is proposed that the following order be made:

1. The foods canned pineapple and canned pineapple juice are prepared from mature fruits of the pineapple plant. Each pineapple fruit has a thick, tough outer layer called the shell covering a fleshy body in which there is a fibrous, highly vascular central axis called the core. In preparing the fruits for canning, the shells are removed; the tops and bottoms are sliced off; and the fruits are cored. Pineapple fruits so prepared are called peeled, cored fruit cylinders. (R. 41, 70, 72-74, 297, 398, 400; Ex. 10, 11, 14)

2. Peeled, cored pineapple fruits are cut into various forms of units for canning. These forms of units are slices, half slices, broken slices, tidbits, chunks, cubes, spears, and shredded or finely cut pieces. Each form of unit is packed in containers with a liquid packing medium. In preparing the form of unit that is shredded or finely cut and which when canned is called crushed pineapple, a considerable amount of pineapple juice is produced along with the small pieces of pineapple flesh, and by exercising control to drain away only the proper amount of the liberated juice this form of unit is sometimes packed in containers without using any added liquid packing medium. The food is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage. (R. 22-25, 70, 75, 79-81, 93, 120-121, 133, 141-143, 167, 175-176, 192, 349, 401; Ex. 3-5, 9, 14)

3. Pineapple slices are prepared from peeled, cored fruit cylinders by cutting circular slices across the core axis of each cylinder. Half slices are prepared from slices by cutting the slices into semi-circular halves. These units generally vary somewhat from precise halves of the slices from which they are cut, and it is reasonable to regard units that are approximately halves as half slices. It is the general practice in the pineapple canning industry to pack slices and half slices in a regular arrangement in containers. In the improbable event that some packers should resort to jumble packing of slices or half slices the random arrangement of the units would inefficiently utilize the space in the containers and would increase the chances that units would be broken or mashed. The detrimental effects of jumble packing of slices or half slices probably would be sufficient to require substandard labeling under the standards of fill of container and quality, and thus consumers would be protected against the abuses of jumble packing of slices and half slices. Canned pineapple, if prepared from slices, is named on the label by the word "pineapple" preceded or followed by the word "sliced" or "slices" and, if prepared from half slices, is named on the label by the word "pineapple" preceded or followed by the words "half sliced" or "half slices." (R.

¹The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

22, 70-71, 75-76, 82-83, 99-101, 110-111, 116-119, 272)

4. In the preparation and handling of sliced pineapple, some slices are broken into arc-shaped units which are not uniform in size and shape. Such broken units may be used in preparing crushed pineapple and pineapple juice. However, broken slices which range in size from one-quarter to three-quarters of whole slices are also packed in containers, usually No. 10 cans, and named on the label by the word "pineapple" preceded or followed by the words "broken sliced" or "broken slices." Because of the irregular shape of the units, it is the general practice to pack broken slices random fashion in containers. (R. 22, 71, 76-77, 79, 83-84, 100-102, 313; Ex. 14, 40, 41)

5. Pineapple tidbits are small sectors cut from slices that are predominantly $\frac{5}{16}$ - to $\frac{1}{2}$ -inch thick. It is the practice to set the knives so that six or more sectors are cut from each whole slice, and to so cut the slices that for any given pack the sectors are reasonably uniform in size and shape. Canned pineapple prepared from this form of unit is named on the label by the word "pineapple" preceded or followed by the word "tidbits." (R. 22-23, 71, 77, 84-88, 102, 106; Ex. 15)

6. Pineapple chunks are thick, short pieces generally larger than tidbits. Chunks are cut either from thick slices or directly from peeled, cored fruit without first slicing the fruit. When chunks are prepared from slices it is the practice to cut the fruit cylinders into slices that are predominantly more than $\frac{1}{2}$ -inch thick, and these thick slices are further cut into units that may or may not be symmetrical or uniform in shape and size but which are predominantly wider than $\frac{5}{16}$ -inch and not longer than $1\frac{1}{2}$ inches along any edge. These limits as to shape and size are followed when chunks are cut directly, without first slicing the fruit. Canned pineapple prepared from this form of unit is named on the label by the word "pineapple" preceded or followed by the word "chunks." (R. 23-24, 71, 77-78, 88-90, 102-104; Ex. 16, 17)

7. Pineapple cubes are small, cube-shaped units cut from slices or directly from peeled, cored fruit. The knives for cutting cubes are set to cut the units to not more than $\frac{5}{16}$ -inch in any dimension, but an occasional unit with the longest dimension in excess of $\frac{5}{16}$ -inch is produced. Canned pineapple prepared from this form of unit is named on the label by the word "pineapple" preceded or followed by the word "cubes" or "diced." (R. 23, 71, 77-78, 90-91, 104-107, 112; Ex. 18)

8. Long, slender pieces of pineapple cut from peeled, cored fruit cylinders have been called "spears" in Hawaii and "fingers" in Puerto Rico. Such units are cut to be not less than $2\frac{1}{2}$ inches long. The cutting is so performed that the long axis of each spear parallels the core axis of the fruit cylinder and each spear is cut to be not larger than one-sixth of the cylinder. Canned pineapple prepared from this form of unit is named on the label by the word "pineapple" preceded

or followed by the word "spears" or "fingers." (R. 24, 71, 78, 91-92, 105, 112, 251, 397-398; Ex. 19)

9. Crushed pineapple is prepared by shredding or cutting the flesh of the pineapple fruit into very small pieces. Some crushed pineapple is made from whole, peeled cored pineapples; some is made from units sorted out in packing slices and other forms of units; and some is made from the pineapple flesh which adheres inside the shells peeled from the pineapple. Canned pineapple prepared from this form of unit is named on the label as "crushed pineapple" or as "pineapple crushed." (R. 23, 71, 74, 77, 79, 93-96, 105-106, 127, 140, 192, 313, 399; Ex. 14)

10. In preparing crushed pineapple a substantial quantity of pineapple juice, the amount varying somewhat with the condition of the fruit, is liberated and accumulates with the small pieces of pineapple flesh. It is the practice to draw off part of this juice so that the percentage of material obtainable by draining (see finding 17) is increased, generally to not less than 63 percent of the finished product. Some packers closely control the drainage and stop drawing off juice at the point that will produce a finished product coming within the desired range of drained material. Other packers draw off an excess of juice and then add back juice to the point that will produce the desired range of drained material. In case the crushed pineapple is to be sweetened, a dry sweetening ingredient or a sirup is added. The evidence fails to show that it would be in the interest of consumers for packers to add back water. (R. 74, 79, 93, 95, 113, 120-121, 141-143, 167-168, 175-176, 189, 256, 317, 400-401, 403; Ex. 14)

11. The liquid packing media referred to in finding 2 are water, pineapple juice, clarified juice, light sirup, heavy sirup, and extra-heavy sirup. The packing medium used in canned pineapple is a matter of significance to consumers, and it is in their interest to provide that the labels of canned pineapple shall bear the name of the optional packing medium used, preceded or followed by the word "in" or the words "packed in." (R. 125-127, 135, 142-145, 147-148, 235; Ex. 5)

12. Pineapple juice used as a packing medium is the same as that which, when separately sealed in containers and heat-processed to prevent spoilage, is canned unsweetened pineapple juice (see finding 70). In the case of crushed pineapple it is reasonable to consider the juice liberated in shredding and cutting the fruit to be pineapple juice, without regard to whether it is or is not drained from the crushed pineapple. (R. 74-75, 80, 126, 128, 132, 141-142, 398; Ex. 14, 22)

13. Pineapple juice is not a clear liquid; it contains finely divided insoluble solids (see finding 71). A modified form of juice used as a packing medium in canned pineapple is prepared by clarifying the free-flowing liquid that is recovered from cutting the various forms of units or that is extracted from pineapple shells or from pineapple flesh or cores. Before being used as a packing

medium, this liquid is clarified. It is also sometimes further refined by passing it over ion-exchange resins or by neutralizing part of the acid with lime and filtering out the precipitate, and it is sometimes concentrated by evaporation. Besides differing from pineapple juice in appearance, such clarified liquid differs in taste. Pineapple juice has a more pronounced flavor, contributed to it by the insoluble solids present. For the purpose of label declaration of the optional packing medium used in canned pineapple, it is in the consumers' interest for labels unambiguously to differentiate between the use of pineapple juice as a packing medium and the use of clarified juice from canning pineapple as a packing medium. It was suggested in the record that these two packing media be differentiated by using for the packs with pineapple juice the label declaration "packed in pineapple juice" and by using for the packs with clarified juice the label declaration "packed in juice." However, it has been customary to label products packed either in pineapple juice or in clarified juice as "packed in juice," and it is not evident that consumers will construe the declaration "packed in juice" to mean something different from "packed in pineapple juice." It is reasonable to provide that the use of clarified juice as a packing medium be declared on the label by the statement "packed in clarified juice." (R. 21, 74, 80-81, 124, 126-128, 130-134, 145, 147, 170-172, 181, 185-193, 400, 404, 409-410; Ex. 3, 5, 14, 22, 235, 236, 251, 252)

14. The packing media most used in canning pineapple are the sirups classified by density as light sirup, heavy sirup, or extra-heavy sirup. Sirups are made from a liquid ingredient and a sweetening ingredient. The liquid ingredients are water, pineapple juice, and clarified juice from canning pineapple. The differentiation of light sirup, heavy sirup, and extra-heavy sirup is based on the density of the cut-out sirup 15 days or longer after canning and is measured with Brix hydrometer by the method specified in the book "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, on page 494, under the heading "Solids—By Means of Spindle—Official" (Eighth Edition, page 533). When the Brix measurement, so determined, is 14° or more but less than 18°, the sirup is considered to be light; when it is 18° or more but less than 22°, the sirup is considered to be heavy; and when it is 22° or more but not more than 35°, the sirup is considered to be extra heavy. (R. 114-115, 134-135, 169, 174, 247, 406; Ex. 23, 25-34)

15. One of the purposes for collecting, refining, and concentrating clarified juice is to recover the reducing sugars and sucrose which it contains. Generally, additional sugar is added to the concentrated, clarified juice to prepare one or another of the packing media that meet the Brix measurement ranges set out in finding 14 for light, heavy, or extra-heavy sirup. However, the clarified juice can be sufficiently concentrated, without adding sugar, so that its density is increased to such a degree that when used as a packing medium the Brix measurement of the cut-out liquid

drained from the product 15 days or more after canning will correspond to one of the sirups; and in this case, for the purposes of label declaration of the packing medium, such concentrated, clarified juice is considered to be light sirup, heavy sirup, or extra-heavy sirup, depending on the density of the cut-out liquid. (R. 132, 134-135, 189)

16. The sweetening ingredients that have been generally used in canned pineapple are refined sugar (sucrose) and invert sugar sirup. Other sweetening ingredients that have been tried experimentally and used to a limited extent commercially are dextrose, corn sirup, and dried corn sirup. Glucose sirup differs from corn sirup in the source of the edible starch from which it is made but it does not differ significantly from corn sirup in its sweetening characteristics. Taste tests made on packs of canned pineapple in which dextrose, corn sirup, and dried corn sirup were used in preparing the sirup packing medium indicated that, when these sweetening ingredients replaced somewhat less than half the sugar on a solids basis, the canned pineapple was not distinguishable in taste from control packs in which sugar was the only sweetening ingredient used in the packing medium. One canner testified that for the past 4 years he has used one-fourth dextrose to three-fourths sugar in making sirups for his canned pineapple, and that recently he had also used one-third dextrose to two-thirds sugar and one-fourth corn sirup to three-fourths sugar, all on a solids basis, in making up sirups for commercial packs of canned pineapple. He reported that a panel from the plant staff found these packs satisfactory and they were distributed in regular trade channels.

