



FEDERAL REGISTER

VOLUME 24

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Washington, Saturday, June 27, 1959

Title 3—THE PRESIDENT

Executive Order 10826

AUTHORIZING THE CIVIL SERVICE COMMISSION TO CONFER BENEFITS IN CERTAIN CASES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes of the United States (5 U.S.C. 631), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Whenever a Federal employee or former Federal employee has met the requirements of an Executive order (heretofore or hereafter issued) which provides a benefit for Federal employees but has become ineligible to receive such benefit solely because of the failure of an administrative agency, because of error or oversight, to make a timely determination or recommendation required by the Executive order, the Civil Service Commission may, to avoid inequity in individual cases, confer such benefit upon the employee or former employee: *Provided*, that the Civil Service Commission may confer such benefit only upon the making of the required determination or recommendation by the agency in which the employee or former employee is employed or is to be employed; and no action taken by the Commission under this order shall be effective prior to the date on which the action is taken.

SEC. 2. The grant of a benefit under section 1 of this order shall not entitle any person to appeal a reduction-in-force or other personnel action made effective prior to the date on which the agency concerned is notified that such person has been granted a benefit under this order.

SEC. 3. Executive Order No. 10535 of June 9, 1954, is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 25, 1959.

[F.R. Doc. 59-5427; Filed, June 25, 1959;
4:38 p.m.]

Executive Order 10827

FURTHER PROVIDING FOR THE ADMINISTRATION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered that sections 4 and 5 of Executive Order No. 10560 of September 9, 1954, as amended, be, and they are hereby, further amended to read as follows:

SEC. 4. Foreign currencies. (a)(1) The amounts of foreign currencies which accrue under Title I of the Act to be used for the loans described in section 104(g) of the Act, and the amounts of such currencies to be used for loans by the Export-Import Bank pursuant to section 4(d)(5) of this order, shall be the amounts thereof specified, or shall be the amounts thereof corresponding to the dollar amounts specified, for such loans in sales agreements entered into pursuant to section 3(a) of this order. The Department of State may allocate or transfer to the Development Loan Fund foreign currencies to be used for loans made by the latter under section 104(g) of the Act in pursuance of section 4(d)(7)(i) hereof.

(2) Except as otherwise provided in section 4(a)(1) above, the Director of the Bureau of the Budget shall from time to time fix the amounts of foreign currencies which accrue under Title I of the Act to be used for the purposes described in the respective lettered paragraphs of section 104 of the Act (including purposes financed with foreign currencies acquired, or to be acquired, with funds appropriated by the Congress pursuant to the Act) and, to such extent as may be necessary, shall allocate the amounts so fixed among the Government agencies concerned.

(3) The function conferred upon the President by the last proviso of section 104 of the Act of waiving the applicability of section 1415 of the Supplemental

(Continued on p. 5235)

CONTENTS

THE PRESIDENT

Executive Orders	Page
Authorizing the Civil Service Commission to confer benefits in certain cases.....	5233
Further providing for the administration of the Agricultural Trade Development and Assistance Act of 1954, as amended....	5233

EXECUTIVE AGENCIES

Agricultural Marketing Service	
Notices:	
Posted stockyards:	
Aliceville Sale Barn et al.....	5251
Ariton Livestock Auction et al.....	5253
Rules and regulations:	
Limes grown in Florida; amendment.....	5239
Limitation of handling:	
Lemons grown in California and Arizona.....	5239
Valencia oranges grown in Arizona and designated part of California.....	5236
Nectarines grown in California; limitation of shipments (3 documents).....	5237, 5238
Onions grown in certain designated counties in Idaho and Malheur County, Oregon; approval of increased expenses for fiscal year ending June 30, 1959.....	5240
Plums grown in California:	
Grade regulation.....	5237
Grade and size regulation.....	5237

Agriculture Department	
See Agricultural Marketing Service; Commodity Credit Corporation; Commodity Stabilization Service.	

Atomic Energy Commission	
Notices:	
Ordnance Materials Research Office; correction of amendment to construction permit... West Virginia University; issuance of construction permit.....	5255
Worcester Polytechnic Institute; application for construction permit and utilization facility license.....	5255



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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

Title 17 (\$0.70)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 6 (\$1.75); Title 7, Parts 1-50 (\$4.00); Parts 51-52 (\$6.25); Parts 53-209 (\$5.50); Parts 210-899 (\$2.50); Parts 900-959 (\$1.50); Part 960 to end (\$2.25); Title 8 (\$0.35); Title 9 (\$4.75); Titles 10-13 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Part 400 to end (\$1.50); Title 15 (\$1.00); Title 16 (\$1.75); Title 18 (\$0.25); Title 19 (\$0.75); Title 21 (\$1.00); Titles 22-23 (\$0.35); Title 24 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Title 26 (1954) Parts 1-19 (\$3.25); Parts 20-221 (\$3.00); Part 222 to end (\$2.75); Titles 28-29 (\$1.50); Titles 30-31 (\$3.50); Title 32, Parts 1-399 (\$1.50); Parts 400-699 (\$1.75); Parts 700-799 (\$0.70); Parts 800-1099 (\$2.50); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Parts 1-29 (\$0.70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40); Part 165 to end (\$1.00); Title 50 (\$0.75)

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

CONTENTS—Continued

Business and Defense Services Administration	Page
Notices:	
Regional production directors; emergency delegation of authority	5254
Civil Aeronautics Board	
Notices:	
Southern Airways, Inc.; hearing on renewal of temporary intermediate points	5256
Proposed rule making:	
Navigation of foreign civil aircraft within U.S.; revision of economic regulatory provisions	5243
Commerce Department	
See also Business and Defense Services Administration; Federal Maritime Board.	
Notices:	
Norris, Sam; statement of change in financial interest	5255
Commodity Credit Corporation	
Rules and regulations:	
Barley; 1959 crop loan and purchase agreement program	5236
Commodity Stabilization Service	
Rules and regulations:	
Wheat marketing quota regulations for 1958 and subsequent crop years; excess acreage utilization dates	5236
Customs Bureau	
Rules and regulations:	
Cartage and lighterage; contracts	5242
Liquidation of duties; sugar from Australia	5241
Transportation in bond and merchandise in transit; transshipments	5241
Federal Aviation Agency	
Proposed rule making:	
Approval of training programs and certification and qualification standards of pilots other than pilots in command; scheduled interstate and air carrier operations, scheduled air carrier operations outside continental U.S., and irregular air carrier and off-route rules	5246
Maximum age limitations for pilots:	
Irregular air carrier and off-route rules	5249
Scheduled air carrier operations outside continental U.S.	5248
Scheduled interstate air carrier certification and operation	5247
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Fuller, William Parmer III, et al.	5256
Kay, Norman E.	5256
Parrish, B. J., and Noe, James A.	5256
WMAX, Inc. (WMAX)	5256

CONTENTS—Continued

Federal Deposit Insurance Corporation	Page
Proposed rule making:	
Payment of deposits and interest thereon by insured non-member banks	5250
Federal Maritime Board	
Notices:	
Matson Navigation Co. et al.; hearing, etc.	5254
Federal Power Commission	
Notices:	
Hearings, etc.:	
General American Oil Co. of Texas	5256
Kinsey, N. V., et al.	5257
Lone Star Gas Co.	5257
Monsanto Chemical Co.	5258
Mull Drilling Co., Inc., and Panhandle Eastern Pipe Line Co.	5258
Murchison, C. W., et al.	5258
Sparta Oil Co.	5259
Superior Oil Co.	5259
Superior Oil Co. and Woodley Petroleum Co.	5259
Tennessee Gas Transmission Co.	5260
Texas Pacific Coal and Oil Co. et al.	5260
Federal Reserve System	
Proposed rule making:	
Payment of interest on deposits	5251
Federal Trade Commission	
Rules and regulations:	
Cease and desist orders:	
Keele Hair & Scalp Specialists, Inc., et al.	5240
Norkon Pharmacal, Inc., et al.	5241
Food and Drug Administration	
Proposed rule making:	
Food additives; petition for issuance of regulation establishing zero tolerance for a preparation containing procaine penicillin, neomycin, polymyxin, hydrocortisone acetate, and hydrocortisone sodium succinate in milk from dairy cows	5243
Rules and regulations:	
Residues of methylene chloride; exemption from requirement of tolerance	5242
Health, Education, and Welfare Department	
See Food and Drug Administration; Social Security Administration.	
Interior Department	
Notices:	
Bureau of Indian Affairs; delegation of authority with respect to forestry; correction	5251
Interstate Commerce Commission	
Notices:	
Motor carrier transfer proceedings	5261
Railroads servicing New York harbor area; rerouting of traffic	5262

CONTENTS—Continued

Securities and Exchange Commission	Page
Notices:	
Universal Oil Recovery Corp.; order canceling hearing.....	5261
Social Security Administration	
Notices:	
Foreign social insurance and pension system; finding regarding Burma; correction....	5255
State Department	
Rules and regulations:	
Passports for Boy Scouts attending World Jamboree of Boy Scouts in Philippines....	5242
Tariff Commission	
Notices:	
Rye; investigation instituted and hearing set.....	5262
Treasury Department	
See Customs Bureau.	

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

3 CFR	Page
<i>Executive orders:</i>	
10535 (revoked by EO 10826) ..	5233
10560 (amended by EO 10827) ..	5233
10685 (revoked in part by EO 10827) ..	5233
10826 ..	5233
10827 ..	5233
6 CFR	
421 ..	5236
7 CFR	
728 ..	5236
922 ..	5236
936 (2 documents) ..	5237
937 (3 documents) ..	5237, 5238
953 ..	5239
1001 ..	5239
1017 ..	5240
12 CFR	
<i>Proposed rules:</i>	
217 ..	5251
329 ..	5250
14 CFR	
<i>Proposed rules:</i>	
40 (2 documents) ..	5246, 5247
41 (2 documents) ..	5246, 4248
42 (2 documents) ..	5246, 5249
375 ..	5243
16 CFR	
13 (2 documents) ..	5240, 5241

CODIFICATION GUIDE—Con.

19 CFR	Page
16 ..	5241
18 ..	5241
21 ..	5242
21 CFR	
120 ..	5242
<i>Proposed rules:</i>	
121 ..	5243
22 CFR	
51 ..	5242

Appropriation Act, 1953 (31 U.S.C. 724), is hereby delegated to the Director of the Bureau of the Budget.

(b) The Secretary of the Treasury is hereby authorized to prescribe regulations governing the purchase, custody, deposit, transfer, and sale of foreign currencies received under the Act.

(c) The foregoing provisions of this section shall not limit section 3 of this order, and the foregoing subsection (b) shall not limit subsection (a) above.

(d) The purposes described in the lettered paragraphs of section 104 of the Act shall be carried out, with foreign currencies made available in consonance with law and the provisions of this order, as follows:

(1) Those under sections 104(a) and 104(m)(B) of the Act by the Department of Agriculture.

(2) Those under section 104(b) of the Act by the Office of Civil and Defense Mobilization. The function conferred upon the President by that section of determining, from time to time, materials to be contracted for or to be purchased for a supplemental stockpile is hereby delegated to the Director of the Office of Civil and Defense Mobilization.

(3) Those under section 104(c) of the Act by the Department of Defense or the Department of State, as those agencies shall agree, or in the absence of agreement, as the Director of the Bureau of the Budget shall determine.

(4) Those under sections 104(d) and 104(e) of the Act by the Department of State, except to the extent that section 104(e) pertains to the loans referred to in subsection (d) (5) of this section.

(5) Those under section 104(e) of the Act by the Export-Import Bank of Washington to the extent that section 104(e) pertains to loans governed by that portion of such section added by the act of August 13, 1957, 71 Stat. 345.

(6) Those under section 104(f) of the Act by the respective agencies of the Government having authority to pay United States obligations abroad.

(7) (i) Those under section 104(g) of the Act by the Department of State and by the Development Loan Fund, as they shall agree. (ii) The function conferred upon the President by section 104(g) of the Act of determining the manner in which the loans provided for in section 104(g) shall be made is hereby delegated to the Secretary of State with respect

to loans made by the Department of State pursuant to the assignment of purposes effected under item (i) of this paragraph, and to the Development Loan Fund with respect to loans made by the Development Loan Fund pursuant to such assignment of purposes. (iii) As used herein, the term "the Development Loan Fund" means the Managing Director of the Development Loan Fund, acting subject to the immediate supervision and direction of the board of directors of the Development Loan Fund; but, notwithstanding the foregoing, the Development Loan Fund, with respect to this order, shall be subject to the supervision and direction of the Secretary of State.

(8) Those under sections 104(h) and 104(o) of the Act by the Department of State.

(9) Those under sections 104(i) and 104(m)(A) of the Act by the United States Information Agency.

(10) Those under section 104(j) of the Act by the Department of State and by the United States Information Agency in accordance with the division of responsibilities for the administration of the United States Information and Educational Exchange Act of 1948 (62 Stat. 6) provided by Reorganization Plan No. 8 of 1953 (67 Stat. 642) and Executive Order No. 10477 of August 1, 1953, and by subsequent agreement between the Department of State and the United States Information Agency.

(11) Those under section 104(k) of the Act as follows: (i) Those with respect to collecting, collating, translating, abstracting, and disseminating scientific and technological information by the Director of the National Science Foundation and such other agency or agencies as the Director of the Bureau of the Budget, after appropriate consultation, may designate. (ii) All others by such agency or agencies as the Director of the Bureau of the Budget, after appropriate consultation, may designate. As used in this paragraph the term "appropriate consultation" shall include consultation with the Secretary of State, the Director of the National Science Foundation, and any other appropriate Federal agency.

(12) Those under section 104(l) of the Act by the Department of State and by any other agency or agencies designated therefor by the Secretary of State.

(13) Those under section 104(n) of the Act by the Librarian of Congress.

SEC. 5. Reservation of functions to the President. There are hereby reserved to the President the functions conferred upon him by section 108 of the Act, with respect to making reports to Congress.

Section 1 of Executive Order No. 10685 of October 27, 1956, is hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 25, 1959.

[F.R. Doc. 59-5428; Filed, June 25, 1959; 4:38 p.m.]

RULES AND REGULATIONS

Title 6—AGRICULTURAL CREDIT

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

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Barley Loan and Purchase Agreement Program

SOUTH DAKOTA AND WYOMING; BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, 24 F.R. 3027, 4017, and 4325, containing the specific requirements for the 1959-crop barley are amended as follows:

Section 421.4087(b) is amended by changing the basic county support rates as follows:

South Dakota

McCook County increased from \$0.77 to \$0.79 per bushel.

Wyoming

Teton County increased from \$0.55 to \$0.66 per bushel.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Issued this 24th day of June 1959.

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

[F.R. Doc. 59-5381; Filed, June 26, 1959; 8:52 a.m.]

Title 7—AGRICULTURE

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

[Amdt. 11]

PART 728—WHEAT

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

EXCESS ACREAGE UTILIZATION DATES

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the date for the disposal of excess wheat

acreage in part of Umatilla County, Oregon. Since the determination of 1959 wheat acreage is now being made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1959 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Section 728.855(b) is amended as follows: Under Oregon, change the date of June 15 to July 1 for Umatilla County for the area under 2,000 feet.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 374, 52 Stat. 65, 68 Stat. 904; 7 U.S.C. 1374)

Issued at Washington, D.C., this 24th day of June 1959.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-5382; Filed, June 26, 1959; 8:52 a.m.]

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

[Valencia Orange Reg. 171]

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

Limitation of Handling

§ 922.471 Valencia Orange Regulation 171.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, 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 hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this 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 committee held an open meeting during the current week, 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 were 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 hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1959.

(b) *Order.* (1) The respective quantities 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., June 28, 1959, and ending at 12:01 a.m., P.s.t., July 5, 1959, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 669,900 cartons;
- (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

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

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

Dated: June 26, 1959.

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

[F.R. Doc. 59-5455; Filed, June 26, 1959; 11:46 a.m.]

[Plum Order 5, Amdt. 1]

**PART 936—FRESH BARTLETT PEARS,
PLUMS, AND ELBERTA PEACHES
GROWN IN CALIFORNIA**

Regulation by Grades

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter specified, and in the manner herein provided, will tend to effectuate the declared policy of the act.

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

It is, therefore, ordered as follows:

The provisions in paragraph (b) (1) of § 936.618 (Plum Order 5; 24 F.R. 4901) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 24, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship from any shipping point during any day any package or container of any variety of plums other than Tragedy, Eldorado, Mariposa, Ace, and Elephant Heart unless such plums grade at least U.S. No. 1: *Provided*, That Duarte plums which otherwise grade U.S. No. 1 may be shipped if two-thirds ($\frac{2}{3}$) of the flesh of such plums has any degree or intensity of red color (including pink).

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 5; or (2) as releasing or extinguishing any violation of Plum Order 5 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

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

Dated: June 23, 1959, to be effective on and after 12:01 a.m., P.s.t., June 24, 1959.

S. R. SMITH,
*Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.*

[F.R. Doc. 59-5354; Filed, June 26, 1959;
8:48 a.m.]

[Plum Order 11, Amdt. 1]

**PART 936—FRESH BARTLETT PEARS,
PLUMS, AND ELBERTA PEACHES
GROWN IN CALIFORNIA**

Regulation by Grades and Sizes

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

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

It is, therefore, ordered as follows:

The provisions in paragraph (b) (1) of § 936.624 (Plum Order 11; 24 F.R. 4991) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 24, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship from any shipping point during any day any package or container of Mariposa, Ace or Elephant Heart plums unless such plums grade at least U.S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided*, That such plums which otherwise meet such minimum grade requirements may be shipped

if three-fourths ($\frac{3}{4}$) of the flesh of such plums has any degree or intensity of red color (including pink); and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided*, That individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further*, That if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 11; or (2) as releasing or extinguishing any violation of Plum Order 11 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

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

Dated: June 23, 1959, to be effective on and after 12:01 a.m., P.s.t., June 24, 1959.

S. R. SMITH,
*Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.*

[F.R. Doc. 59-5355; Filed, June 26, 1959;
8:48 a.m.]

[Nectarine Order 1, Amdt. 1]

**PART 937—NECTARINES GROWN IN
CALIFORNIA**

Limitation of Shipments

Findings. 1. Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937; 23 F.R. 4616) regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other avail-

able information, it is hereby found that the limitation of handling of nectarines of the varieties hereinafter specified, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the Freedom variety of nectarines.

It is, therefore, ordered, That the provisions of paragraph (b) (1) of § 937.310 (Nectarine Order 1; 24 F.R. 4207) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided*, That (i) any such variety of nectarines other than the Freedom variety which otherwise grade at least U.S. No. 1 may be handled when not to exceed 25 percent of the surface of the individual fruit of the respective variety is affected by russeting which is not checked or cracked, and (ii) nectarines of the Freedom variety which otherwise grade U.S. No. 1 may be handled without regard to russeting if such russeting is not checked or cracked.

The provisions of this amendment shall become effective at 12:01 a.m., P.s.t., July 8, 1959.

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

Dated: June 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 59-5377; Filed, June 26, 1959;
8:51 a.m.]

[Nectarine Order 7]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 937.316 Nectarine Order 7.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee,

established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. 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 were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 2, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no handler shall handle any package or container of Grand Prize or Red Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-eighth (2 $\frac{1}{8}$) inches in diameter:

Provided, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

-Dated: June 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 59-5378; Filed, June 26, 1959;
8:52 a.m.]

[Nectarine Order 8]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 937.317 Nectarine Order 8.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the

Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. 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 were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 19, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 8, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no handler shall handle any package or container of Freedom, Le Grand, Golden Grand, Marigold, Grandeur, Late Le Grand, Gold King, or Golden Free nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box," and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: June 24, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 59-5379; Filed, June 26, 1959;
8:52 a.m.]

[Lemon Reg. 798]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.905 Lemon Regulation 798.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes 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 committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons 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 were 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 lemons; 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 hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 24, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 28, 1959, and ending at 12:01 a.m., P.s.t., July 5, 1959, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.
(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: June 25, 1959.

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

[F.R. Doc. 59-5429; Filed, June 26, 1959;
9:20 a.m.]

PART 1001—LIMES GROWN IN FLORIDA

Miscellaneous Amendments

Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Florida Lime Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), and upon other available information, it is hereby found that the following amendment of the rules and regulations (7 CFR Part 1001.100 et seq.; Subpart — Rules and Regulations) is in accordance with the provisions of, and tends to effectuate, said amended marketing agreement and order. Such amendment is hereby approved; and the said rules and regulations are hereby amended as follows:

1. By deleting the proviso from paragraph (b) of § 1001.120 *Handler registration*.

2. By revising paragraph (e) of § 1001.120 to read as follows:

(e) The committee shall suspend the certificate of registration issued pursuant to this section of any handler who (1) fails to pay assessments as required under the provisions of this part, or (2) fails to render reports as prescribed pursuant to the provisions of this part. The committee shall advise the handler in writing of the pending suspension and shall specify the time such suspension shall become effective. Upon determination by the committee that the handler has satisfied the requirements with respect to assessments and reports, and it appears to the committee that the handler may reasonably be expected thereafter to handle limes in accordance with, and to comply with, the provisions of this part, including all rules and regulations thereunder, the committee shall lift such suspension.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until

30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.). Effective July 1, 1959, lime packinghouses will no longer be required to be registered pursuant to section 601.40 of the Florida Citrus Code and it is therefore necessary to delete from said rules and regulations the requirement that lime handlers have a valid certificate of registration pursuant to such section in order to register with the committee.