Notice is taken that definitions and standards of identity for other canned fruits have recognized limited use of dextrose, corn sirup, and dried corn sirup in combination with sugar (including invert sugar sirup) as optional sweetening ingredients for packing media, and that definitions and standards of identity for fruit butters, jellies, and preserves have, in addition to the foregoing sweetening ingredients, recognized the use of glucose sirup on the same basis as corn sirup. In the definitions and standards of identity for fruit butters, jellies, and preserves, the meaning of each of the terms "invert sugar sirup," "dextrose," "corn sirup," "dried corn sirup," and "glucose sirup" is set out. (21 CFR and 1954 Supp., §§ 27.0, 27.10, 27.20, 27.30, 27.40, 29.1, 29.2, and 29.3). It is reasonable to provide that the optional sweetening ingredients for use in preparing sirups for packing media for canned pineapple or for adding directly to crushed pineapple shall be any one of the following: (1) Sugar; (2) invert sugar sirup; (3) any mixture of the sweetening ingredients named in (1) and (2); (4) the sweetening ingredients named in (1) or (2) or (3) with dextrose, provided that the weight of the solids of dextrose does not exceed one-third of the total weight of the solids of the combined sweetening ingredients; (5) The sweetening ingredients named in (1) or (2) or (3) with corn sirup or with dried corn sirup or with

glucose sirup or with dried glucose sirup, or with any two or more of these, provided that the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup, or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined sweetening ingredients; or (6) any mixture of (4) and (5). (R. 142, 146, 151-160, 169, 196, 198-210, 217-223, 224, 235-238, 247; Ex. 35, 35A)

17. In the canning of crushed pineapple, control is exercised over the ratio of the free-draining liquid to the pieces of pineapple flesh. Some packs are so prepared that when the finished product is drained by the method specified in finding 60, the drained material amounts to not less than 78 percent by weight. For such packs the name "crushed pineapple" has often been supplemented by the designation "solid pack." Other packs of crushed pineapple are so prepared that the drained material of the finished product falls within the range of not less than 73 percent but less than 78 percent by weight. For such packs the name "crushed pineapple" has in some instances been supplemented by the designation "heavy pack."

Crushed pineapple canned with pineapple juice and without any sweetening ingredient is sometimes labeled "unsweetened," as an alternative to the label statement "packed in pineapple juice." Similar alternative label statements to indicate the range of sweetness of crushed pineapple packed with sirup packing media made of sugar and pineapple juice are "lightly sweetened" (when the cut-out drained liquid meets the Brix measurement range for light sirup), "heavily sweetened" (when the cut-out drained liquid meets the Brix measurement range for heavy sirup), and "extra heavily sweetened" (when the cut-out drained liquid meets the Brix measurement range for extra-heavy sirup). (R. 21, 94-97, 105-106, 120, 127, 141-142, 144-147, 241-243, 255; Ex. 3, 20, 21, 33, 114, 114A, 114B)

18. There was testimony proposing that the definitions and standards of identity should require that the Brix measurements on liquid drained from canned pineapple, 15 days or longer after packing, be averaged for enough cans to allow for all natural variations in the fruit but no practical basis was established for ascertaining how many cans this would require. Other testimony proposed that the definitions and standards of identity should require that the drained weight of crushed pineapple in cans having drained weights of less than 100 ounces should be averaged for enough cans to yield an aggregate drained weight of 100 ounces or more. The evidence does not establish that adding to the definitions and standards of identity of canned pineapple these proposed requirements for averaging Brix measurements or for averaging drained weights would promote the interests of consumers. (R. 97-99, 114, 138-139, 182-183)

19. It is reasonable to provide that on labels of canned pineapple, wherever the

name of the food conspicuously appears, the label declaration showing the optional ingredients used shall also be conspicuously displayed, without intervening written, printed, or graphic matter, except that the adjectival designation of the State, Territory, or possession of the United States or of the foreign country in which the pineapples were grown may intervene. (R. 176-177)

20. A number of preserved fruit and sirup products for use by soda fountains, ice cream manufacturers, bakers, and confectioners contain pineapple as a characterizing ingredient. These various products are generically designated as "pineapple toppings." They are usually more highly sweetened and have a lower proportion of pineapple than the products canned and distributed by pineapple-packing plants as canned pineapple. The pineapple-topping products are generally prepared by manufacturers who make various other preserved fruit and fountain sirup products. In reprocessing, additional sugar is added, and other ingredients, such as sodium benzoate (as a chemical preservative) and citric acid are often added. Sometimes artificial color and flavor are added. As a rule, pineapple toppings are distributed through different trade channels than those through which canned pineapple is distributed. In many instances the sweetened pineapple-topping products are sold under names that are also used to designate the canned pineapple products described in previous findings. Testimony was given by several manufacturers of pineapple products prepared for use at soda fountains, and in frozen desserts, baked goods, and confections. This testimony showed that these manufacturers considered their pineapple products to have identities different from the canned pineapple products for which standards were proposed. The evidence tends to confirm this, although there is no evidence from purchasers who may use the canned pineapple as packed in Hawaii or Puerto Rico as well as the reprocessed products generally classed as toppings. From the evidence it is concluded that the standards proposed for canned pineapple should not be broadened to include the reprocessed toppings as described in the record. Whether the use of acidifying agents, preservatives, artificial coloring, and artificial flavoring in toppings promotes honesty and fair dealing in the interest of the final consumers of the products containing them or causes the products to be adulterated under some of the general provisions of the Federal Food, Drug, and Cosmetic Act cannot be determined from the evidence of this record. No proposal was made in the notice of hearing or during the course of the hearing to adopt separate standards for pineapple toppings. The adoption of definitions and standards of identity for canned pineapple, as proposed herein, will not preclude the manufacture and distribution of heavily sweetened pineapple products clearly labeled to differentiate them from the standardized articles. (R. 20-25, 91, 93-96, 243-245, 250-252, 263, 297, 447-454, 457-468, 470-482, 484-497; Ex. 122, 256-271)

CANNED PINEAPPLE; QUALITY

21. The size of the individual unit of canned pineapple is considered a factor of quality by the Hawaiian pineapple industry in the case of slices, half slices, broken slices, cubes, and chunks. (R. 260, 295)

22. The sizes of slices and half slices of canned pineapple packed in Hawaii vary somewhat in diameter, depending on the size of the can in which they are packed. It was proposed that slices and half slices having a diameter slightly less than the diameter of slices packed in the No. 1 tall can be considered substandard in quality. Subsequent to the hearing at which this proposal was made, it has come to the attention of this Department that a variety of pineapple grown in South Africa and canned to some extent there does not normally attain a size such that slices having the minimum diameter proposed could be cut from it. There is no evidence that such canned sliced pineapple, if cut into slices to properly fill the cans used, would be considered of low quality by consumers because of the diameter of the slices. (R. 73, 75, 76, 261, 316, 326)

23. The core hole in slices of canned pineapple varies somewhat in diameter. Too small a hole might leave undesirable core material, but this condition will be regulated by the limit on core material (see findings 51, 52, and 53). Too large a hole is undoubtedly objectionable. An upper limit on the diameter of hole for larger slices is not, however, a suitable maximum limit for small slices. A fill of container standard should serve to prevent abuses in this connection.

24. The thickness of slices has also been considered a quality factor in Hawaii, but the proposals made are based only on trade practice in the Hawaiian industry and there does not appear to be any abuse in this connection now in need of correction.

25. In the case of broken slices, uniformity of size is of considerable importance. It is customary in Hawaii to pack broken slices in large containers so that not more than 5 percent by weight of pieces have a thickness of less than $\frac{1}{16}$ -inch or of more than 1 inch; not more than 5 percent by weight of pieces are of less than $\frac{3}{4}$ -inch in width measured from outside edge to inner edge; and not more than 10 percent by weight of pieces have an arc of less than 90° (one-fourth slice). Such limits in a standard of quality should impose no unreasonable difficulties on packers in other areas than Hawaii. (R. 266, 267, 268)

26. The larger tolerance for pieces smaller than one-fourth slice is necessary because of the fragile nature of broken slices of canned pineapple and their tendency to break into smaller pieces during the canning process. (R. 268)

27. There was testimony in favor of limiting to 10 percent by weight the broken slices larger than three-fourths of a slice, i. e., having an arc greater than 270°; but this would in effect regard such large broken slices as being far more objectionable in a can of broken slices than those smaller than one-

fourth slice. There was no testimony that such is the case. (R. 266; Ex. 40)

28. It is customary and reasonable to regulate the size of cubes or diced pineapple by permitting not more than 15 percent of the drained weight of the contents of the container to consist of cubes weighing more than $\frac{3}{32}$ -ounce each. (R. 274)

29. A customary and reasonable limitation on the minimum size of cubes or diced pineapple would permit not more than 10 percent by weight of the units in the container to be of such size that they pass through the meshes of a sieve the openings of which are $\frac{5}{16}$ -inch square. Such a sieve is described in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. (R. 295, 296)

30. Similarly, it is customary and reasonable to limit to not more than 15 percent of the drained weight of the contents of the container the weight of chunks weighing less than $\frac{3}{16}$ -ounce each. (R. 273; Ex. 52, 53, 57, 123)

31. Uniformity of size is considered a factor of quality in canned pineapple slices, half slices, broken slices, spears, and tidbits. (R. 260, 265, 263, 269, 320)

32. Slices and spears are considered reasonably uniform in size if the weight of the largest unit in the container is not more than 1.4 times that of the smallest. (R. 269, 272, 327; Ex. 42-46, 111)

33. Half slices are considered reasonably uniform in size if the weight of the largest unit in the container is not more than 1.75 times the weight of the smallest. In making such a comparison it is reasonable to disregard a piece smaller than a half slice that is present in the can as a result of the breaking of an occasional half slice after packing. (R. 270, 272, 328; Ex. 47-51, 112)

34. The size of broken slices is considered reasonably uniform if, in addition to complying with the limits on size set forth in finding 25, not more than 5 percent of the drained weight of the contents of the can consists of broken slices having an outside diameter differing by as much as $\frac{3}{8}$ -inch from those present in the container in the greatest proportion by weight. (R. 267)

35. Tidbits are considered reasonably uniform in size if not more than 15 percent by weight of the drained tidbits consists of units each of which weighs less than three-fourths as much as a normal untrimmed tidbit in the container. The weight of a normal untrimmed tidbit is construed as the average weight of untrimmed tidbits in the container. (R. 275; Ex. 54-56)

36. Freedom from excessive trimming is considered a factor of quality in slices, half slices, broken slices, spears, and tidbits. (R. 260, 284)

37. Slices and half slices are considered excessively trimmed if the portion trimmed away exceeds 5 percent of the apparent physical bulk of the perfectly formed unit and if such trimming destroys the normal circular shape of the outer or inner edge of the unit. (R. 284-286; Ex. 72-74)

38. A reasonable limitation on the number of excessively trimmed slices and half slices, for maintaining the quality of canned pineapple, permits not more than $7\frac{1}{2}$ percent by count of the units in the container to be excessively trimmed, but permits in any container having not more than 10 units, one excessively trimmed unit; and permits in any container having more than 10 units, two excessively trimmed units. (R. 286, 330; Ex. 72, 73, 133-135)

39. Broken slices, spears, and tidbits are excessively trimmed if the normal shape of such units is destroyed by trimming. (R. 287)

40. A reasonable tolerance for excessively trimmed units in broken slices and spears of canned pineapple permits not more than 15 percent by count of the units in the container to be excessively trimmed. (R. 288, 330; Ex. 75, 137)

41. A similar tolerance for tidbits would permit not more than 15 percent by weight of the units in the container to be excessively trimmed. (R. 288; Ex. 76, 136)

42. Freedom from blemishes is considered a factor of quality in all forms of canned pineapple. (R. 260, 277)

43. Abnormalities that can be detected by good commercial packing practice before the product is sealed in the container are regarded as blemishes. Deep fruit eyes and bruised areas are regarded as blemishes, as are also each of the following if larger than $\frac{1}{16}$ -inch in the longest dimension exposed on the surface of the unit: Fruit eyes, pieces of shell, and brown spots. (R. 277-279; Ex. 68)

44. There is one abnormality that shows up after processing as a pink discoloration which cannot be detected satisfactorily before the fruit is sealed in the container. (R. 278, 279, 318)

45. A reasonable tolerance for blemished units in slices, half slices, broken slices, spears, chunks, cubes, and tidbits permits not more than $12\frac{1}{2}$ percent by count of units in the container to be blemished, except that in containers having not more than five units, one unit may be blemished; in containers having more than five but not more than 10 units, two units may be blemished; and in containers having more than 10 units, four units may be blemished. (R. 280; Ex. 58-67, 124-131)