This amendment shall become effective July 1, 1959.

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

Dated: June 23, 1959.

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

[F.R. Doc. 59-5356; Filed, June 26, 1959;
8:48 a.m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Approval of Increased Expenses for Fiscal Year Ending June 30, 1959

Notice of rule making was published in the FEDERAL REGISTER of June 6, 1959 (24 F.R. 4634), that the Secretary was considering the approval of an increase in the expenses of the Idaho-Eastern Oregon Onion Committee for the fiscal year ending June 30, 1959, from the sum of \$2,930.00 to the sum of \$4,620.00. This committee administers the provisions of Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), regulating the handling of onions in certain designated counties in Idaho and Malheur County, Oregon, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than the fifth day following publication in the FEDERAL REGISTER. None was filed. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Onion Committee, it is hereby ordered that paragraph (a) of § 1017.202 (23 F.R. 5661) be amended to read as follows:

§ 1017.202 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and this part, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order during the fiscal period beginning July 1, 1958, and ending June 30, 1959, will amount to \$4,620.00.

It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (a) Such increase in expenses is necessary for the proper functioning and maintenance of the committee for the remainder of the current fiscal year which ends June 30, 1959, (b) no increase in the rate of assessment is necessary since assessment income available to the committee is sufficient to cover the increase in expenses, and (c) notice hereof has been given by publication in the FEDERAL REGISTER of June 6, 1959 (24 F.R. 4634).

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

Dated: June 24, 1959, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 59-5380; Filed, June 26, 1959;
8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6589 o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Keele Hair & Scalp Specialists, Inc., et al.

Subpart—*Advertising falsely or misleadingly*: § 13.15 *Business status, advantages, or connections*: Qualifications and abilities; § 13.170 *Qualities or properties of product or service*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Keele Hair & Scalp Specialists, Inc. (Oklahoma City, Okla.), et al., Docket 6589, May 21, 1959]

In the Matter of Keele Hair & Scalp Specialists, Inc., a Corporation, and William L. Keele, Thelma P. Keele, and J. H. Keele, Individually and as Officers of Keele Hair & Scalp Specialists, Inc.; Rogers Hair Experts, Inc., a Corporation, and Lorene Firsching, Vangie Clendenin, and J. Wayne Green, Individually and as Officers of Rogers Hair Experts, Inc.; American Advertising Bureau, Inc., a Corporation, and John Shiflet, Mrs. Lorraine Shiflet, David A. Miller, and John H. Kennedy, Individually and as Officers of American Advertising Bureau, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two distributors of hair and scalp preparations in Oklahoma City, Okla., and Wichita, Kans., respectively, along with their advertising agency, with advertising falsely that their said preparations would be effective in checking thinning hair and overcoming baldness, including male pattern

baldness; and with claiming that they and their agents were trichologists.

Based on the usual trial proceedings, the hearing examiner made his initial decision and order to cease and desist from which both counsel filed cross-appeals. Denying respondents' appeal, the Commission granted that of complaint counsel, modified the initial decision, and as thus modified on May 21 adopted the initial decision as the decision of the Commission.

The order to cease and desist as modified is as follows:

It is ordered, That respondents Keele Hair & Scalp Specialists, Inc., a corporation, and its officers, and William L. Keele, Thelma P. Keele, and J. H. Keele, individually and as officers of said corporation, and Rogers Hair Experts, Inc., a corporation, and its officers, and Lorene Firsching and Vangie Clendenin, individually and as officers of said corporation, and American Advertising Bureau, Inc., a corporation, and its officers, and John Shiflet, Mrs. Lorraine Shiflet, and David A. Miller, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the various cosmetic or drug preparations referred to in the findings herein, or any other preparations intended for use in the treatment of hair or scalp conditions, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of said preparations, alone or in conjunction with any method of treatment: Will check thinning hair, prevent or overcome baldness, cause new hair to grow, or cause the hair to become thicker, unless such representations be expressly limited to cases other than those of male pattern baldness, and unless the advertisement clearly and conspicuously reveals the fact that the great majority of cases of thinning hair and baldness are the beginning and more fully developed stages of said male pattern baldness and that said preparations will not in such cases check thinning hair, prevent or overcome baldness, cause new hair to grow, or cause hair to become thicker.

2. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication: That respondents or any of their agents or employees are trichologists, or that they have had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of disorders of the hair or scalp.

3. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing or

which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraphs 1 and 2 hereof.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents J. Wayne Green and John H. Kennedy.

It is further ordered, That the motion of respondents, Keele Hair & Scalp Specialists, Inc., Rogers Hair Experts, Inc., American Advertising Bureau, Inc., William L. Keele, Thelma P. Keele, and J. H. Keele, to dismiss the complaint be, and it hereby is, denied.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents 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: May 21, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5347; Filed, June 26, 1959; 8:47 a.m.]

[Docket 6885]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Norkon Pharmacal, Inc., and Paul McCoy

Subpart—*Advertising falsely or misleadingly*: § 13.20 *Comparative data or merits*; § 13.170 *Qualities or properties of product or service*; § 13.205 *Scientific or other relevant facts*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Norkon Pharmacal, Inc., et al., New York, N.Y., Docket 6885, May 21, 1959]

In the Matter of Norkon Pharmacal, Inc., a Corporation, and Paul McCoy, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors of a drug preparation designated "Norkon Tablets" with representing falsely in advertisements in newspapers, magazines, etc., that said preparation was an effective treatment for the symptoms of arthritis and similar ailments and would afford complete relief from the pains thereof; that it had an antacid or buffer effect and prevented digestive or stomach upsets; and that it afforded faster and longer relief than competitive products and prevented loss of calcium.

No. 126—2

After hearings in due course, the hearing examiner made his initial decision and order to cease and desist. The Commission denied respondents' appeal therefrom and on May 21 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Norkon Pharmacal, Inc., a corporation, and its officers, and Paul McCoy, individually and as an officer of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation "Norkon tablets," or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Act, any advertisement which represents, directly or by implication, that such product:

a. Will afford any relief of severe aches, pains, and discomfort of arthritis, rheumatism, neuralgia, neuritis, lumbago, bursitis, and sciatica, or will have any therapeutic effect upon any of the symptoms or manifestations of any such conditions or disorders in excess of affording temporary relief of the minor aches or pains thereof;

b. Is an antacid or buffer, has an antacid or buffer effect, or prevents digestive or stomach upsets; and

c. Provides faster, safer, or longer relief from pain than ordinary salicylate analgesics, or prevents loss of calcium.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Act, of any such product which advertisement contains any of the representations prohibited in paragraph 1 hereof.

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

It is further ordered, That the respondents, Norkon Pharmacal, Inc., and Paul McCoy, 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 contained in said initial decision.

Issued: May 21, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-5348; Filed, June 26, 1959; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54881]

PART 16—LIQUIDATION OF DUTIES

Sugar From Australia

The following information is published pursuant to T.D. 54582 dated April 19, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1959 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1959	Net amount of bounty per 2,240 lbs. of sugar content
January	AE22. 16. 0
February	24. 14. 0
March	26. 9. 0
April	27. 11. 0
May	29. 2. 0
June	29. 9. 0

The net amounts of bounties or grants on the above described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 22, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5365; Filed, June 26, 1959; 8:50 a.m.]

[T.D. 54880]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Transshipment

To reduce documentation in connection with the transshipment of mer-

merchandise moving in bond and to eliminate the keeping of unnecessary records thereof, as proposed by a customs field officer, § 18.3 of the Customs Regulations is amended as follows:

1. Paragraph (a) is amended to read:

(a) When bonded merchandise in one conveyance is to be transhipped under customs supervision to another single conveyance while en route to the port of destination or departure from the United States, the copy of the manifest on customs Form 7512 accompanying the merchandise to each such place of transshipment shall be surrendered to the collector of customs at that place for execution of a certificate of transfer thereon and for return to the carrier to accompany the merchandise to such port of destination or departure.

2. Paragraph (b) is amended to read:

(b) When bonded merchandise is to be transhipped in accordance with paragraph (a) of this section into more than one conveyance, there shall be prepared by the carrier, agent of the shipper, or forwarder for each such conveyance on each transshipment one additional copy of the carrier's manifest on customs Form 7512 which accompanies the merchandise to that place. The Form 7512 which accompanies the shipment to the place of transshipment shall be surrendered to the collector of customs there. After the execution by the customs officer supervising the transshipment of a certificate of transfer on each such additional copy, it shall be delivered to the conductor, master, or person in charge of the conveyance in which the merchandise is forwarded, for delivery to the collector of customs at the port of destination or departure from the United States for his record.

(Secs. 551, 624, 46 Stat. 742, as amended, 759; 19 U.S.C. 1551, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 19, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5364; Filed, June 26, 1959;
8:50 a.m.]

[T.D. 54879]

PART 21—CARTAGE AND LIGHTERAGE

Invitations to Bid

In soliciting bids for government cartage contracts, it has been found that in most instances adequate competition can be secured through direct solicitation and posting of notices in public places.

To provide for such procedure except when the collector deems that newspaper publication of the notice of the invitation to bid is necessary, § 21.4(a) of the customs regulations is hereby amended by deleting the second sentence and inserting the following sentences in lieu thereof: "Contracts for government cartage shall be let annually after invitations to bid have been mailed to at least 3

representative cartage companies and posted in public places. At least 30 days shall be allowed for submission of such bids. If the collector of customs deems it necessary, notice of the invitation to bid may be published in one or more local newspapers."

(Secs. 565, 624, 46 Stat. 747, 759; 19 U.S.C. 1565, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: June 22, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-5363; Filed, June 26, 1959;
8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Exemption From Requirement of Tolerance for Residues of Methylene Chloride

A petition was filed by Research Products Company, 623 East Crawford Street, Salina, Kansas, requesting the establishment of an exemption from the requirement of a tolerance for residues of methylene chloride from use as a fumigant for certain grains.