46. A reasonable tolerance for blemished units in crushed pineapple of standard quality allows not more than $1\frac{1}{4}$ percent of the drained weight of the pineapple to consist of blemished fragments. (R. 281, 282, 330; Ex. 69-71, 132)

47. Freedom from mashed units is considered a factor of quality in all forms of canned pineapple, except crushed and diced pineapple. (R. 260, 290)

48. A unit that is fully ripe sometimes loses its characteristic shape in the canning process, and should not be considered as a mashed unit unless there is a visible mark of mechanical injury. (R. 290, 292, 294)

49. It is not possible to pack pineapple completely free of mashed units. (R. 290, 291, 331)

50. A reasonable tolerance for mashed units permits not more than one mashed spear per container; not more than one mashed unit in a container of 25 or less slices or half slices nor more than three mashed units in containers of more than 25 slices or half slices; not more than 5 percent mashed units in a container of broken slices; not more than three mashed units in a container of less than 70 chunks nor more than 5 percent of mashed units in containers of 70 or more chunks; and not more than three mashed units in containers of less than 150 tidbits nor more than 2 percent mashed units in larger containers. (R. 291, 293; Ex. 77-84, 138-143)

51. Freedom from core material is considered a factor of quality in all forms of canned pineapple. (R. 260, 297)

52. Because of variations in individual pineapples it is not possible to eliminate completely the core material from canned pineapple. (R. 41-43, 293, 315, 333)

53. Although there was testimony expressing the opinion that the tolerance for core material should be set at $1\frac{1}{4}$ ounces per pound of drained fruit, the exhibits that record the amount of core material actually found upon examination of numerous samples show that a reasonable restriction for this factor in canned pineapple of standard quality is to permit not more than 1.1 ounces of core material, cleanly separated from pineapple flesh, per pound of drained fruit. (R. 298; Ex. 86-93, 145-151)

54. Freedom from excessive acidity is considered a factor of quality in all forms of canned pineapple. (R. 301)

55. After canning, the acid present in the pineapple ingredient diffuses through the packing medium, and 15 days or more after packing the acidity is uniform throughout the contents of the container. (R. 301)

56. The acid present in pineapple is predominantly citric acid. (R. 134; Ex. 22, 95)

57. A reasonable limitation of the total acidity, calculated as anhydrous citric acid, in canned pineapple of standard quality is not more than 1.35 grams of anhydrous citric acid per 100 milliliters of drained liquid. (R. 301, 302, 334; Ex. 94, 96-102, 152-153)

58. The amount of free liquid present is considered a factor of quality in canned crushed pineapple, since the consumer expects a product in which the solid pineapple particles are predominant. Although the proportion of the solid to liquid portions of crushed pineapple might be regulated by a standard of fill of container, it is concluded that it is more logical to consider this ratio as a factor of quality. (R. 113, 140-142, 317)

59. A reasonable limitation on the ratio of solid to liquid portions in crushed pineapple of standard quality requires the drained weight of pineapple in the container to be not less than 63 percent of the net weight of such canned crushed pineapple. (R. 317; Ex. 114, 114A, 114B)

60. The drained weight of canned pineapple in any form of unit can be determined by the method given in "Official Methods of Analysis of the Associa-

tion of Official Agricultural Chemists," Seventh Edition, page 531, section 30.1 (Eighth Edition, page 570). (R. 260)

61. Pineapple units can be examined in an objective manner, (by directly measuring or weighing) to determine width, thickness, outside and inside diameter, size and weight, and relative uniformity of size. The screen described in finding 29 is used in testing cubes for undersized units. A few cubes are placed on the screen and moved over the openings by gentle shaking. Cubes that remain on the screen are removed, and further small portions are similarly screened until all the units in the container have been tested. The units that pass through the screen openings are aggregated and weighed. (R. 271, 296)

62. In those pineapple units in which excessive trimming is a factor of quality, the extent of such trimming can be determined by direct observation and comparison with normal untrimmed units. (R. 276, 289)

63. Blemished units can be detected by direct observation, then segregated and counted or weighed. (R. 283)

64. Mashed units can be observed directly and counted. (R. 294)

65. The amount of core material, which is recognizable by its closely knit fibers and the direction in which they grow in the fruit, can be determined by separating and weighing. (R. 300)

66. The acidity of canned pineapple can be accurately determined by the method given on page 328 of the book "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, under the heading "Titratable Acidity—I. With Indicator (a) Colorless or slightly colored solutions—Official" (page 354, Eighth Edition, section 20.40, Indicator Method). This method is applicable to canned pineapple when carried out as follows: Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250-milliliter Erlenmeyer flask. Add 25 milliliters of freshly boiled distilled water and 0.3 milliliter of 1-percent phenolphthalein solution. Titrate with one-tenth normal sodium hydroxide solution to a faint, permanently pink coloration. Multiply the number of milliliters of one-tenth normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid. (R. 114, 302)

67. When canned pineapple fails to meet any of the quality requirements set forth in the above findings, it will be reasonable and will promote honesty and fair dealing in the interest of the consumer to require a simple statement of substandard quality to appear on the label. Such a simple and reasonable statement is furnished by the general statement of substandard quality in the general regulations relating to definitions and standards for food (21 CFR 10.2 (a)). If the quality of the canned pineapple is below standard with respect to only one factor, it is reasonable, in lieu of the second line of such general statement, to have appear on the label the appropriate qualifying statement listed below:

a. For excessive number of broken slices that fall below minimum size: "Small broken pieces," and for excessive number of broken slices that exceed the maximum thickness: "Thick broken pieces."

b. For cubes or diced pineapple or chunks that exceed the tolerance for units below minimum size: "Irregular small pieces."

c. For mixed sizes of units of cubes or diced pineapple that exceed the tolerance for units larger than maximum size: "Mixed sizes."

d. For slices, half slices, broken slices, spears, and tidbits that fail to meet the requirements for uniformity of size: "Mixed sizes."

e. For slices, half slices, broken slices, spears, and tidbits that fail to meet the requirement for freedom from excessive trimming: "Excessively trimmed."

f. For all forms of pineapple units that exceed the tolerance for blemishes: "Blemished" or "Contains blemished pieces."

g. For slices, half slices, broken slices, spears, chunks, or tidbits that exceed the tolerance for mashed units: "Mashed units" or "Contains mashed units."

h. For all forms of units that exceed the tolerance for core material: "Excessive core" or "Poorly cored."

i. For all forms of units that exceed the tolerance for acidity: "Excessively tart."

j. For crushed pineapple with excess juice: "Contains excess liquid."

(R. 265, 269, 273, 277, 283-284, 290, 294-295, 297, 300, 303, 306-307, 317, 501)

CANNED CRUSHED PINEAPPLE; FILL OF CONTAINER

68. Filling containers with pineapple in the crushed form involves some considerations that are different from those involved in filling containers with pineapple cut into other forms of units. In the case of large units (as an example, slices), consideration must be given to the fact that the weight of such units that can be filled into containers of a given capacity and shape depends, in part, upon the dimensions and shape of the individual units; whereas, with crushed pineapple the units of pineapple flesh are so small that the fill does not depend upon their dimensions and shape. When filling containers with crushed pineapple, the packing medium is already mixed with the crushed pineapple before filling. It is not commercially feasible to fill containers completely full of crushed pineapple. It is necessary to allow a limited headspace in the containers, but when good commercial practice is followed there is no necessity for allowing a headspace in excess of 10 percent of the volume of the container. Two bases for establishing a fill of container standard for canned crushed pineapple can be supported by testimony in the record. One basis provides for setting minimum drained weights for crushed pineapple in containers of various designated sizes. The other basis provides for setting a requirement that the crushed pineapple should occupy not less than 90 percent of the volume capacity of containers, whatever their size.

The minimum drained-weight basis is subject to the objection that under such a standard it would be possible for containers with unnecessarily large headspace to meet the drained-weight requirement. Should the volume basis be considered without giving any attention to the quality standard, there would arise the objection that under such a standard it would be possible for crushed pineapple with excess liquid to meet the volume requirement. However, with a standard-of-quality requirement that the drained weight of crushed pineapple be not less than 63 percent of the total weight and a standard of fill-of-container requirement that the crushed pineapple occupy not less than 90 percent of the volume of the container, both objections—that of excess headspace and excess liquid—are met. (R. 79, 81, 93-96, 113, 120, 140-142, 192, 250, 317, 347, 349-351, 359-360, 373, 401, 413, 435, 440, 442-446, 500-503; Ex. 14)

69. It will promote honesty and fair dealing in the interest of consumers to require containers of crushed pineapple in which the fill is below 90 percent of the volume capacity to be labeled below standard in fill. The substandard fill statement specified in § 10.2 (b) of Title 21, Code of Federal Regulations, when displayed in the manner and form therein specified, is a simple and easily understandable label declaration of substandard fill. (R. 347, 351, 414, 435, 442, 501)

CANNED PINEAPPLE JUICE; IDENTITY

70. Pineapple juice for use as a beverage has been canned in Hawaii for many years. It is the common practice of canners of pineapple juice in Hawaii to obtain the juice for canning by blending juices obtained from various portions of the mature pineapple fruit, although in some instances the juice may be prepared from the whole of the fleshy portion of the fruit or from cores alone. Among the parts of the pineapple that furnish juice for canning are: The portion of the pineapple remaining in the shell after a cylinder is cut out for use in preparing slices, etc.; the core of the pineapple; material obtained when trimming forms of pineapple for canning; juice liberated during the various manipulations involved in preparing parts of pineapple for canning, as in preparing crushed pineapple. (R. 12, 398-401)

71. Methods of extracting the juice from the pineapple flesh in use by different canners vary somewhat. In general, the various raw materials are inspected to remove any unsuitable material and then combined and passed through extraction equipment. Sometimes heat is used in extracting pineapple juice. The record does not contain a detailed description of the extractors used. The extracted juice is passed over screens to remove any coarse or hard material. It is then processed through what is called a "centrifuging operation" for the purpose of standardizing the quantity of insoluble solids it will contain when canned. The pineapple juice is then heated and sealed into containers. (R. 401-402)

72. Usually, the quantity of sugars naturally present in pineapple juice for canning and the ratio of the quantity of sugars to quantity of acid are such as to provide a canned juice of desirable taste. The sweetening of canned pineapple juice is not a common practice. Sometimes, however, dry sugar (refined sucrose) is added to the juice for canning. (R. 404)

73. The name on containers of canned pineapple juice is commonly "pineapple juice." Where no sugar is added it is sometimes the practice to have the word "unsweetened" precede or follow the words "pineapple juice." When sugar is added the labels bear the statement "sugar added." (R. 404-405)

74. The pineapple canners of Puerto Rico consider a standard of identity for canned pineapple juice, based on experience with canning practices in Hawaii, a reasonable standard for canned pineapple juice packed in Puerto Rico. (R. 415)

CANNED PINEAPPLE JUICE; QUALITY

75. The degree of sweetness is considered a factor of quality in canned pineapple juice. This can be estimated objectively by the density of the juice as measured with the Brix hydrometer. Pineapple juice of standard quality normally contains not less than 10.5 percent solids as measured by the Brix hydrometer. (R. 405-406, 415-416; Ex. 230, 245, 246)

76. The degree of acidity of canned pineapple juice is considered a factor of quality. A certain quantity of acid is desirable, but a high acidity impairs quality. Canned pineapple juice of standard quality normally contains less acid-reacting substances than represented by a figure of 1.35 grams of anhydrous citric acid per 100 milliliters, where the total titratable acidity of the juice is calculated as anhydrous citric acid. (R. 405, 406, 407, 416; Ex. 231, 247, 248)

77. The taste of canned pineapple juice is influenced by the ratio of the soluble solids to the acidity as well as by the quantities of soluble solids and acid present in the juice. The ratio of "Brix to acid," as it is called, is considered a quality factor. Canned pineapple juice of standard quality normally has a ratio of degrees Brix (percent soluble solids) to acid (acidity calculated as grams of anhydrous citric acid per 100 milliliters of pineapple juice) of not less than 12. (R. 403-409, 416; Ex. 233, 249, 250)

78. The flavor of canned pineapple juice is influenced by the finely divided fragments of the pulp present in the juice. Too much or too little of these finely divided insoluble solids impairs quality. In canned pineapple juice of standard quality the percentage of "insoluble solids," as determined by a method used by canners of pineapple juice (see finding 79), is not less than 5 percent nor more than 30 percent. (R. 409-410, 416; Ex. 235, 251)

79. The method used by pineapple canners for determining the quantity of "insoluble solids" in canned pineapple juice is as follows: Measure 50 milliliters

of thoroughly stirred pineapple juice into a cone-shaped graduated tube of the long-cone type, measuring approximately $4\frac{1}{16}$ inches from tip to top calibration and having a capacity of 50 milliliters. Place the tube in a suitable centrifuge the approximate speed of which is related to diameter of swing in accordance with the table immediately below. The word "diameter" means the over-all distance between the tips of opposing centrifuge tubes in operating position.