Evidence in the petition and otherwise available shows that when methylene chloride is used as a grain fumigant as proposed in the petition, residues will not be present in the processed food ready for human consumption and that residues in animal feed will not carry through into milk or meat and will not constitute a hazard to the health of the animals.

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

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

§ 120.170 Exemption from the requirement of a tolerance for residues of methylene chloride.

Methylene chloride is exempted from the requirement of a tolerance for resi-

dues when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

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

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U.S.C. 346a)

Dated: June 23, 1959.

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

[F.R. Doc. 59-5359; Filed, June 26, 1959;
8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.406]

PART 51—PASSPORTS

Issuance of Passports to Boy Scouts, Scouters, or Officials of the Boy Scouts of America for Use in Attending World Jamboree of Boy Scouts To Be Held in the Philippines in July and August 1959

By virtue of and pursuant to the authority vested in me by Section 4 of the Act of May 13, 1959 (Pub. Law 86-21, 86th Cong.), I hereby prescribe the following regulations governing the issue of passports to Boy Scouts, Scouters, and officials of the Boy Scouts of America, who are nationals of the United States for use in attending the World Jamboree of Boy Scouts, to be held in the Philippines in the months of July and August 1959.

WORLD JAMBOREE OF BOY SCOUTS IN 1959

Sec.
51.171 Application and evidence.
51.172 Special conditions pertaining to passports.
51.173 Fee for issue of passport.

AUTHORITY: §§ 51.171 to 51.173 issued under sec. 1, 44 Stat. 887; 22 U.S.C. 211a.

§ 51.171 Application and evidence.

Any Boy Scout, Scouter, or official of the Boy Scouts of America, who is a national of the United States and who desires to attend the World Jamboree to be

held in the Philippines, 1959, must execute an application for a passport in accordance with this part. In addition to complying with the requirements of such rules, each such Boy Scout, Scouter, or official shall submit to the Department of State a certificate issued by a responsible office of the National Council, Boy Scouts of America, as to his qualification that he is representing the National Council at the World Jamboree of Boy Scouts. No fee shall be charged

for the execution of an application for a passport of such person.

§ 51.172 Special conditions pertaining to passports.

Each passport issued under the regulations in this part shall:

- (a) Include only the name of the applicant;
- (b) Be restricted in validity to a period not later than October 15, 1959;
- (c) Bear a statement of the purpose for which it is issued.

§ 51.173 Fee for issue of passport.

No fee shall be charged for the issue of a passport under the regulations in this part.

Dated: June 16, 1959.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for
Administration.

[F.R. Doc. 59-5353; Filed, June 26, 1959;
8:48 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition for Establishment of Zero Tolerance for Preparation Containing Procaine Penicillin, Neomycin, Polymyxin, Hydrocortisone Acetate, and Hydrocortisone Sodium Succinate in Milk From Dairy Cows

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), the following notice is issued:

A petition has been filed by The Upjohn Company, Kalamazoo, Michigan, proposing the issuance of a regulation to establish a zero tolerance for a preparation containing procaine penicillin, neomycin, polymyxin, hydrocortisone acetate, and hydrocortisone sodium succinate in milk from dairy cows to which this preparation has been administered, either in oil or as an ointment, by the intramammary route for the treatment of mastitis.

Dated: June 23, 1959.

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

[F.R. Doc. 59-5369; Filed, June 26, 1959;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 375]

[Special Regs.; Docket No. 10647]

NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

Revision of Economic Regulatory Provisions

JUNE 19, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 375 of the Special Regulations (14 CFR Part

375) designed to clarify, strengthen and rearrange the provisions relating to economic regulation of the activities of foreign civil aircraft in the United States. The principal features of the proposed amendment are explained in the attached Explanatory Statement.

This regulation is proposed under the authority of sections 204(a), 407 and 1108(b) of the Federal Aviation Act of 1958 (72 Stat. 743, 766, 798; 49 U.S.C. 1324, 1377, 1508).

Interested persons may participate in the proposed rule-making through submission of seven (7) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matters and communications received on or before July 27, 1959, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

Explanatory statement. The Board promulgated Part 190 of the Civil Air Regulations in 1953, and amended it in 1954, to implement section 6(b) of the Air Commerce Act of 1926 as amended in 1953. The Air Commerce Act was repealed by the Federal Aviation Act of 1958 but the provisions of section 6(b) were inserted, without change of language, in the latter act as section 1108(b) thereof. For the most part, therefore, the provisions of Part 190 of the Civil Air Regulations remained within the Board's jurisdiction. These provisions were transferred to Part 375 of the Special Regulations, effective December 31, 1958, without substantive change. Thus, these provisions have been unchanged since 1954.

Experience suggests certain changes at this time. It is deemed advisable to strengthen and clarify the provisions which delimit the scope of authorizations to be issued under this part and exclude therefrom operations in common carriage. It also appears necessary to amplify the provisions requiring record retention and reports concerning transportation of passengers or cargo for remuneration or hire, designated herein as commercial air operations, in order to enable the Board to better evaluate the economic results of authorizations

issued and to police observance of applicable legal limitations. Furthermore, it appears expedient to rearrange the provisions which grant blanket operating authority, as well as those which deal with operations requiring individual permits, in a more logical sequence. No substantial change of policy is intended by these amendments but they are expected to result in better understanding and stricter observance of the policy and principals which have been adopted by the Board in implementing the underlying legislation.

Accordingly, it is proposed to amend Part 375 of the Special Regulations (14 CFR Part 375) as follows:

§ 375.1 [Amendment]

1. By amending § 375.1.

a. By including between present paragraphs (a) and (b) a new paragraph (b) to read:

(b) *Administrator* shall mean the Administrator of the Federal Aviation Agency.

b. By inserting a new paragraph between present paragraphs (b) and (c) to read:

(d) *Commercial air operations.* Commercial air operations shall mean operations by foreign civil aircraft engaged in flights for the purpose of crop dusting, pest control, pipeline patrol, mapping, surveying, banner towing, skywriting, or similar agricultural and industrial operations, and any operations for remuneration or hire including air carriage involving the discharging or taking on of passengers or cargo at one or more points in the United States, including also carriage of cargo for the operator's own account if the cargo is to be resold or otherwise used in the furtherance of a business, but excluding operations pursuant to foreign air carrier permits issued under section 402 of the Act and all other operations in air transportation.

c. By redesignating present paragraph (b) as (c) and present paragraphs (c) through (g) as (e) through (f).

2. By amending § 375.2 to read as follows:

§ 375.2 Applicability.

The provisions of this part regulate the admission to, and navigation in, the

United States of foreign civil aircraft other than aircraft operated by holders of foreign air carrier permits issued by the Board pursuant to section 402 of the Act under the authority of such permits. This part also contains provisions which specify the extent to which certain classes of flight operations by foreign civil aircraft may be conducted, and the terms and conditions applicable to such operations. Nothing in this part shall authorize any foreign aircraft to engage in air transportation nor be deemed to provide for such authorization to be issued by the Board.

3. By amending Subpart C—Rules generally applicable by adding a new section to read:

§ 375.25 Unauthorized operations.

Foreign civil aircraft which are not authorized to be navigated pursuant to Subpart B of this part in combination with Subpart D or E of this part shall not be navigated in the United States. Commercial air operations shall not be undertaken without a permit issued therefor by the Board.

4. By striking present Subpart D and inserting a new Subpart D to read as follows:

Subpart D—Operations Authorized by Regulation

§ 375.30 Operations other than commercial air operations.

Foreign civil aircraft which are not engaged in commercial air operations into, out of, or within the United States may be operated in the United States and may discharge, take on, or carry between points in the United States any non-revenue traffic.

§ 375.31 Demonstration flights of foreign aircraft.

Flight of foreign civil aircraft within the United States may be made for the purpose of demonstration for sale of the aircraft or any component thereof, provided no persons, cargo or mail are carried for remuneration or hire.

§ 375.32 Flights incidental to agricultural and industrial operations outside the United States.

Foreign civil aircraft which are engaged in agricultural or industrial operations to be performed wholly without the United States may be navigated into, out of, and within the United States in connection therewith provided they are not at the time engaged in the carriage of passengers, cargo or mail for remuneration or hire.

§ 375.33 Transit flights, irregular operations.

Foreign civil aircraft carrying persons, property, or mail for remuneration or hire but not engaged in scheduled international air services are authorized to navigate non-stop across the territory of the United States and to make stops for non-traffic purposes. Such aircraft shall not make stops for the purpose of taking on or discharging passengers, cargo or mail, or for other than strictly operational purposes.

5. By amending Subpart E to read as follows:

Subpart E—Operations Requiring Specific Pre-Flight Authorization by the Board or the Administrator

§ 375.40 Permits for commercial air operations.

(a) *Applications.* Commercial air operations in the United States may not be undertaken by foreign civil aircraft unless the Board has issued a permit therefor upon application pursuant to this subpart and such permit is carried on board the aircraft. Permits are not transferable. Applications for permits may be filed directly with the Board and need not be filed through diplomatic channels. They shall be made on CAB Form 272,¹ addressed to the attention of the Director, Bureau of Air Operations, and shall contain a proper identification of the applicant, the operator of the aircraft concerned and of the owner thereof; a description of the aircraft by make, model, and registration marks; and a full description of the operations for which authority is desired, indicating type and dates of operations and number of flights, and routing. In case of cargo flights, the names of all contractors and the beneficial owner of the cargo, a description of the cargo and of the proposed operations, including services to be performed by any exporter, importer or transportation agent, shall be provided. In case of passenger flights, a full identification and description of the group chartering the aircraft, and identification of the travel agent, if any, shall be provided. A copy of any newspaper or other advertising of the flights shall be enclosed. The application shall also be accompanied by such documents as may be necessary to establish that reciprocity for similar operations by United States registered aircraft exists in the country of registration of the aircraft. Applications shall be submitted at least 15 days in advance of the date of the commencement of the proposed operation. Such additional information as may be specifically requested by the Board shall also be furnished.

(b) *Withholding from publication.* Except to the extent that the Board directs that such information be withheld from public disclosure for reasons of national defense or as hereinafter specified in this paragraph, every application and its supporting documents filed pursuant to this section shall be open to public inspection, and notice thereof shall be published in the Board's Weekly List of Applications Filed. Any person may make written objection to the Board to the public disclosure of such information or any part thereof, stating the grounds for such objection. If the Board finds that a disclosure of such information or part thereof would adversely affect the interests of such person and is not required in the interest of the public, it will order that such information or part be so withheld.

¹ Available upon request from the Publications Section of the Civil Aeronautics Board, Washington 25, D.C.