Diameter (Inches):	Approximate revolutions per minute
10	1,623
10 $\frac{1}{2}$	1,579
11	1,534
11 $\frac{1}{2}$	1,490
12	1,443
12 $\frac{1}{2}$	1,400
13	1,358
13 $\frac{1}{2}$	1,324
14	1,289
14 $\frac{1}{2}$	1,256
15	1,223
15 $\frac{1}{2}$	1,193
16	1,161
16 $\frac{1}{2}$	1,132
17	1,104
17 $\frac{1}{2}$	1,077
18	1,051
18 $\frac{1}{2}$	1,026
19	1,002
19 $\frac{1}{2}$	978
20	955

The milliliter reading at the top of the layer of "insoluble solids," after centrifuging 3 minutes, is multiplied by two to obtain the percent "insoluble solids." (R. 410-411, 417; Ex. 237-244, 253-254)

80. It will promote honesty and fair dealing in the interest of consumers to require that canned pineapple juice of lower than standard quality be labeled to show this fact. A simple and easily understandable statement of substandard quality is that specified in § 10.2 (a) of Title 21 of the Code of Federal Regulations. Canned Pineapple Juice; Fill of Container.

81. It is the general practice of canners of pineapple juice to fill the containers as full as possible. Containers cannot be completely filled for a number of practical reasons. In good commercial practice, it is practicable to fill containers of canned pineapple juice so that the juice occupies 90 percent or more of the volume of the container. (R. 412, 413, 417; Ex. 243)

82. It will promote honesty and fair dealing in the interest of consumers to require that containers of canned pineapple juice the fill of which falls below 90 percent of the capacity of the container to be labeled as of substandard fill. A simple and easily understandable statement of substandard fill is that specified in § 10.2 (b) of Title 21 of the Code of Federal Regulations. (R. 413-414)

Conclusions. Upon consideration of the entire record and the foregoing findings of fact, it is concluded that promulgation of the following regulations establishing definitions and standards of identity and standards of quality for canned pineapple and canned pineapple juice and standards of fill of container for canned crushed pineapple and for canned pineapple juice will promote

honesty and fair dealing in the interest of consumers.

PROPOSED REGULATIONS

§ 27.50 Canned pineapple; identity; label statement of optional ingredients.

(a) Canned pineapple is the food prepared from one of the following optional forms of units obtained from peeled, cored, mature fruits of the pineapple plant:

(1) Sliced, slices; consisting of whole circular slices cut across the axis of the peeled, cored fruit cylinders.

(2) Half sliced, half slices; consisting of semicircular halves of slices. A unit that is approximately one-half slice is considered to be a half slice.

(3) Broken sliced, broken slices; consisting of arc-shaped portions cut or broken from slices, which portions are not uniform in size or shape.

(4) Tidbits; consisting of sectors cut from slices. Tidbits are reasonably uniform in size and shape; they are predominantly from $\frac{1}{16}$ -inch to $\frac{1}{2}$ -inch thick and, except for an occasional unit, each sector is not larger than one-sixth of the slice from which cut.

(5) Chunks; consisting of short, thick pieces cut from thick slices or from peeled, cored fruit. Chunks may or may not be symmetrical or uniform in shape and size. Predominantly, the units have a thickness greater than $\frac{1}{2}$ -inch, a width greater than $\frac{1}{16}$ -inch, but a longest dimension (along any edge) not greater than $1\frac{1}{2}$ inches.

(6) Cubes, diced; consisting of cube-shaped pieces cut from slices or from peeled, cored fruit. Except for an occasional unit, the longest dimension (along any edge) of each unit is not greater than $\frac{1}{16}$ -inch.

(7) Spears, fingers; consisting of long, slender pieces cut parallel to the core axis from peeled, cored fruit cylinders. The units are not larger than one-sixth of the cylinder from which they are cut, and they are not less than $2\frac{1}{2}$ inches long.

(8) Crushed; consisting of shredded or finely cut pieces of fruit flesh.

The optional forms of units specified by subparagraphs (1) through (7) of this paragraph are canned with one of the optional packing media specified in paragraph (b) of this section. The optional form of unit specified by subparagraph (8) of this paragraph may be canned with one of the optional packing media specified in paragraph (b) (2) through (6) of this section or with one of the optional sweetening ingredients specified in paragraph (d) of this section. The food is sealed in containers, and is so processed by heat, either before or after sealing, as to prevent spoilage.

(b) The optional packing media referred to in paragraph (a) of this section are:

- (1) Water.
- (2) Pineapple juice.
- (3) Clarified juice.
- (4) Light sirup.
- (5) Heavy sirup.
- (6) Extra-heavy sirup.
- (c) For the purposes of this section:

(1) Pineapple juice conforms to the definition and standard of identity for unsweetened pineapple juice as specified

in § 27.54 of this part, except that it is not required to be separately sealed in containers and so processed by heat as to prevent spoilage. Clarified juice is the liquid collected from cutting various forms of units from pineapple fruits, or the liquid expressed wholly or in part from pineapple cores, shells, or from pineapple flesh or parts thereof, which liquid is clarified and may be further refined or concentrated; but if the concentration is such that the packing medium conforms to the density range for one of the sirups hereinafter specified, such concentrated liquid is considered to be light sirup, heavy sirup, or extra-heavy sirup, as the case may be.

(2) Except as the concentrated, clarified juice is considered to be a sirup packing medium as above provided, each of the packing media light sirup, heavy sirup, and extra-heavy sirup consists of an optional sweetening ingredient as specified in paragraph (d) of this section, dissolved in one or any mixture of two or more of the liquids designated in subparagraphs (1), (2), and (3) of paragraph (b) of this section. The sirup packing media have respective densities as determined by the method specified in the book "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, on page 494, under the heading "Solids—By Means of Spindle—Official" (Eighth Edition, page 533, Section 29.9) using the Brix hydrometer 15 days or more after the pineapple is canned, which are within the ranges specified for each in the following list:

Packing medium.	Brix measurement
Light sirup-----	14° or more but less than 18°
Heavy sirup-----	18° or more but less than 22°
Extra-heavy sirup--	22° or more but not more than 35°

(3) In the case of crushed pineapple (paragraph (a) (8) of this section), the juice resulting from cutting or shredding the pineapple flesh is considered to be pineapple juice, without regard to whether it has or has not been drained away from the pieces of pineapple.

(d) The optional sweetening ingredients referred to in paragraphs (a) and (c) of this section, are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any mixture of optional sweetening ingredients designated in subparagraphs (1) and (2) of this paragraph.

(4) Any of the optional sweetening ingredients designated in subparagraphs (1), (2), and (3) of this paragraph with dextrose, provided that the weight of the solids of dextrose does not exceed one-third of the total weight of the solids of the combined sweetening ingredients.

(5) Any of the optional sweetening ingredients designated in subparagraphs (1), (2), and (3) of this paragraph with corn sirup or with dried corn sirup or with glucose sirup or with dried glucose sirup, or with any two or more of these, provided that the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried

glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined sweetening ingredients.

(6) Any mixture of the optional ingredients designated in subparagraphs (4) and (5) of this paragraph.

(e) For the purposes of this section:

(1) The term "sugar" means refined sugar (sucrose).

(2) The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash and which is colorless, odorless, and flavorless except for sweetness.

(3) The term "dextrose" means the hydrated or anhydrous monosaccharide obtained from hydrolyzed starch.

(4) The term "corn sirup" means a clarified, concentrated aqueous solution of the products obtained by incomplete hydrolysis of cornstarch and includes dried corn sirup. The solids of corn sirup contain not less than 40 percent by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose sirup" means a sirup that conforms to the definition in this subparagraph for corn sirup, except that it is made from any edible starch and includes dried glucose sirup.

(f) The name of the canned pineapple prepared from each of the optional forms of pineapple ingredient specified in paragraph (a) of this section is as follows:

(1) If the optional form is one designated in paragraph (a) (1) to (7), inclusive, of this section, the name is "pineapple," preceded or followed, for each of the indicated optional forms of units, by the words here specified:

- (a) (1) "sliced" or "slices."
- (a) (2) "half sliced" or "half slices."
- (a) (3) "broken sliced" or "broken slices."
- (a) (4) "tidbits."
- (a) (5) "chunks."
- (a) (6) "cubes" or "diced."
- (a) (7) "spears" or "fingers."

(2) If the optional form is one designated in paragraph (a) (8) of this section, the name is "pineapple," preceded or followed by the word "crushed." If the crushed pineapple, when drained by the method specified in § 27.51 (b) (1), yields not less than 73 percent but less than 78 percent by weight of drained material, the word "crushed" or the words "crushed pineapple" in the name of the food may be preceded or followed by the words "heavy pack," and if it yields 78 percent or more by weight of drained material the word "crushed" or the words "crushed pineapple" may be preceded or followed by the words "solid pack."

(g) (1) The labels of canned pineapple prepared from the optional forms of pineapple specified in paragraph (a) (1) to (7), inclusive, of this section shall bear the name of the optional packing medium used as specified in paragraph (b) of this section, preceded by "in" or "packed in." The labels of crushed pineapple canned with the optional packing media specified in paragraph (b) (2) to (6), inclusive, of this section shall bear

the statement "in -----" or "packed in -----," the blank being filled in with the name of the optional packing medium used as specified in paragraph (b) of this section, but in lieu of such statement crushed pineapple canned with pineapple juice (paragraph (b) (2) of this section) may be labeled "unsweetened," and crushed pineapple canned with pineapple juice and sugar may be labeled "lightly sweetened" or "heavily sweetened" or "extra heavily sweetened," if the drained liquid conforms to the density ranges specified in paragraph (c) of this section for light sirup, heavy sirup, or extra-heavy sirup, respectively.

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall conspicuously precede or follow the name, without intervening written, printed, or graphic matter, except that the adjectival designation of the State, Territory, or possession of the United States or of the foreign country in which the pineapples were given may intervene.

§ 27.51 Canned pineapple; quality; label statement of substandard quality.

(a) The standard of quality for canned pineapple is as follows:

(1) In the case of broken slices, not more than 10 percent of the drained weight may consist of pieces having an arc of less than 90° and not more than 5 percent of the drained weight of the contents of the container, as determined by the method prescribed in paragraph (b) (1) of this section:

(i) Consists of pieces that measure in thickness less than 5/16-inch or more than 1 inch; or

(ii) Consists of pieces that measure less than 3/4-inch in width as measured from the outer edge to the inner edge.

(2) (i) In the case of cubes or diced pineapple, not more than 10 percent of the drained weight consists of units of such size that they pass through the screen when tested by the method prescribed in paragraph (b) (4) of this section; and

(ii) Not more than 15 percent of the drained weight consists of pieces weighing more than 3/32-ounce each.

(3) In the case of chunks, not more than 15 percent of the drained weight consists of pieces weighing less than 3/16-ounce each.

(4) (i) In the case of slices and spears, the drained weight of the largest unit in the container is not more than 1.4 times the weight of the smallest.

(ii) In the case of half slices, the drained weight of the largest unit in the container is not more than 1.75 times the weight of the smallest (except for an occasional broken piece due to splitting).