(c) *Failure to comply.* Failure to comply with the requirements of this part shall be cause for the suspension, revocation or refusal to renew a permit or the denial of the issuance of a new permit issuable under this part.

§ 375.41 Agricultural and industrial operations within the United States.

Foreign civil aircraft shall not be used for crop dusting, pest control, pipeline patrol, mapping, surveying, banner towing, skywriting or similar agricultural or industrial operations within the United States unless a permit therefor has been issued by the Board and the operation is conducted in accordance with all applicable State and local laws and regulations as well as the applicable provisions of this part.

§ 375.42 Flight instructions.

Foreign civil aircraft shall not be used within the United States for the purpose of flight instruction for remuneration or hire: *Provided*, That this restriction shall not prevent the giving of indoctrination training in the operation of the aircraft concerned to a buyer or his employees.

§ 375.43 Commercial transport operations.

(a) *Permit required.* Except for aircraft being operated under a permit issued by the Board pursuant to section 402 of the Act, foreign civil aircraft engaged in flights for remuneration or hire for the purpose of discharging or taking on passengers or cargo at one or more points in the United States may be navigated in the United States only if there is carried on board the aircraft a permit issued by the Board in accordance with this section authorizing the operation involved. Carriage of cargo for the operator's own account is governed by the provisions of this section if the cargo is to be resold or otherwise used in the furtherance of a business.

(b) *Nature of privilege conferred by permit.* (1) The provisions of this section and of any permit issued hereunder, together with section 1108(b) of the Act, are designed, among other purposes, to carry out the international undertakings of the United States in the Chicago Convention, in particular Article 5 thereof. That article accords to foreign aircraft the privilege of "Taking on or discharging passengers, cargo or mail" subject to the right of the state where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable. The Congress by the 1953 amendment to section 6 of the Air Commerce Act of 1926, now designated as section 1108(b) of the Act, has authorized the Board to permit such operations only where conditions of reciprocity and the interest of the public in the United States are met. It is incompatible with the intent of this legislation and the nature of the function involved to regard the operator of any foreign registered aircraft as entitled as a matter of right to the issuance, removal or freedom from modification or change in a permit issuable pursuant to this authority. Accordingly, any permit issued under this part may be

withheld, revoked, amended, modified, restricted, suspended, withdrawn, or cancelled by the Board in the interest of the public of the United States, without notice or hearing and without the right in the holder to challenge the Board's discretion.

(2) Aircraft cannot be authorized to engage in air transportation under this section. The question of whether particular flights for which a permit is sought will be in common carriage, and therefore in air transportation, is one of fact to be determined in the light of all the facts and circumstances surrounding the applicant's entire operations. The burden rests upon the applicant in each instance to demonstrate by an appropriate factual showing that the contemplated operation will not constitute common carriage. In general, a carrier who holds himself out to the public, or to particular classes or segments thereof, as willing to furnish transportation for hire is a common carrier. Ordinarily, therefore, the type of application which may be approved hereunder is not one which may be advertised to the public.

(3) In general, there are two types of services most likely to qualify for authorization hereunder:

(i) *Occasional plane-load charters.* Occasional plane-load charters may be authorized where, because of their limited nature and extent or other circumstances pertaining to them, it appears that they are not within the scope of the applicant's normal holding out of transportation services to the general public. Such charters are limited to those in which the entire capacity of the aircraft is engaged by a single charterer, and since they are occasional in nature, should not exceed for any one applicant more than a few flights during a year's period. Applicants are required to make full disclosure concerning the identity and business of the charterer. Typical of the kinds of so-called charters that will not be authorized under this regulation are those that involve the transportation of individually ticketed passengers or individually waybilled cargo, or in which the charterer is a travel agent, a broker, an air freight forwarder or any other organization that holds itself out to the general public to provide transportation services.

(ii) *Continuing cargo operations for one or more contractors.* (a) Continuing cargo operations for one or more contractors may be permitted where it has been established by the applicant that the proposed operation is not within the scope of the applicant's normal holding out of transportation services to the general public. The Board contemplates that authorizations of this type will be limited to situations in which no more than 10 different contractors are served during any 12-month period.

(b) The provisions of the contract between the applicant and the contractor are important. The type of contract most likely to qualify for authorization hereunder is one which (1) places an obligation on the shipper to utilize the carrier's services, as well as upon the carrier to perform the contemplated services, and (2) provides that the contractor itself will pay for the transporta-

tion performed, or at least guarantee its payment to the carrier.

(c) Also, the nature of the business activities of the particular contractor will be carefully considered by the Board. As in the case of plane-load charters, the proposed operations will not be authorized if the contractors are air freight forwarders, cargo agents, brokers or others who hold themselves out to the general public to provide transportation services. Contracts involving industrial organizations which consume the shipments in the course of their industrial operations will normally be an acceptable form of contracting organization. On the other hand, a contracting organization which does not so consume the shipped cargo, but delivers it to the ultimate consumer, directly or indirectly, may well be unacceptable as a contracting organization unless it can be shown that the ultimate consumers do not constitute the general public. In the latter type of case, the information furnished concerning the nature of the business activities of the contractor and the manner in which the ultimate consumers are solicited, served, and billed will be of particular significance.

(d) In the case of transportation of goods for the carrier's own account for subsequent sale, such operations will not be permitted where the arrangement is in the nature of a subterfuge, as, for example, where the carrier solicits orders and delivers goods, maintaining title to them only for the purpose of performing the transportation.

(c) *Application for permit.* Applications for permits under this section shall comply with the requirements of § 375.40. There shall be enclosed with the application a copy of each contract between the operator and each person for whose account the flight or flights is or are to be performed. If any flight is to be performed in whole or in part for the account of the operator personally, there shall also be enclosed copies of all contracts relating to the acquisition and disposition of the cargo. Copies of contracts covering proposed operations which have previously been filed with the Board in connection with a prior application need not be filed again.

(d) *Issuance of permit.* If upon examination of the application, all supporting documents and other information available to it, the Board is of the opinion that the application is in order and that the proposed operation either by itself or in conjunction with other operations of the operator to or from the United States is in the interest of the public and does not disclose any apparent violation of section 402 of the Act, or any other applicable provision of law, it will issue a permit for a period not in excess of 90 days, to the applicant authorizing the conduct of the flights set forth in the application.

§ 375.44 Keeping of records on commercial transport operations.

(a) The holder of a permit issued under § 375.43 shall issue air waybills with respect to each shipment which should contain, but need not be limited to, the following information:

(1) Name of the contractor for whom the shipment is transported.

(2) Name and address of payor of transportation charges.

(3) Name and address of vendor of goods.

(4) Name and address of consignor of goods.

(5) Name and address of consignor's agent, if any.

(6) Names and addresses of intermediate and ultimate consignees.

(7) Number of packages in shipment and total weight of same.

(8) Description of commodities.

(9) Point of air origin and air destination of shipment on line of carrier.

(10) Date of air waybill preparation.

(11) Name of employee or agent preparing air waybill.

(12) Date shipment is transported by carrier.

(13) Breakdown of charges including weight-rate charges, pick-up and delivery, excess valuation, advance charges and any accessorial charges.

(b) Each holder of a permit issued under § 375.43 shall keep, for a period of two years, true copies of all manifests, air waybills, invoices and other traffic documents covering flights originating or terminating in the United States, and the holder of a permit authorizing 10 or more flights originating in the United States in a 90-day period shall maintain a place in the United States where such documents may be inspected at any proper time by authorized representatives of the Board or the Federal Aviation Agency. Records of flights terminating in the United States and flights conducted pursuant to a permit authorizing less than 10 flights in any 90-day period need not be maintained in the United States but shall be made available to the Board upon demand.

(c) Records documenting each particular flight, demonstrating compliance with the requirements imposed by this Part, shall be preserved for a period of two years and shall be made available to the Board or the Federal Aviation Agency upon demand.

§ 375.45 Reports on commercial transport operations.

(a) *Reports on cargo flights.* (1) Holders of permits issued under § 375.43 shall submit to the Board reports of cargo flights actually conducted pursuant thereto on CAB Form 321² or, if no flights were conducted under the permit, a letter so stating. The initial report shall be submitted not later than the 30th day following commencement of operations and shall report on all flights conducted during such period. Like reports shall be filed for each succeeding 30-day period. Failure to submit a report on time shall constitute grounds for revocation, refusal to renew the permit, or denial of the issuance of a new permit.

(2) Separate reports shall be submitted for flights inbound to and outbound from the United States. The re-

² Available upon request from the Publications Section of the Civil Aeronautics Board, Washington 25, D.C.

port shall state the dates of flights; origination, destination and intermediate points; number and weight of total shipments transported for each contractor, of shipments for contractor's own use or consumption, of shipments for contractor's inventory for later resale, and of shipments for ultimate consignees; the number of such consignees; and any deviation from the statements made in the application: *Provided*, That such deviations shall not be deemed authorized merely because they are so reported. Copies of any newspaper or other advertising of the flights since the filing of the application shall be attached.

(b) *Reports on passenger flights.* Holders of permits issued under § 375.43 shall submit to the Board letter reports of passenger flights conducted pursuant thereto or a letter stating that no operations were conducted. The letter shall state the number of flights conducted, the dates thereof, the points between which they were operated, number of passengers carried, and any deviation from the statements made in the application, *Provided*, That such deviations shall not be deemed authorized merely because they are so reported. Copies of any newspaper or other advertising of the flights since the filing of the application shall be attached.

§ 375.46 Transit flights; scheduled international air service operations.

An operator of foreign civil aircraft desiring to conduct a scheduled international air service in transit across the United States pursuant to the International Air Services Transit Agreement shall, before commencing operations, obtain the approval of the Administrator for the route or routes proposed to be followed and thereafter shall conduct such operations in accordance with the provisions of that approval. Stopovers for the convenience or pleasure of the passengers are not authorized under this section, and stops other than for strictly operational reasons shall not be made. Operators of aircraft registered in countries not parties to the International Air Services Transit Agreement shall make special application to the Board under § 375.70. The consolidation on the same aircraft of an operation under this section with a service authorized under section 402 of the Act is not authorized by this section.

[F.R. Doc. 59-5370; Filed, June 26, 1959; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 39; Draft Release 59-3]

APPROVAL OF TRAINING PROGRAMS AND CERTIFICATION AND QUALIFICATION STANDARDS OF PILOTS OTHER THAN PILOTS IN COMMAND

Notice of Proposed Rule Making

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations

in regard to training programs, and to aircraft type ratings and proficiency checks for copilots. These parts presently contain the following requirements:

1. *Training programs.* Parts 40 and 42 require each air carrier to establish a training program sufficient to insure that each crew member used by the air carrier is adequately trained and maintains adequate proficiency to perform the duties to which he is assigned. Part 41 requires that periodic instruction must be given to all pilots, but does not contain a specific requirement for the establishment of a training program for each crew member. However, a proposed revision of Part 41, published by the Civil Aeronautics Board in the FEDERAL REGISTER (24 F.R. 145) and circulated to the industry as Civil Air Regulations Draft Release No. 58-24, dated December 24, 1958, would place essentially the same training program requirements in Part 41 as are now contained in Part 40.

Except for the current provisions relative to the approval of aircraft simulator training programs, there is no requirement in either the present provisions of parts 40, 41, and 42, or the proposed revision of Part 41, that these training programs be approved by the Federal Aviation Agency.

2. *Aircraft type ratings.* Part 40 requires all pilots serving as other than pilot in command to hold at least commercial pilot certificates and instrument ratings. Parts 41 and 42 place the same requirements on pilots serving as second in command of aircraft requiring two pilots, and on all pilots serving as other than pilot in command or second in command of aircraft requiring three or more pilots. Although pilots serving as pilot in command, or as second in command of aircraft requiring three or more pilots, are required to hold appropriate airline transport pilot certificates and type ratings, there is no requirement that other pilots hold a type rating for the aircraft in which they serve.

3. *Pilot proficiency checks.* Parts 40, 41, and 42 require a pilot in command to demonstrate periodically to a check pilot or a representative of the Administrator his ability to pilot and navigate aircraft to be flown by him. In regard to other pilots, however, none of the three parts requires that a copilot be given a proficiency check comparable to that required for the pilot in command, in which he periodically demonstrates to a check pilot or a representative of the Administrator, his ability to pilot and navigate, and to perform his duties on airplanes to be flown by him.

The training program is one of the most important factors in the safety of air carrier operation, and the quality and scope of such programs is the key to insuring that all crew members are properly trained and competent to perform their duties with the high degree of skill expected and required in air carrier service. However, the preparation and administration of training programs is left to the discretion of the air carrier, and these programs may be revised or modified without the advice or prior ap-

proval of the FAA. Because the training programs are of such vital importance to safety, it is proposed to amend Parts 40, 41, and 42 to require that FAA approve all training programs established by the air carriers, as is presently done in the case of aircraft simulator training programs. Since Part 41 does not require a training program, this part will also be amended to include essentially the same training program requirements as are now contained in Part 40.

The complexity of modern aircraft and the operational demands of today's navigation, communication, and air traffic control systems require a high level of skill and competence for air carrier copilots. Many of the functions which are required of the copilot, particularly with respect to emergency procedures, must be performed properly or the safety of the flight may be seriously affected. In addition, one of the reasons for requiring a copilot in air carrier operation is the possibility that the pilot in command may become incapacitated during flight. For this reason the copilot must possess adequate knowledge and skill to fly the aircraft to a destination in case of such an emergency. In order to properly determine the capabilities of the copilot in accordance with uniformly prescribed standards, it is proposed to provide for the issuance of appropriate aircraft type ratings, as prescribed in Part 20, for all pilots serving as other than pilot in command, or as second in command of an aircraft requiring three or more pilots.

In order to make certain that all copilots continue to maintain their initial proficiency to pilot and navigate, and to perform their duties on aircraft in which they serve, it is proposed to require periodic proficiency checks of such pilots. Such checks will include those maneuvers specified in § 40.282(a) for initial pilot flight training, and will be given by a check pilot or a representative of the Administrator with the same frequency as for the pilot in command. Since these flight checks will recognize the level of competence expected of the holder of a commercial pilot certificate, those pilots who have completed the proficiency check required for pilots in command within the prescribed period will not be required to complete the copilot proficiency check if they are assigned to serve as copilots.

In recognition of the scheduling and training problems that may be occasioned by these amendments, it is proposed that they shall not be made effective until six months after adoption.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by August 31, 1959, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the

Docket Section when the prescribed date for return of comments has expired.

These amendments are proposed under the authority of sections 313(a), 601, 602, 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354(a), 1421, 1422, 1424).

In consideration of the foregoing, it is proposed to amend Part 40 of the Civil Air Regulations as follows:

1. By adding § 40.290 to read as follows:

§ 40.290 Approval of training program.

The training program established by the air carrier under the provisions of § 40.280 through § 40.289 shall be approved by a representative of the Administrator.

§ 40.289 [Amendment]

2a. By amending § 40.289(b) by deleting the last sentence and inserting in lieu thereof a new sentence to read as follows: "Satisfactory completion of the checks required by § 40.302 or § 40.305 will meet the requirements of this section."

b. By amending § 40.289(c) by deleting the second sentence.

3. By amending § 40.300 to read as follows:

§ 40.300 Qualification requirements.

(a) No air carrier shall utilize any flight crew member or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of § 40.280 or § 40.289, and §§ 40.301 through 40.310. Each pilot serving as pilot in command shall hold an airline transport pilot certificate and appropriate type ratings for the aircraft in which he serves. All other pilots shall hold at least commercial pilot certificates with instrument ratings, and appropriate type ratings for the aircraft in which they serve.

(b) Check airmen shall certify as to the proficiency of the pilot being examined, as required by §§ 40.302, 40.303, and 40.305, and such certification shall be made a part of the airman's record.

4. By amending § 40.305 to read as follows:

§ 40.305 Proficiency checks; pilots other than pilot in command.

(a) An air carrier shall not utilize a pilot until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate airplanes to be flown by him and to perform his assigned duties. Thereafter, at least twice each 12 months at intervals of not less than 4 months or more than 8 months, a similar pilot proficiency check shall be given each such pilot. Where such pilots serve in more than one airplane type, the pilot proficiency check shall be given in the larger airplane type at least once each 12 months. The pilot proficiency check shall include at least the takeoffs and landings and other flight maneuvers specified in § 40.282(a).

(b) Subsequent to the initial pilot proficiency check, a pilot need accomplish in flight only one of the proficiency checks required by paragraph (a) of this

section during each 12 months if he satisfactorily completes within such 12 months an approved course of training in an aircraft simulator which meets the requirements of § 40.302(b)(3). The interval between completion of the proficiency check in flight and the simulator training course shall not be less than 4 or more than 8 months.

Similar amendments are also proposed to Parts 41 and 42.

Issued in Washington, D.C., on June 25, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5407; Filed, June 26, 1959; 8:53 a.m.]

[14 CFR Part 40]

[Reg. Docket No. 42; Draft Release 59-6]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Maximum Age Limitations for Pilots

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 40 of the Civil Air Regulations as hereinafter set forth.

Piloting of air carrier aircraft is recognized as a highly skilled occupation. Recognition of this is apparent in employment standards, compensation, hours of flying, proficiency checking, medical surveillance, and Federal regulations which apply to air carrier pilots. The development and maintenance of the highest piloting skill have been essential elements in providing, in a few decades, a rapid means of public transportation with a record of safety favorably comparable to that of other forms of public transportation.

Because of the relatively recent development of large-scale air carrier operations, and the emphasis on youth in the original selection of pilots by air carriers, the matter of age of the pilot, and its effect on the skills of piloting, has not until now become of critical importance. In 1947 there were no active airline transport pilots aged 60 or over. By 1962, it is predicted that there will be at least 80 active airline transport pilots in that age group, and that by 1967 the number will be about 250.

The continuing development of air carrier operations provides additional reasons for urgent consideration of the effect of age on the performance of air carrier pilots. Systems of air traffic management, to handle the increasing volume of air traffic, are under constant development and implementation. The effectiveness of these systems in promoting air safety depends to a considerable extent on the skills contributed by pilots in their operation. Similar dependence is now being placed on pilot skills to ensure the safe introduction of turbine-powered aircraft into air carrier service. This began in 1957 and is being rapidly accelerated in 1959.

For the present purposes, the process of aging can be considered as a progressive deterioration of certain impor-

tant physiological and psychological functions. The process begins at some time after the attainment of maturity and continues unrelentingly until death. Many measurements have been made of the extent to which deterioration occurs with age in specific physiological and psychological functions. Studies have also been made to demonstrate the significance of these determinations in the performance of certain tasks. However, when knowledge developed by such observations and studies is applied to a specific occupation it suffers from lack of completeness, as is generally the case in considering human capabilities. Scientific advances are expected to add continually to this knowledge.

Despite the fact that knowledge of the aging process specifically related to piloting aircraft is incomplete, certain applicable observations have been made and generally understood. Those which have been given consideration in the development of this regulation are discussed briefly hereafter.

Physical deterioration with age can, for the most part, be attributed to a progressive degenerative process termed arteriosclerosis, a condition affecting blood vessels in a manner quite comparable to the progressive accumulation of scale and rust in water pipes. The resultant interference with transportation of blood containing the vital materials needed by the tissues and organs, reduces the efficiency of function of bodily systems. This is an insidious process. There are no effective means of reversing it. It may affect the function of certain vital organs, such as the heart and brain, more rapidly than other organs and systems. The extent to which individual parts, or the body in general, are affected by these changes cannot be determined accurately by available methods of examination. Consequently, the point at which a function or a combination of functions first become critically affected cannot be determined in a given individual.

Specific medical conditions attributable to the degenerative processes of aging occur, of course, at an increasing rate as the processes continue. The death rate from heart disease, for example, has been found to be ten times greater for persons aged 45 to 64 than for those aged 25 to 44. By age 65, cardiovascular disease (including heart disease) causes more deaths than all other medical conditions combined. Non-fatal episodes occur at a comparably increased rate with age. Most of these medical conditions are those which produce sudden incapacity. They very frequently advance to the point where incapacity occurs without prior symptoms and in the presence of normal medical findings.

In general those human capabilities chiefly dependent upon experience, judgment and reasoning are retained for relatively long periods of time, and, in some respects, improve with age. These factors are operative at least from the attainment of maturity until some ill-defined state of deterioration is reached or until death, if this intervenes. In general, abilities to perform highly skilled tasks rapidly, to adapt to new and chang-

ing environmental situations, to resist fatigue, to maintain physical stamina, and to perform effectively in a complex and stressful environment begin to decline in early middle life and continue to decline at a fairly steady rate thereafter. In addition, although experience, judgment, and reasoning may be well preserved, the ability to apply them rapidly, especially in new, changing, and emergency situations, is progressively lost with age at a rate comparable to the loss of rapid performance of highly skilled tasks.