(5) In the case of broken slices, not more than 5 percent of the drained weight of the contents of the can consists of broken slices having an outside diameter differing by as much as 3/8-inch from that of those present in greatest proportion by weight.

(6) In the case of tidbits, not more than 15 percent of the drained weight consists of tidbits each of which weighs

less than three-fourths as much as the average weight of all the untrimmed tidbits in the container.

(7) In the case of slices and half slices, not more than 7½ percent by count of the units in a container may be excessively trimmed, but in any container having not more than 10 units, one unit may be excessively trimmed, and in any container having more than 10 units, two units may be excessively trimmed. Such slices and half slices are excessively trimmed if the portion trimmed away exceeds 5 percent of the apparent physical bulk of the perfectly formed unit and if such trimming destroys the normal circular shape of the outer or inner edge of the unit.

(8) In the case of broken slices and spears, not more than 15 percent by count of the total units in the container, and, in the case of tidbits, not more than 15 percent of the drained weight, consist of units excessively trimmed. Broken slices, spears, and tidbits are excessively trimmed if the normal shape of these units is destroyed by such trimming.

(9) In the case of slices, half slices, broken slices, spears, chunks, cubes, and tidbits, not more than 12½ percent by count of the units in any container may be blemished, but in containers having not more than five units, one unit may be blemished; in containers having more than five units but not more than 10 units, two units may be blemished; and in containers having more than 10 units, four units may be blemished. Blemishes include:

(i) Any of the following, if in excess of ¼-inch in the longest dimension on the exposed surface of the unit: Eyes, pieces of shell, brown spots.

(ii) Deep fruit eyes.

(iii) Bruised portions.

(iv) Other abnormalities that it is possible to detect in good commercial practice before sealing in the containers.

(10) In the case of crushed pineapple, not more than 1¼ percent of the drained weight of the contents of the can consists of fragments bearing such blemishes.

(11) In the case of spears, not more than one unit per container is mashed; in the case of slices and half slices, not more than one unit in containers of 25 units or less, and not more than three units in containers of more than 25 units are mashed; in the case of broken slices, not more than 5 percent by count of the units in the container is mashed; in the case of chunks, not more than three of the units in containers of less than 70 units, or 5 percent of the units in containers of 70 units or more, is mashed; in the case of tidbits, not more than three of the units in containers of less than 150 units, or 2 percent of the units in containers of 150 units or more, is mashed. (A unit that has lost its normal shape because of ripeness and which bears no mark of mechanical injury shall not be considered as mashed.)

(12) In the case of all forms of canned pineapple, not more than 1.1 ounces of core is contained in 1 pound of drained fruit, as determined by the method prescribed in paragraph (b) (8) of this section.

(13) In the case of all forms of canned pineapple, not more than 1.35 grams of acid, as determined by the method prescribed in paragraph (b) (9) of this section and calculated as anhydrous citric acid, is contained in 100 milliliters of the liquid drained from the product 15 days or more after the pineapple is canned.

(14) In the case of crushed pineapple, the drained weight of pineapple, as determined by the method prescribed in paragraph (b) (1) of this section, is not less than 63 percent of the net weight of the contents of the container.

(b) The methods to be employed to determine whether canned pineapple meets the requirements of paragraph (a) of this section are as follows:

(1) Determine the drained weight of the canned pineapple by the following procedure: Pour the contents of the can on a round sieve made with No. 3 woven-wire cloth complying with the specifications for such cloth in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 534 of the United States Department of Commerce, National Bureau of Standards. Use a sieve 8 inches in diameter for containers of less than 3 pounds net contents and a sieve 12 inches in diameter for larger containers. Incline the sieve, without shifting the contents, to facilitate draining. Allow to drain for 2 minutes from the time the contents of the container are poured on the sieve. Immediately transfer the drained pineapple to a clean, dry, tared pan by inverting the sieve over the pan in one moderately rapid motion, and determine the weight of the drained pineapple.

(2) In the case of broken slices and spears, check the dimensions and weight of each unit against the requirements of paragraph (a) (1), (4), and (5) of this section.

(3) In the case of cubes, chunks, and tidbits, check the weight of the units against the requirements of paragraph (a) (2) (ii), (3), and (6) of this section.

(4) Test cubes for compliance with paragraph (a) (2) (i) of this section by placing the cubes, a few at a time, on the meshes of a sieve designated as ⅝-inch in Table I of "Standard Specifications for Sieves," described in subparagraph (1) of this paragraph. After shaking gently, remove those that remain on the sieve before testing the next portion. Continue portionwise until all units are tested, then determine the aggregate weight of those units that have passed through the sieve.

(5) Except in the case of cubes, chunks, and crushed pineapple, inspect all the units in the container to determine those that have been excessively trimmed, as defined in paragraph (a) (7) or (8) of this section.

(6) Except in the case of crushed pineapple, segregate and count each unit that is blemished, as defined in paragraph (a) (9) of this section. In the case of crushed pineapple, segregate each fragment of crushed pineapple bearing a blemish and determine the aggregate weight of such fragments to determine compliance with paragraph (a) (10) of this section.

(7) Except in the case of cubes and crushed pineapple, count the total units in the container and the number of mashed units, to determine compliance with paragraph (a) (11) of this section.

(8) In the case of each form of optional pineapple ingredient, identify and separate any core material cleanly from each of the units in the container, and weigh the aggregate of such core material. Calculate the weight of the core material per pound of drained fruit, to determine compliance with paragraph (a) (12) of this section.

(9) Determine the total acidity of the drained liquid by titration, using the following method: Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250-milliliter Erlenmeyer flask. Add 25 milliliters of freshly boiled, distilled water and 0.3 milliliter of 1-percent phenolphthalein solution. Titrate with one-tenth normal sodium hydroxide solution to a faint, permanently pink coloration. Multiply the number of milliliters of one-tenth normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid.

(c) If the quality of canned pineapple falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified. However, if the quality of canned pineapple falls below standard with respect to only one of the factors of quality specified in paragraph (a) (1) through (14) of this section, there may be substituted for the second line of such general statement of substandard quality a new line as specified below, after the number corresponding to each subparagraph of paragraph (a) of this section that such canned pineapple fails to meet, as follows:

(1) "Small broken pieces" or "Thick broken pieces," as the case may be.

(2) (i) "Irregular small pieces";

(ii) "Mixed sizes." (These words are to be used only where the cubes are of mixed sizes and the tolerance for units larger than maximum size is exceeded.)

(3) "Irregular small pieces."

(4) "Mixed sizes."

(5) "Mixed sizes."

(6) "Mixed sizes."

(7) "Excessively trimmed."

(8) "Excessively trimmed."

(9) "Blemished" or "Contains blemished pieces."

(10) "Blemished" or "Contains blemished pieces."

(11) "Mashed units" or "Contains mashed units."

(12) "Poorly cored" or "Excessive core."

(13) "Excessively tart."

(14) "Contains excess liquid."

§ 27.52 Canned crushed pineapple; fill of containers; label statement of substandard fill. (a) The standard of fill of container for canned crushed pineapple is a fill of not less than 80 percent of the total capacity of the container, as determined by the general method for fill of container prescribed in § 10.1 (b) of this chapter.

(b) If canned crushed pineapple falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.54 *Canned pineapple juice; identity; label statement of optional ingredients.* (a) Canned pineapple juice is the unconcentrated juice from the flesh or parts thereof, or from the cores, or from both such flesh and cores, of mature pineapples. Canned pineapple juice may be extracted cold, or heat may be used in the extraction, but in neither case is water added. Canned pineapple juice contains finely divided insoluble solids, but it does not contain pieces of shell, seeds, or other coarse or hard substances. It may be sweetened with sugar. Before or after sealing in the container, canned pineapple juice is so processed by heat as to prevent spoilage.

(b) For the purposes of this section, the term "sugar" means refined sugar (sucrose).

(c) The name of the food is "pineapple juice." If no sugar is added, the word "unsweetened" may immediately precede or follow the words "pineapple juice."

(d) If the optional sweetening ingredient sugar is used, the label shall bear the statement "sugar added."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words herein specified, showing the optional ingredient used, shall conspicuously precede or follow the name, without intervening written, printed, or graphic matter, except that the adjectival designation of the State, Territory, or possession of the United States or of the foreign country in which the pineapples were grown may intervene.

§ 27.55 *Canned pineapple juice; quality; label statement of substandard quality.* (a) The standard of quality for canned pineapple juice is as follows:

(1) The soluble solids is not less than 10.5° Brix, as determined by the method prescribed in paragraph (b) (1) of this section.

(2) The acidity, as determined by the method prescribed in paragraph (b) (2) of this section, is not more than 1.35 grams of anhydrous citric acid per 100 milliliters of the juice.

(3) The ratio of the degrees Brix to total acidity, as determined by the method prescribed in paragraph (b) (3) of this section, is not less than 12.

(4) The quantity of finely divided "insoluble solids," as determined by the method prescribed in paragraph (b) (4) of this section, is not less than 5 percent nor more than 30 percent.

(b) The methods referred to in paragraph (a) of this section are as follows:

(1) Determine the degrees Brix of the canned pineapple juice by the method

prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 494, section 29.6, "Solids—By Means of Spindle—Official" (Eighth Edition, page 533, section 29.9).

(2) Determine the total acidity of the canned pineapple juice by titration by the method prescribed in § 27.51 (b) (9).

(3) Divide the degrees Brix determined as prescribed in subparagraph (1) of this paragraph by the grams of anhydrous citric acid per 100 milliliters of juice, determined as prescribed in subparagraph (2) of this paragraph, and report the results as ratio of degrees Brix to total acidity.

(4) Determine the quantity of "insoluble solids" in canned pineapple juice as follows: Measure 50 milliliters of thoroughly stirred pineapple juice into a cone-shaped graduated tube of the long-cone type, measuring approximately $4\frac{1}{16}$ inches from tip to top calibration and having a capacity of 50 milliliters. Place the tube in a suitable centrifuge the approximate speed of which is related to diameter of swing in accordance with the table immediately below. The word "diameter" means the over-all distance between the tips of opposing centrifuge tubes in operating position.

Diameter (inches):	Approximate revolutions per minute
10.....	1,609
10½.....	1,570
11.....	1,534
11½.....	1,500
12.....	1,468
12½.....	1,438
13.....	1,410
13½.....	1,384
14.....	1,359
14½.....	1,336
15.....	1,313
15½.....	1,292
16.....	1,271
16½.....	1,252
17.....	1,234
17½.....	1,216
18.....	1,199
18½.....	1,182
19.....	1,167
19½.....	1,152
20.....	1,137

The milliliter reading at the top of the layer of "insoluble solids," after centrifuging 3 minutes, is multiplied by two to obtain the percentage of "insoluble solids."

(c) If the quality of canned pineapple juice falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified.

§ 27.56 *Canned pineapple juice; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned pineapple juice is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill

of container prescribed in § 10.1 (b) of this chapter.

(b) If canned pineapple juice falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

Any interested person whose appearance was filed at the hearing may, within 90 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Fourth Street and Independence Avenue SW, Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Pursuant to the notice of hearing published in the FEDERAL REGISTER of August 29, 1951 (16 F. R. 8743), evidence was received at the hearing which opened October 30, 1951, concerning the establishment of definitions and standards of identity, standards of quality, and standards of fill of container for canned pineapple and for canned pineapple juice. On November 2, 1951, the hearing was adjourned as regards the receipt of evidence concerning definitions and standards of identity and standards of quality for canned pineapple and canned pineapple juice and standard of fill of container for canned pineapple juice, but the hearing was kept open as regards the receipt of evidence concerning a standard of fill of container for canned pineapple. Further evidence concerning the establishment of a standard of fill of container for canned pineapple was received in sessions duly held on April 22 and April 23, 1952. Interested parties were afforded additional time for filing proposed findings of fact and briefs on this phase of the hearing. The evidence of record and the proposed findings of fact that were filed in the matter of establishing a standard of fill of container for canned pineapple are still under study. The matter of establishing a standard of fill of container for canned pineapple in forms other than crushed will be treated in a subsequent announcement to be published in the FEDERAL REGISTER.

Dated: September 13, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.
[F. R. Doc. 55-7535; Filed, Sept. 10, 1955;
8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 9, 1955.

The Department of the Army has filed an application, Serial No. Fairbanks 012644, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for communication facilities by the Alaska Communications System.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Commencing at U. S. L. M. No. 2727, Latitude 64°02'19" N., Longitude 145°43'58" W.; thence N. 76°39' E. 600.20 feet to Corner No. 1, U. S. Survey No. 2770; thence S. 58°16' E. 42.90 feet to Corner No. 5, U. S. Survey No. 2770; thence N. 74°53' E. 51.17 feet along the 4-5 line of said U. S. Survey No. 2770 to the True Point of Beginning; thence S. 31°24' W. 106.53 feet to the most northwesterly corner of the parcel of land withdrawn for the Alaska Communication System by P. L. O. No. 765; thence N. 74°53' E. 700 feet along the northerly line of said parcel to the most northerly corner thereof; thence N. 15°07' W. 73.31 feet; thence S. 74°53' W. 373.24 feet to Corner No. 4 of U. S. Survey No. 2770; thence continuing S. 74°53' W. along the 4-5 line of said survey for a distance of 249.46 feet to the Point of Beginning and containing 1.11 acres, more or less.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-7547; Filed, Sept. 16, 1955; 8:49 a. m.]

Office of the Secretary

[Order 2508, Amdt. 13]

BUREAU OF INDIAN AFFAIRS

DELEGATIONS OF AUTHORITY

SEPTEMBER 13, 1955.

Order No. 2508, as amended (14 F. R. 258; 16 F. R. 473, 11620, 11974; 17 F. R. 1570, 6418; 19 F. R. 34, 1123, 4585; 20 F. R. 167, 552, 3834, 5106), is further amended as follows:

1. The following paragraph (d) is added to section 10 *Health and Welfare Matters* to read as follows:

(d) The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in 25 CFR 161.2 (d), and by tribal courts as provided by any law and order code.

2. Paragraph (n) of Section 13 *Lands and Minerals* is amended to read as follows:

(n) All those matters set forth in 25 CFR 171.

3. Section 19 *Litigation; Five Civilized Tribes* is amended to read as follows:

SEC. 19. *Litigation; Five Civilized Tribes.* The Commissioner or the Superintendent for the Five Civilized Tribes may exercise the authority of the Secretary (a) to make determinations against the removal to the United States District Court of cases in which notices have been served upon the Superintendent under Section 3 of the act of April 12, 1926 (44 Stat. 239), and (b) to submit to the Department of Justice recommendations for the removal of such cases to the United States District Court.

4. A new Section 31 is added to read as follows:

SEC. 31. *Forms.* The Commissioner may exercise the authority of the Secretary to approve and revise forms prescribed or required in 25 CFR.

5. Section 26 *Repeal* is amended by the addition of Section 14 after Section 13 (g).

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-7565; Filed, Sept. 16, 1955; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CARSON NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Canjilon and Magote Cattle and Horse Grazing Allotments of the Carson National Forest, in Rio Arriba County, State of New Mexico; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, Therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and ad-

ministration of land in the Canjilon and Magote Grazing Allotments in the Carson National Forest:

Temporary closure from livestock grazing.

(a) The area designated below is hereby closed for the period November 1, 1955, to April 15, 1956, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such area pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons travelling over such land.

The area covered by this order includes all national-forest land in that portion of the Carson National Forest described as follows:

Beginning at a point on the boundary common to the National Forest and the Piedra Lumbre Grant in Section 8, T. 24 N., R. 4 E.; thence northerly and northeasterly along the fenced or rimmed allotment line approximately six and one-half miles to the Forest boundary in Sec. 10, T. 25 N., R. 4 E.; thence along the fenced Forest boundary approximately one and three-quarter miles east, one mile north, one-half mile east, one mile north, one mile east, one and one-half miles north, one mile west, four miles north to the quarter corner common to Secs. 1 and 2, T. 26 N., R. 4 E.; thence easterly along the fenced allotment line approximately seven miles to a point approximately one-fourth mile north of the section corner common to Sections 35 and 36, T. 27 N., R. 5 E., and Sections 1 and 2, T. 26 N., R. 5 E.; thence south along the fenced allotment line approximately 5½ miles to a point approximately one-fourth mile south of the section corner common to Sections 25, 26, 35, and 36, T. 26 N., R. 5 E.; thence east along the fenced allotment line approximately three and one-fourth miles to a point in the NW¼ of Section 33, T. 26 N., R. 6 E.; thence southeasterly along the fenced allotment line approximately five miles to the boundary common to the National Forest and the Lobato Grant; thence west along the fenced boundary line approximately six and one-half miles to the NW corner of the Lobato Grant; thence south along the fenced boundary line approximately four and one-fourth miles to the SE corner of Section 9, T. 24 N., R. 5 E.; thence westerly along the fenced boundary common to the Forest and the Piedra Lumbre Grant approximately eleven miles to the point of beginning; including all of the Canjilon and Magote grazing allotments.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Fifteen days' notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Carson National Forest is located.

Done at Washington, D. C., this 14th day of September 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-7563; Filed, Sept. 16, 1955; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to Section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the Regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under Section 6 of the Act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Anniston Sportswear Corp., 919 West 9th Street, Anniston, Ala., effective 9-10-55 to 9-9-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (dress trousers).

Bellcraft Manufacturing Co., Mt. Olivet Road, Hartwell, Ga., effective 9-17-55 to 9-16-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Big Ace Corp., Athens, Ga., effective 9-14-55 to 9-13-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls and dungarees).

Carolina Underwear Co., Inc., Thomasville, N. C., effective 9-10-55 to 9-9-56, 10 percent of the total number of factory production workers engaged in the production of panties and pajamas for normal labor turnover purposes (children's and ladies' panties and boys' and men's pajamas).

Connellsville Sportswear Co., South First Street, Connellsville, Pa., effective 8-18-55 to 8-17-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (men's and boys' pants).

Hunter Bros. Co., Inc., Statesville, N. C., effective 9-2-55 to 9-1-56, 5 learners for normal labor turnover purposes in the production of sport shirts only (men's sport shirts).

Kayler Manufacturing Co., Inc., Seventh Street and Stevenson Boulevard, New Kensington, Pa., effective 9-16-55 to 9-15-56, 10 learners for normal labor turnover purposes (ladies' blouses).

Louisiana Garment Manufacturing Co., Inc., 2001 Saint Barnard Avenue, New Orleans, La., effective 9-1-55 to 8-31-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (pants, work shirts, etc.).

Lourose Dress Co., Inc., 129 River Street, Olyphant, Pa., effective 8-29-55 to 8-28-56, 5 learners for normal labor turnover purposes (women's dresses).

Marian Frocks, 304 Mulberry Street, Scranton, Pa., effective 9-2-55 to 9-1-56, 4 learners for normal labor turnover purposes (women's apparel).

Patterson Manufacturing Co., Siloam Springs, Ark., effective 9-5-55 to 9-4-56, 10

percent of the total number of factory production workers engaged in the production of work clothes only, for normal labor turnover purposes (overalls, etc.).

Shreveport Garment Manufacturers, 908 McNeil Street, Shreveport, La., effective 9-2-55 to 9-1-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Sol Manufacturing Co., Assumption, Ill., effective 9-6-55 to 9-5-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (learners are not authorized to be employed at subminimum rates in the production of better grade dresses) (dresses).

Weiss Shirt Co., Inc., 520 Lehman Street, Lebanon, Pa., effective 9-7-55 to 9-6-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton shirts).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304).

General Cigar Co., Inc., White Owl Avenue, Mahanoy City, Pa., effective 9-14-55 to 9-13-56, 10 percent of the total number of factory production workers engaged in the occupations of machine stripper and hand stripper each 160 hours at not less than 65 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

The Boss Manufacturing Co., 319 West Main Cross Street, Findlay, Ohio, effective 9-6-55 to 9-5-56, 10 learners for normal labor turnover purposes (work gloves).

Ideal Glove Co., Inc., Maben, Miss., effective 8-19-55 to 2-18-56, 10 learners for plant expansion purposes (replacement certificate) (work gloves).

Wells Lamont Corp., Waynesboro, Miss., effective 9-5-55 to 9-4-56, 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

Fayetteville Knitting Mills, Fayetteville, N. C., effective 9-9-55 to 9-8-56, 5 learners for normal labor turnover purposes (full-fashioned).

Newland Knitting Mills, Inc., Newland, N. C., effective 8-29-55 to 8-28-56, 5 learners for normal labor turnover purposes (seamless).

Newland Knitting Mills, Inc., Newland, N. C., effective 8-29-55 to 2-28-56, 10 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations, (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

Ashland Knitting Mills, Inc., Front and Chestnut Streets, Ashland, Pa., effective 8-31-55 to 8-30-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (infants', boys', ladies', cotton knit underwear).

Carolina Underwear Co., Inc., Thomasville, N. C., effective 9-10-55 to 9-9-56, 5 learners for normal labor turnover purposes in the production of under shorts (boys' and men's shorts).

Harvey Manufacturing Co., Vine and Ninth Streets, Berwick, Pa., effective 9-6-55 to 9-5-56, 5 learners for normal labor turnover purposes (women's slips).

Hunter Bros. Co., Inc., Statesville, N. C., effective 9-2-55 to 9-1-56, 5 learners for normal labor turnover purposes in the production of shorts and union suits only (men's underwear).

Shoe Industry Learner Regulations, (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304)

Dentex Shoe Corp., 1300 Willow Spring Drive, Denton, Tex., effective 9-5-55 to 2-29-56, 15 learners for plant expansion purposes.

Regulations Applicable to the Employment of Learners, (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Haspel Brothers, Inc., New Orleans, La., effective 8-30-55 to 1-25-56, 7 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of machine operators (except cutters), pressers, and handsewers, each 480 hours at a wage of at least 70 cents an hour for the first 240 hours and not less than 72½ cents an hour for the remaining 240 hours (replacement certificate) (men's and boys' summer clothing).

Haspel Brothers, Inc., Tylertown, Miss., effective 8-30-55 to 2-24-56, 7 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of machine operators (except cutting), pressers, and handsewers, each 480 hours at not less than 70 cents per hour for the first 240 hours and not less than 72½ cents per hour for the remaining 240 hours (replacement certificate) (men's and boys' summer clothing).

Palm Beach Co., Danville, Ky., effective 8-30-55 to 6-26-56, 7 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of machine operators, pressers, handsewers, each 480 hours at not less than 70 cents per hour for the first 240 hours and not less than 72½ cents per hour for the remaining 240 hours (replacement certificate) (men's coats).

Palm Beach Company, Blackville, S. C., effective 8-30-55 to 6-19-56, 7 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of machine operating (except cutting) pressing and handsewing, each 480 hours at not less than 70 cents per hour for the first 240 hours and not less than 72½ cents per hour for the remaining 240 hours (replacement certificate) (men's pants).

Palm Beach Co., Bourne Avenue, Somerset, Ky., effective 8-30-55 to 4-18-56, 7 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of machine operators, pressers, and handsewers, each 480 hours at not less than 70 cents per hour for the first 240 hours and not less than 72½ cents per hour for the remaining 240 hours (replacement certificate) (men's palm beach coats).

Palm Beach Co., Roanoke, Ala., effective 8-30-55 to 11-18-55, 7 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of machine operating (except cutting), pressing and handsewing, each 480 hours at not less than 70 cents an hour for the first 240 hours and not less than 72½ cents an hour for the remaining 240 hours (replacement certificate) (men's suits).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this no-

tice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of September 1955.

MILTON BROOKE,
Authorized Representative of
the Administrator.

[F. R. Doc. 55-7548; Filed, Sept. 16, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9034]

ZENITH GAS SYSTEM, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 12, 1955.