Ability to learn is known to decline with age. Among the many factors which may be related to this decline is one of importance to the introduction of older pilots into new types of aircraft. New material is learned with difficulty and retained poorly when it requires the "unlearning" of previously acquired knowledge and skills. Inability to rely on the extent to which new patterns have been established and old patterns have been eradicated is demonstrated in reactions to new and emergency situations which may require a certain amount of essentially automatic behavior. It has been generally observed that the likelihood of reverting to previously learned and well-established patterns in such circumstances is relatively great, resulting in actions not appropriate to the demands of the situation.

As indicated, presently available data do not permit any precise determination of the specific age at which continued activity as a pilot can be said conclusively to constitute a hazard to safety under normal or emergency conditions of flight. It is known, however, from the available studies which have been made, that the detrimental effects on physiological and psychological functions have become significant by age 55. Consequently, in view of the distinct differences involved between piloting aircraft having reciprocating engines and those with turbojet engines, it is believed necessary in the interest of safety to establish age 55 as the age prior to which an individual must obtain a type rating for a turbojet-powered aircraft in order to act as pilot in command for such aircraft in air carrier service.

With regard to the age at which a pilot may serve in any pilot capacity in air carrier operations, on an aircraft powered by either turbine or reciprocating engines, it is reasonable under the present state of knowledge in order to assure the highest degree of safety required in air transportation to establish such maximum age at not more than 60.

Similar action is proposed in connection with pilots utilized in air carrier operations conducted under Parts 41 and 42.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action

upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601, 602 and 634 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354, 1421, 1422, 1424).

In consideration of the foregoing, it is proposed to amend § 40,260 by designating the present text of the section following the caption as paragraph (a) and by adding a new paragraph (b) to read as follows:

(b) No individual who has reached his 55th birthday shall be utilized or serve as a pilot in command on a turbojet-powered aircraft engaged in air carrier operations unless he held an aircraft type rating for the particular aircraft either prior to such birthday or the effective date of this regulation. In addition, no individual who has reached his 60th birthday shall be utilized or serve as a pilot on any aircraft engaged in air carrier operations.

Dated: June 25, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5410; Filed, June 26, 1959;
8:53 a.m.]

[14 CFR Part 41]

[Reg. Docket 41; Draft Release 59-5]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

Maximum Age Limitations for Pilots

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 41 of the Civil Air Regulations as hereinafter set forth.

Piloting of air carrier aircraft is recognized as a highly skilled occupation. Recognition of this is apparent in employment standards, compensation, hours of flying, proficiency checking, medical surveillance, and Federal regulations which apply to air carrier pilots. The development and maintenance of the highest piloting skill have been essential elements in providing, in a few decades, a rapid means of public transportation with a record of safety favorably comparable to that of other forms of public transportation.

Because of the relatively recent development of large-scale air carrier operations, and the emphasis on youth in the original selection of pilots by air carriers, the matter of age of the pilot, and its effect on the skills of piloting, has not until now become of critical importance. In 1947 there were no active airline transport pilots aged 60 or over. By 1962, it is predicted that there will be at least 80 active airline transport pilots

in that age group, and that by 1967 the number will be about 250.

The continuing development of air carrier operations provides additional reasons for urgent consideration of the effect of age on the performance of air carrier pilots. Systems of air traffic management, to handle the increasing volume of air traffic, are under constant development and implementation. The effectiveness of these systems in promoting air safety depends to a considerable extent on the skills contributed by pilots in their operation. Similar dependence is now being placed on pilot skills to ensure the safe introduction of turbine-powered aircraft into air carrier service. This began in 1957 and is being rapidly accelerated in 1959.

For the present purposes, the process of aging can be considered as a progressive deterioration of certain important physiological and psychological functions. The process begins at some time after the attainment of maturity and continues unrelentingly until death. Many measurements have been made of the extent to which deterioration occurs with age in specific physiological and psychological functions. Studies have also been made to demonstrate the significance of these determinations in the performance of certain tasks. However, when knowledge developed by such observations and studies is applied to a specific occupation it suffers from lack of completeness, as is generally the case in considering human capabilities. Scientific advances are expected to add continually to this knowledge.

Despite the fact that knowledge of the aging process specifically related to piloting aircraft is incomplete, certain applicable observations have been made and generally understood. Those which have been given consideration in the development of this regulation are discussed briefly hereafter.

Physical deterioration with age can, for the most part, be attributed to a progressive degenerative process termed arteriosclerosis, a condition affecting blood vessels in a manner quite comparable to the progressive accumulation of scale and rust in water pipes. The resultant interference with transportation of blood containing the vital materials needed by the tissues and organs, reduces the efficiency of function of bodily systems. This is an insidious process. There are no effective means of reversing it. It may affect the function of certain vital organs, such as the heart and brain, more rapidly than other organs and systems. The extent to which individual parts, or the body in general, are affected by these changes cannot be determined accurately by available methods of examination. Consequently, the point at which a function or a combination of functions first become critically affected cannot be determined in a given individual.

Specific medical conditions attributable to the degenerative processes of aging occur, of course, at an increasing rate as the processes continue. The death rate from heart disease, for example, has been found to be ten times greater for persons aged 45 to 64 than for those aged 25 to

44. By age 65, cardiovascular disease (including heart disease) causes more deaths than all other medical conditions combined. Non-fatal episodes occur at a comparably increased rate with age. Most of these medical conditions are those which produce sudden incapacity. They very frequently advance to the point where incapacity occurs without prior symptoms and in the presence of normal medical findings.

In general these human capabilities chiefly dependent upon experience, judgment and reasoning are retained for relatively long periods of time, and, in some respects, improve with age. These factors are operative at least from the attainment of maturity until some ill-defined state of deterioration is reached or until death, if this intervenes. In general, abilities to perform highly skilled tasks rapidly, to adapt to new and changing environmental situations, to resist fatigue, to maintain physical stamina, and to perform effectively in a complex and stressful environment begin to decline in early middle life and continue to decline at a fairly steady rate thereafter. In addition, although experience, judgment, and reasoning may be well preserved, the ability to apply them rapidly, especially in new, changing, and emergency situations is progressively lost with age at a rate comparable to the loss of rapid performance of highly skilled tasks.

Ability to learn is known to decline with age. Among the many factors which may be related to this decline is one of importance to the introduction of older pilots into new types of aircraft. New material is learned with difficulty and retained poorly when it requires the "unlearning" of previously acquired knowledge and skills. Inability to rely on the extent to which new patterns have been established and old patterns have been eradicated is demonstrated in reactions to new and emergency situations which may require a certain amount of essentially automatic behavior. It has been generally observed that the likelihood of reverting to previously learned and well-established patterns in such circumstances is relatively great, resulting in actions not appropriate to the demands of the situation.

As indicated, presently available data do not permit any precise determination of the specific age at which continued activity as a pilot can be said conclusively to constitute a hazard to safety under normal or emergency conditions of flight. It is known, however, from the available studies which have been made, that the detrimental effects on physiological and psychological functions have become significant by age 55. Consequently, in view of the distinct differences involved between piloting aircraft having reciprocating engines and those with turbojet engines, it is believed necessary in the interest of safety to establish age 55 as the age prior to which an individual must obtain a type rating for a turbojet-powered aircraft in order to act as pilot in command for such aircraft in air carrier service.

With regard to the age at which a pilot may serve in any pilot capacity in

air carrier operations, on an aircraft powered by either turbine or reciprocating engines, it is reasonable under the present state of knowledge in order to assure the highest degree of safety required in air transportation to establish such maximum age at not more than 60.

Similar action is proposed in connection with pilots utilized in air carrier operations conducted under Parts 40 and 42.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room E-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601, 602 and 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354, 1421, 1422, 1424).

In consideration of the foregoing, it is proposed to amend § 41.48 by adding a new paragraph (e) to read as follows:

(e) No individual who has reached his 55th birthday shall be utilized or serve as a pilot in command, or as second in command of a flight crew of 3 or more pilots, on a turbojet-powered aircraft engaged in air carrier operations unless he held an aircraft type rating for the particular aircraft either prior to such birthday or the effective date of this regulation. In addition, no individual who has reached his 60th birthday shall be utilized or serve as a pilot on any aircraft engaged in air carrier operations.

Dated: June 25, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5409; Filed, June 26, 1959; 8:53 a.m.]

[14 CFR Part 42]

[Reg. Docket No. 40; Draft Release 59-4]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Maximum Age Limitations for Pilots

Notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 42 of the Civil Air Regulations as hereinafter set forth.

Piloting of air carrier aircraft is recognized as a highly skilled occupation. Recognition of this is apparent in employment standards, compensation, hours of flying, proficiency checking, medical surveillance, and Federal regu-

lations which apply to air carrier pilots. The development and maintenance of the highest piloting skill have been essential elements in providing, in a few decades, a rapid means of public transportation with a record of safety favorably comparable to that of other forms of public transportation.

Because of the relatively recent development of large-scale air carrier operations, and the emphasis on youth in the original selection of pilots by air carriers, the matter of age of the pilot, and its effect on the skills of piloting, has not until now become of critical importance. In 1947 there were no active airline transport pilots aged 60 or over. By 1962, it is predicted that there will be at least 80 active airline transport pilots in that age group, and that by 1967 the number will be about 250.

The continuing development of air carrier operations provides additional reasons for urgent consideration of the effect of age on the performance of air carrier pilots. Systems of air traffic management, to handle the increasing volume of air traffic, are under constant development and implementation. The effectiveness of these systems in promoting air safety depends to a considerable extent on the skills contributed by pilots in their operation. Similar dependence is now being placed on pilot skills to ensure the safe introduction of turbine-powered aircraft into air carrier service. This began in 1957 and is being rapidly accelerated in 1959.

For the present purposes, the process of aging can be considered as a progressive deterioration of certain important physiological and psychological functions. The process begins at some time after the attainment of maturity and continues unrelentingly until death. Many measurements have been made of the extent to which deterioration occurs with age in specific physiological and psychological functions. Studies have also been made to demonstrate the significance of these determinations in the performance of certain tasks. However, when knowledge developed by such observations and studies is applied to a specific occupation it suffers from lack of completeness, as is generally the case in considering human capabilities. Scientific advances are expected to add continually to this knowledge.

Despite the fact that knowledge of the aging process specifically related to piloting aircraft is incomplete, certain applicable observations have been made and generally understood. Those which have been given consideration in the development of this regulation are discussed briefly hereafter.