Take notice that Zenith Gas System, Inc. (Applicant), a Delaware corporation with its principal place of business in Alva, Oklahoma, filed an application on June 28, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and continued operation of gas transmission facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully presented in the application, which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the construction and operation of 12.5 miles of 6 3/8-inch gas transmission line extending from the Aetna Field to its existing system, both termini in Barber County, Kansas. Applicant's system extends from gas supply sources in Kansas to its market in Oklahoma.

The facilities for which Applicant seeks authorization were constructed in 1944 for the purpose of securing an additional supply of natural gas in order to serve increased firm demands of existing customers. Applicant states that, upon completion of the facilities involved herein, additional capacity of 1,300 Mcf per day became available, reducing overload on its existing facilities from 52 percent, when it was delivering 5,484 Mcf on peak-day, to 29 percent, with an actual peak-day delivery of 5,877 Mcf.

The actual cost of construction of the facilities was \$90,384, and was financed out of Treasury cash.

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 14, 1955, 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 noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 23, 1955. 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.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7550; Filed, Sept. 16, 1955; 8:50 a. m.]

Applicants	Address	Date filed	Docket No.
Charles McCamie, et al.....	Care of B. Clyde Hargrave, P. O. Box 1574, Shreveport, La.	June 29, 1955	G-9030
Texas Eastern Transmission Corp.....	Texas Eastern Building, Shreveport, La.....	July 5, 1955	G-9032
Roy E. Briscoe, et al.....	Care of John C. Safford, P. O. Box 1172, Jackson, Miss.	July 11, 1955	G-9123

each, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated below:

Applicant, Texas Eastern Transmission Corporation, proposes to construct and operate facilities to connect an additional gas supply from the Mulden Field, Monroe County, Mississippi, to applicant's pipeline at its Egypt Station, at an estimated cost of \$393,000. Applicants, Charles McCamie, et al., and Roy Briscoe et al., have applied for authority to sell to Texas Eastern Transmission Corporation for resale in interstate commerce.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 24, 1955, 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 applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

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 7, 1955. Failure of any party to appear at and participate in the hear-

[Docket No. G-9033 etc.]

CHARLES MCCAMIE ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 12, 1955.

In the matters of Charles McCamie, et al., Docket No. G-9033; Texas Eastern Transmission Corporation, Docket No. G-9033; Roy E. Briscoe, et al., Docket No. G-9123.

There have been filed with the Federal Power Commission applications as hereinafter specified:

ing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7551; Filed, Sept. 16, 1955; 8:50 a. m.]

[Docket No. E-6342]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

SEPTEMBER 9, 1955.

Take notice that on September 6, 1955, an application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Pacific Power & Light Company ("Pacific"), a corporation organized under the laws of the State of Maine and doing business in the states of Idaho, Montana, Oregon, Washington, and Wyoming, with its principal business office at Portland, Oregon, seeking an order authorizing the merger of The Western Public Service Company ("Western"), a Delaware corporation, with its principal business office at Laramie, Wyoming, into and with Pacific, and authorizing the issuance and assumption by Pacific, as the surviving corporation, of the securities which will be issued and assumed by it as a result of the proposed merger. Western is engaged in the business of generating, purchasing, transmitting, distributing and selling electric energy in Laramie, Wyoming, and areas adjacent thereto.

Pacific proposes to assume all of Western's First Mortgage Sinking Fund Bonds, 3 1/2 percent series due 1971, outstanding on the effective date of the proposed merger. At June 30, 1955, \$756,000 in principal amount of such bonds were outstanding. Pacific will issue four shares of its authorized but unissued Common Stock of the par value of \$6.50 per share for each of the 15,700 shares of Common Stock of the par value of \$10 per share of Western, outstanding on the effective date of the proposed

merger. The aggregate number of additional shares of its Common Stock which Pacific will issue in order to effect the proposed merger is 62,800.

Upon consummation of the proposed merger, the separate existence of Western will cease and Pacific, as the surviving corporation, will succeed to all of the rights and properties and become subject to all of the liabilities and obligations of Western.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 30th day of September 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7549; Filed, Sept. 16, 1955;
8:49 a. m.]

[Docket No. G-7302]

MOWERY LEASE No. 1

NOTICE OF APPLICATION AND DATE OF
HEARING

SEPTEMBER 13, 1955.

Take notice that Mowery Lease No. 1, Jack Price, Agent (Applicant), an individual whose address is 202 Second National Bank Building, Titusville, Pennsylvania, filed on December 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from Benezette Township, Elk County, Pennsylvania, which is sold to The Manufacturers Light & Heat Company at 27.5 cents per Mcf for transportation in interstate commerce for resale.

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 19, 1955, 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 noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

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 1.3 or 1.10) on or before October 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7567; Filed, Sept. 16, 1955;
8:53 a. m.]

[Docket No. G-9158]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF
HEARING

SEPTEMBER 12, 1955.

Take notice that El Paso Natural Gas Company (Applicant), a corporation whose address is El Paso Natural Gas Company Building, El Paso, Texas, filed on July 20, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate facilities in Lea County and Luna County, New Mexico, for the delivery and sale of gas to Southern Union Gas Company and Lea County Gas Company for resale at a cost of approximately \$825.

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

Description	Purchaser	Rate schedule designation	Effective date ¹
Notice of change, undated...	Panhandle Eastern Pipeline Co.	Supplement No. 8 to Applicant's FPO Gas Rate Schedule No. 4.	Sept. 21, 1955

¹ The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary

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, 1955, 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 noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

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 1.3 or 1.10) on or before October 7, 1955. 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.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7552; Filed, Sept. 16, 1955;
8:50 a. m.]

[Docket No. G-9310]

J. M. HUBER CORP.

ORDER SUSPENDING PROPOSED CHANGES IN
RATES

J. M. Huber Corporation (Applicant), on August 15, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until February 21, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Adopted: September 8, 1955.

Issued: September 13, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7566; Filed, Sept. 16, 1955;
8:53 a. m.]

[Docket No. G-9219]

ARKANSAS-MISSOURI POWER CO.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 12, 1955.

Take notice that Arkansas-Missouri Power Company (Applicant), a corporation whose address is 104 South Fifth Street, Blytheville, Arkansas, filed on August 10, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate an extension to its present 6-inch transmission line between Hayti, Missouri, and Caruthersville which will extend 14.5 miles to Portageville, Missouri. The gas supply for the proposed service will come from Texas Eastern Transmission Corporation. The proposed extension is estimated to cost \$275,000 and has been approved by the Missouri Public Service Commission and the City of Portageville.

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 section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 25, 1955, at 9:45 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 section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

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 7, 1955. 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.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7554; Filed, Sept. 16, 1955; 8:50 a. m.]

[Project No. 2107]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF LAND WITHDRAWAL, CALIFORNIA

SEPTEMBER 8, 1955.

Under the date of July 8, 1952, this Commission gave notice to the Bureau

No. 182—5

of Land Management of withdrawal of approximately 119.90 acres of land of the United States by the filing on May 12, 1952, of an application for license (Major) by the Pacific Gas and Electric Company docketed as Project No. 2107.

On April 11, 1955, the Pacific Gas and Electric Company, licensee, filed in the office of this Commission an application for amendment of plans for the aforesaid project, requiring a modification of the project boundaries to include additional lands necessary for location of certain project works within portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32 and Lot 1 Section 33, T. 23 N., R. 5 E., M. D. M., California.

Conformable to the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that all lands lying within the revised project boundary within the aforesaid subdivisions as shown on revised map designated (FPC No. 2107-6) "Exhibits K-1A and L-1A," entitled "Poe Project, Pacific Gas and Electric Company", and filed with this Commission on April 11, 1955, are from said date of filing, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

The additional area reserved by the filing of this application is approximately 3.58 acres all of which have been previously reserved in connection with either an earlier application for Project No. 1297, or in Power Site Classification No. 179.

Photostatic copies of the aforesaid amendatory map (FPC No. 2107-6) superseding (FPC No. 2107-2), have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7555; Filed, Sept. 16, 1955; 8:51 a. m.]

[Docket Nos. G-9164, G-9173]

MORAN BROTHERS, INC., AND FOSTER PETROLEUM CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 12, 1955.

In the matters of Moran Brothers, Inc., Docket No. G-9164, and Foster Petroleum Corporation, Docket No. G-9173.

Take notice that Moran Brothers, Inc., and Foster Petroleum Corporation (Applicants), corporations with their principal place of business in Wichita Falls, Texas, and Bartlesville, Oklahoma, respectively, filed on July 21, 1955 (G-9164), and July 25, 1955 (G-9173), an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to sell gas from Greenwood Field, Morton County, Kansas, and Baca County, Colorado, to Colorado Interstate Gas Company at 15 cents per Mcf for transportation in interstate commerce for resale.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 25, 1955, 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 applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

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 7, 1955. 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.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-7553; Filed, Sept. 16, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 14, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31036: *Caustic Soda—Canton, N. C., to Foley, Fla.* Filed by Southern Railway Company for itself and other interested rail carriers. Rates on liquid caustic soda, tank-car loads from Canton, N. C., to Foley, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 127 to Agent Spaninger's I. C. C. 1251.

FSA No. 31037: *Eduminous Fine Coal to Granite Falls, Minn.* Filed by E. C. Kratzmeir, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from specified points in Arkansas, Kansas, Missouri, and Oklahoma to Granite Falls, Minn.

Grounds for relief: Market competition with combination of rail-barge and rail-truck carriers and circuitous routes.

Tariff: Supplement 109 to Agent Kratzmeir's I. C. C. 3920.

FSA No. 31088: *Woodpulp—New Orleans, La., and Natchez, Miss., to Newark, Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on woodpulp, carloads from New Orleans, La., and Natchez, Miss., to Newark, Ohio.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 31089: *Black Liquor Skimmings to Goodyear, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphate black liquor skimmings, carloads from specified Texas points to Goodyear, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 91 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31090: *Logs—Chattanooga, Tenn., to Evansville, Ind.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on native wood logs, carloads from Chattanooga, Tenn., to Evansville, Ind.

Grounds for relief: Circuitous route.

Tariff: Supplement 70 to Agent C. A. Spaninger's I. C. C. 1298.

FSA No. 31091: *Fullers Earth—Florida and Georgia to the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fullers earth, carloads from Jamieson, Quincy, Fla., Attapulgus, Roddenbery, and Faceville, Ga., to specified points in Florida, Georgia, and South Carolina.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 89 to Agent Spaninger's I. C. C. 1323.

FSA No. 31092: *Soil Pipe and Fittings—Holt, Ala., to Memphis, Tenn.* Filed by R. E. Boyle, Agent, for interested rail carriers. Rates on cast iron soil pipe and fittings, carloads from Holt, Ala., to Memphis, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 62 to Agent Spaninger's I. C. C. No. 1374.

FSA No. 31093: *Cast Iron Pipe—Cordele and Rome, Ga., to Charlottesville, Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cast iron pipe and related articles, carloads from Cordele and Rome, Ga., to Charlottesville, Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 62 to Agent Spaninger's I. C. C. 1374.

FSA No. 31094: *Cast Iron Borings—Indianapolis, Ind., to New York, N. Y.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cast iron borings, carloads from Indianapolis, Ind., to Brooklyn and New York, N. Y.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 71 to Agent Hinsch's I. C. C. 4350.

FSA No. 31095: *Asphalt—Buffalo, N. Y., Group to Arrowhead and Fulton, N. Y.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain, or varnish), tank-car loads from Buffalo, N. Y., and points grouped therewith to Arrowhead and Fulton, N. Y.

Grounds for relief: Circuitous route.

Tariff: Supplement 59 to Delaware, Lackawanna and Western Railroad tariff I. C. C. 24469.

FSA No. 31096: *Coke and Products—East St. Louis, Ill., to Keokuk, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on coke, coke breeze, dust or screenings, straight or mixed carloads from East St. Louis, Ill., to Keokuk, Iowa.

Grounds for relief: Competition with water carriers.

Tariff: Supplement 35 to Agent Raasch's I. C. C. 767.

FSA No. 31097: *Brick and Related Articles—Hebron, N. D. to Mobridge, S. D.* Filed by Northern Pacific Railway Company, for itself and on behalf of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Rates on building or facing, paving, roofing, clay, tile, and salt glazed brick, carloads from Hebron, N. D., to Mobridge, S. D.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 5 to Northern Pacific Railway Tariff I. C. C. 9331.

FSA No. 31098: *Grain and Products—Carolina and Virginia Points to East.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on grain, grain products, feed and kindred articles, carloads, from specified points in North Carolina, South Carolina, and Virginia to specified points in District of Columbia, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island.

Grounds for relief: Grouping and circuitous routes.

Tariff: Agent C. A. Spaninger's tariff I. C. C. 1508.

FSA No. 31099: *Latex—Baton Rouge and North Baton Rouge, La., to Miami, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), tank-car loads from Baton Rouge and North Baton Rouge, La., to Miami, Okla.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 36 to Agent Kratzmeir's I. C. C. 4055.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-7564; Filed, Sept. 16, 1955;
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-215]

STANDARD POWER AND LIGHT CORP.

SUPPLEMENTAL ORDER APPROVING CERTAIN
ACCOUNTING ENTRIES AND RELEASING
JURISDICTION WITH RESPECT THERETO

SEPTEMBER 13, 1955.

The Commission by order dated October 29, 1954, having approved a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 filed by Standard Power and Light Corporation ("Power"), a registered holding company, which plan proposed a settlement

of all claims between Power and H. M. Bylesby and Company ("Byllesby") by means of a proposed distribution of portfolio securities and cash by Power to Bylesby; and

The Commission in said order having reserved jurisdiction over, among other things, the appropriateness of the accounting entries to be made by Power in recording the transactions contemplated by the plan;

Power having advised the Commission that it has distributed to Bylesby \$209,800 in cash, 174,000 shares of Standard Gas and Electric Company common stock, 18,500 shares of Duquesne Light Company common stock, 18,000 shares of Oklahoma Gas & Electric Company common stock and 31,000 shares of Wisconsin Public Service Company common stock, and the record now having been completed with respect to Power's proposed accounting entries for the recording of such transactions;

The Commission having considered the proposed accounting entries and observing no basis for adverse findings with respect thereto, and deeming it appropriate that said accounting entries be approved and that the jurisdiction heretofore reserved in said order dated October 29, 1954, with respect to said accounting entries be released:

It is ordered, That the accounting entries to be made by Power in connection with the aforesaid plan be, and hereby are, approved, and that the jurisdiction heretofore reserved in said order dated October 29, 1954, with respect to said accounting entries be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-7559; Filed, Sept. 16, 1955;
8:52 a. m.]

[File No. 59-100 etc.]

MIDDLE SOUTH UTILITIES, INC., ET AL.

ORDER DENYING PETITION TO REOPEN PRIOR
PROCEEDINGS AND MODIFY ORDER

SEPTEMBER 13, 1955.

In the matter of Middle South Utilities, Inc., Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, New Orleans Public Service, Inc., respondents, File No. 59-100; Electric Power & Light Corporation, File No. 54-139; Louisiana Power & Light Company, Louisiana Gas Service Corporation, File No. 70-3315; Louisiana Power & Light Company, File No. 31-620.

The Commission having on March 20, 1953, in proceedings pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, entered an order directing that Louisiana Power and Light Company dispose of its nonelectric properties, and the Louisiana Public Service Commission having filed a petition seeking, among other things, to reopen the aforesaid proceedings and modify the aforesaid order, and having filed an

offer of proof and a brief in support thereof;

Briefs having also been filed by Louisiana Power and Light Company, Jefferson Parish, Louisiana, and the Division of Corporate Regulation of the Commission, and the Commission having heard oral argument;

It is ordered, That the aforesaid petition of Louisiana Public Service Commission to the extent that it requests reopening of the aforesaid Section 11 (b) (1) proceedings be, and it hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7557; Filed, Sept. 16, 1955;
8:51 a. m.]

[File No. 70-3407]

AMERICAN GAS AND ELECTRIC CO. AND OHIO
POWER CO.

ORDER GRANTING APPLICATION-DECLARATION
REGARDING ISSUANCE AND SALE OF BONDS,
PREFERRED AND COMMON STOCK, ACQUI-
SITION OF COMMON STOCK BY PARENT
HOLDING COMPANY, AND PREPAYMENT OF
NOTES BY SUBSIDIARIES

SEPTEMBER 12, 1955.

An application-declaration and an amendment thereto having been filed with this Commission by American Gas and Electric Company ("American Gas"), a registered holding company, and its public utility subsidiary company, Ohio Power Company ("Ohio"), pursuant to Sections 6 (b), 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act"), and Rules U-43 and U-50 promulgated thereunder, regarding certain proposed transactions, which are summarized as follows.

Ohio proposes to issue and sell \$17,000,000 aggregate principal amount of its First Mortgage Bonds, — percent Series due 1985, to be secured by a Mortgage and Deed of Trust, dated as of October 1, 1938, between Ohio and The Hanover Bank and James T. Harrigan, Trustees, and indentures supplemental thereto, including a Supplemental Indenture to be dated as of September 1, 1955. Such bonds will be sold pursuant to the competitive bidding requirements of Rule U-50. The coupon rate (which shall be expressed in a multiple of 1/8 of 1 percent and the price to be paid to Ohio, which shall be not less than 100 percent and shall not exceed 102 3/4 percent of principal amount, will be determined by the competitive bidding.

Ohio further proposes to issue and sell 60,000 shares of — percent Cumulative Preferred Stock, par value \$100 per share. Such shares of preferred stock will be sold pursuant to the competitive bidding requirements of Rule U-50. The dividend rate (which shall be expressed in a multiple of 0.04 of 1 percent) and the price to be paid to Ohio, which shall be not less than \$100 per share nor more than \$102.75 per share, will be determined by the competitive bidding.

Ohio further proposes to issue and sell, prior to or concurrently with the sale of the bonds or preferred stock, 60,000

shares of its common stock, no par value, to American Gas, its sole common stockholder, for \$6,000,000 cash, and American Gas proposes to acquire such stock.

Ohio further proposes that the proceeds of the sales of bonds, preferred stock and common stock are to be applied, to the extent available, to the prepayment without premium of notes payable to banks. At the present time notes payable to banks are outstanding in the amount of \$11,900,000; it is expected that a further additional amount of \$4,000,000 may be issued, making an aggregate amount of \$15,900,000 to be outstanding at the time of issuance and delivery of the securities described above. Any remaining proceeds will be added to Ohio's treasury funds and will be applied to extensions, additions and improvements to its properties. The cost of Ohio's construction program for the period July 1, 1955 to December 31, 1956 is estimated to be \$60,474,000.

The application-declaration, as amended, further states that such of the proposed transactions that are to be effected by Ohio have been expressly authorized by the Public Utilities Commission of Ohio, in which State it is organized and doing business, and that no other commission, other than The Public Utilities Commission of Ohio and the Securities and Exchange Commission, has jurisdiction over the proposed transactions.

The application-declaration states that the fees and expenses in connection with the sale of the bonds and preferred stock are, and are to be allocated, as follows:

	New Bonds	New Preferred Stock
Filing fee for registration statement.....	\$1,750.00	500
Federal issuance stamp taxes.....	18,700.00	6,000
State filing and recordation fees and expenses ¹	3,000.00	-----
Printing registration statement, prospectus, supplemental indenture, charter amendment, bidding papers, etc. ¹	10,000.00	6,000
Printing and engraving definitive new bond and new preferred stock certificates ¹	6,400.00	300
Charges of trustee (including counsel fees) ¹	9,000.00	-----
Charges of transfer agent and registrar ¹	-----	40
Certified public accountants charges ¹	4,500.00	1,000
Legal fees of counsel to the Company:		
Simpson, Thatcher & Bartlett ¹	11,000.00	2,000
Pomeroi, Burns & Millman ¹	3,000.00	200
Hollan, Garden, Matthews & Hess ¹	2,000.00	-----
Miscellaneous expenses including traveling, blue sky, postage, telegraph and incidental expenses ¹	3,000.00	1,000
	\$1,632.25	\$1,400

¹ Estimated.

Legal fees of Winthrop, Stimson, Putnam and Roberts, counsel for the purchasers of bonds and purchasers of the preferred stock are estimated at \$6,000 with respect to the bonds and \$1,500 with respect to the preferred stock and will be paid by such purchasers. Federal Tax Stamps relating to the issuance by Ohio of 60,000 shares of common stock, no par value, are estimated at \$6,600.

The application-declaration requests that the Commission's order herein become effective forthwith upon the issuance thereof.

Notice of the filing of the application-declaration having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the Act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration, as amended, that the applicable statutory standards are satisfied; that the fees and expenses set forth above, if they do not exceed the estimates, are not unreasonable; that it is unnecessary to impose terms or conditions other than those set forth below; and that the application-declaration, as amended, should be granted and permitted to become effective forthwith subject to the terms and conditions hereinafter provided:

It is ordered Pursuant to said Rule U-23 and the applicable provisions of the Act that the application-declaration, as amended, be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and subject to the following additional terms and conditions:

That in the event Ohio issues 60,000 shares of — percent Preferred Stock, so long as any shares of the — percent Preferred Stock are outstanding Ohio shall not:

1. Without the consent (given by vote at a meeting called for that purpose) of the holders of a majority of the total number of shares of the Cumulative Preferred Stock then outstanding, sell or otherwise dispose of all or substantially all of its properties unless such sale or disposition shall have been ordered, approved, or permitted under the Public Utility Holding Company Act of 1935; and

2. Redeem, purchase or otherwise acquire any shares of the Cumulative Preferred Stock during any period when dividends payable on the Cumulative Preferred Stock shall be in default unless all shares of the Cumulative Preferred Stock shall be so redeemed, purchased or otherwise acquired, or unless such redemption, purchase or acquisition shall have been ordered, approved or permitted under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-7591; Filed, Sept. 15, 1955;
8:47 a. m.]

[File No. 70-3499]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ISSUANCE AND SALE AT
COMPETITIVE BIDDING OF PRINCIPAL
AMOUNT OF DEBENTURES

SEPTEMBER 13, 1955.

The Columbia Gas System, Inc ("Columbia"), a registered holding company, has filed a declaration and an amend-

ment thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 thereunder, regarding the following proposed transaction:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, \$40,000,000 principal amount of -- Percent Debentures, Series E, due 1980. The interest rate to be borne by the Debentures (which shall be a multiple of $\frac{1}{8}$ of 1 percent) and the price (exclusive of accrued interest) to be paid for the Debentures (which shall be not less than 99 percent nor more than 101 $\frac{1}{2}$ percent of the principal amount) will be determined by the bidding. The Debentures will be issued under the Indenture between Columbia and Guaranty Trust Company of New York, as Trustee, dated as of June 1, 1950, as heretofore supplemented and as to be supplemented by a Fourth Supplemental Indenture, dated as of September 1, 1955.

Columbia states that the net proceeds from the sale of said Debentures will be used to prepay, on or about September 29, 1955, \$20,000,000 of its bank loans due April 30, 1956, and the balance, to-

gether with other funds of the corporation, will be available to complete the 1955 construction program, estimated to cost about \$65,000,000, of which approximately \$29,000,000 has been expended through June 30, 1955.

The fees and expenses in connection with the proposed transaction are estimated to aggregate \$185,280, including: filing fee, \$4,080; printing and issuance of temporary debentures, \$18,000; printing and issuance of definitive debentures, \$30,800; printing other documents, \$25,600; counsel fee, \$15,000; engineering fee, \$10,000; accounting fee, \$20,000; services of system service company (at cost), \$10,000; original issue tax, \$44,000; listing fee, New York Stock Exchange, \$4,800; and other miscellaneous expenses, \$3,000. The fee of counsel to the underwriters (to be paid by the successful bidder) is estimated at \$12,500, plus out-of-pocket expenses not exceeding \$1,500.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the transaction described herein that the applicable pro-

visions of the Act and the Rules promulgated thereunder are satisfied and that no adverse findings are necessary except that the record is incomplete with respect to the legal, engineering and accounting fees, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith, subject to the conditions and reservations below set out:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rule U-50 and Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved with respect to all legal, engineering and accounting fees.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 55-7558; Filed, Sept. 16, 1955;
8:51 a. m.]