Physical deterioration with age can, for the most part, be attributed to a progressive degenerative process termed arteriosclerosis, a condition affecting blood vessels in a manner quite comparable to the progressive accumulation of scale and rust in water pipes. The resultant interference with transportation of blood containing the vital materials needed by the tissues and organs, reduces the efficiency of function of bodily systems. This is an insidious process. There are no effective means of reversing

it. It may affect the function of certain vital organs, such as the heart and brain, more rapidly than other organs and systems. The extent to which individual parts, or the body in general, are affected by these changes cannot be determined accurately by available methods of examination. Consequently, the point at which a function or a combination of functions first become critically affected cannot be determined in a given individual.

Specific medical conditions attributable to the degenerative processes of aging occur, of course, at an increasing rate as the processes continue. The death rate from heart disease, for example, has been found to be ten times greater for persons aged 45 to 64 than for those aged 25 to 44. By age 65, cardiovascular disease (including heart disease) causes more deaths than all other medical conditions combined. Non-fatal episodes occur at a comparably increased rate with age. Most of these medical conditions are those which produce sudden incapacity. They very frequently advance to the point where incapacity occurs without prior symptoms and in the presence of normal medical findings.

In general those human capabilities chiefly dependent upon experience, judgment and reasoning are retained for relatively long periods of time, and, in some respects, improve with age. These factors are operative at least from the attainment of maturity until some ill-defined state of deterioration is reached or until death, if this intervenes. In general, abilities to perform highly skilled tasks rapidly, to adapt to new and changing environmental situations, to resist fatigue, to maintain physical stamina, and to perform effectively in a complex and stressful environment begin to decline in early middle life and continue to decline at a fairly steady rate thereafter. In addition, although experience, judgment, and reasoning may be well preserved, the ability to apply them rapidly, especially in new, changing, and emergency situations, is progressively lost with age at a rate comparable to the loss of rapid performance of highly skilled tasks.

Ability to learn is known to decline with age. Among the many factors which may be related to this decline is one of importance to the introduction of older pilots into new types of aircraft. New material is learned with difficulty and retained poorly when it requires the "unlearning" of previously acquired knowledge and skills. Inability to rely on the extent to which new patterns have been established and old patterns have been eradicated is demonstrated in reactions to new and emergency situations which may require a certain amount of essentially automatic behavior. It has been generally observed that the likelihood of reverting to previously learned and well-established patterns in such circumstances is relatively great, resulting in actions not appropriate to the demands of the situation.

As indicated, presently available data do not permit any precise determination

of the specific age at which continued activity as a pilot can be said conclusively to constitute a hazard to safety under normal or emergency conditions of flight. It is known, however, from the available studies which have been made, that the detrimental effects on physiological and psychological functions have become significant by age 55. Consequently, in view of the distinct differences involved between piloting aircraft having reciprocating engines and those with turbojet engines, it is believed necessary in the interest of safety to establish age 55 as the age prior to which an individual must obtain a type rating for a turbojet-powered aircraft in order to act as pilot in command for such aircraft in air carrier service.

With regard to the age at which a pilot may serve in any pilot capacity in air carrier operations, on an aircraft powered by either turbine or reciprocating engines, it is reasonable under the present state of knowledge in order to assure the highest degree of safety required in air transportation to establish such maximum age at not more than 60.

Similar action is proposed in connection with pilots utilized in air carrier operations conducted under Parts 40 and 41.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601, 602 and 604 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776, 778; 49 U.S.C. 1354, 1421, 1422, 1424).

In consideration of the foregoing, it is proposed to amend § 42.40 by adding a new paragraph (c) to read as follows:

(c) No individual who has reached his 55th birthday shall be utilized or serve as a pilot in command, or as second in command of a flight crew of 3 or more pilots, on a turbojet-powered aircraft engaged in air carrier operations unless he held an aircraft type rating for the particular aircraft either prior to such birthday or the effective date of this regulation. In addition, no individual who has reached his 60th birthday shall be utilized or serve as a pilot on any aircraft engaged in air carrier operations.

Dated: June 25, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-5408; Filed, June 26, 1959; 8:53 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NON-MEMBER BANKS

Notice of Proposed Rule Making

Part 329 of the rules and regulations of the Federal Deposit Insurance Corporation, relating to the payment of deposits and interest thereon, provides in § 329.3(c) that insured nonmember banks may pay interest at the applicable maximum rate from the first day of the month on a savings deposit received during the first 10 business days of any calendar month commencing a quarterly or semiannual interest period, and during the first 5 business days of any other calendar month.

The Board of Directors of the Federal Deposit Insurance Corporation is considering amending § 329.3(c) so as to permit insured nonmember banks to pay interest at the maximum permissible rate from the first day of the month on savings deposits received during the first 10 calendar days in any month.

The purpose of this amendment is to reduce misunderstandings in connection with these so-called "grace periods," make possible uniform advertising, create better customer relationships, and enable banks that compute interest on a cycle basis to facilitate computation of interest on savings accounts and eliminate difficulties presently being encountered.

The proposed amendment would change § 329.3(c) to read as follows:

(c) *Grace periods in computing interest on savings deposits.* An insured nonmember bank may pay interest on a savings deposit received during the first ten (10) calendar days of any calendar month at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this part, whichever shall first occur; and an insured nonmember bank may pay interest on a savings deposit withdrawn during its last three (3) business days of any calendar month ending a regular quarterly or semiannual interest period at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated to the end of such calendar month.

This notice is published pursuant to section 4 of the Administrative Procedure Act and Part 302 of the Corporation's rules and regulations (12 CFR Part 302). The proposed amendment is authorized under the authority cited at Part 329 of the Corporation's rules and regulations (12 CFR Part 329).

To aid in the consideration of the proposed amendment, the Board of Directors will be glad to receive any data,

views or comments pertaining to the proposed amendment which are submitted in writing by any interested person to the Secretary, Federal Deposit Insurance Corporation, Washington 25, D.C., to be received not later than August 1, 1959.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 59-5286; Filed, June 26, 1959; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

[Reg. Q]

PAYMENT OF INTEREST ON DEPOSITS

Notice of Proposed Rule Making

Part 217 (Regulation Q), relating to the payment of interest on deposits provides in § 217.3(d) that member banks may compute interest at the applicable maximum rate from the first day of the month on a savings deposit received during the first 10 business days of any calendar month commencing a quarterly or semi-annual interest period, and during

the first five business days of any other calendar month.

The Board is considering amending this subsection so as to permit member banks to pay interest at the maximum permissible rate from the first day of the month on savings deposits received during the first 10 calendar days in any month.

The purpose of this amendment is to reduce misunderstandings in connection with these so-called "grace periods", make possible uniform advertising, create better customer relationships, and enable banks that compute interest on a cycle basis to facilitate computation of interest on savings accounts and eliminate difficulties presently being encountered.

The proposed amendment to § 217.3 is as follows:

(d) *Grace periods in computing interest on savings deposits.* A member bank may pay interest on a savings deposit received during the first 10 calendar days of any calendar month at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this part, whichever shall first occur; and a member bank may pay

interest on a savings deposit withdrawn during its last 3 business days of any calendar month ending a regular quarterly or semi-annual interest period at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated to the end of such calendar month.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR Part 217.

To aid in the consideration of the foregoing matter, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than August 1, 1959.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-5372; Filed, June 26, 1959; 8:51 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2508, Amdt. 26]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority With Respect to Forestry

Correction

In F.R. Doc. 58-9834, appearing at page 9194 of the issue for Thursday, November 27, 1958, paragraph (d) of section 16 should read:

(d) The administration of existing and the negotiation and execution of new cooperative fire suppression agreements with Federal, State and private agencies.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ALICEVILLE SALE BARN ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the

definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

ALABAMA

Name of stockyard	Date of posting
Aliceville Sale Barn, Aliceville	May 20, 1959
Andalusia Livestock Auction, Andalusia	May 19, 1959
Arab Stock Yard, Arab	May 22, 1959
Atmore Truckers Assn., Inc., Atmore	May 16, 1959
Birmingham Livestock Commission Co., Birmingham	May 22, 1959
C. L. Chambers, Brundidge	May 25, 1959
Camden Stock Yard, Camden	May 18, 1959
Cherokee County Stockyard, Centre	May 18, 1959
Clarke County Stock Yards, Inc., Grove Hill	May 20, 1959
The Cullman Stock Yard, Cullman	May 15, 1959
Dadeville Livestock Market, Dadeville	May 18, 1959
Demopolis Stock Yards, Demopolis	May 18, 1959
Farmers Co-operative Market, Opp	May 20, 1959
Fayette Stock Yard, Inc., Fayette	May 19, 1959
Florence Trading Post, Florence	May 14, 1959
Gordo Stock Yards, Gordo	May 14, 1959
Hartford Livestock Co., Hartford	May 14, 1959
Headland Stock Yards, Inc., Headland	May 18, 1959
Henry County Livestock Assn., Inc., Abbeville	May 15, 1959

ALABAMA—Continued

Name of stockyard	Date of posting
Limestone County Stock Yard, Athens	May 21, 1959
Linden Stock Yard, Linden	May 14, 1959
Livingston Stock Yards, Livingston	May 14, 1959
Louisville Livestock Co., Inc., Louisville	May 18, 1959
Luverne Auction Co., Luverne	May 18, 1959
North Alabama Stockyards, Moulton	May 18, 1959
Ramsey and Sons Stockyards, Dothan	May 14, 1959
Roanoke Stockyards, Roanoke	May 22, 1959
Robertsdale Livestock Auction, Inc., Robertsdale	May 18, 1959
Samson Livestock Auction, Samson	May 15, 1959
Shaver & Black Livestock Auction, Troy	May 15, 1959
Valley Stock Yard, Decatur	May 18, 1959
Washington County Stockyards, Inc., Chaton	May 18, 1959
West Alabama Stock Yards, Inc., Eutaw	May 19, 1959
White & Son Livestock Commission Co., Birmingham	May 14, 1959
Winfield Livestock Commission Company, Winfield	May 15, 1959

GEORGIA

Bacon County Stock Yard, Alma	May 20, 1959
Bulloch Stock Yard, Statesboro	May 14, 1959
Carroll County Livestock Sales Barn, Carrollton	May 18, 1959
Citizen Stock Yard, Arlington	May 21, 1959
Columbus Stockyard, Columbus	May 18, 1959
Dawson Livestock Co., Dawson	May 14, 1959

NOTICES

GEORGIA—Continued		MICHIGAN—Continued		NEBRASKA	
Name of stockyard	Date of posting	Name of stockyard	Date of posting	Name of stockyard	Date of posting
Duvall & Wheeler Livestock Barn, Greensboro	May 21, 1959	Gladwin Livestock Auction, Gladwin	Apr. 22, 1959	Nebraska Livestock Commission Co., Hastings	May 22, 1959
Farmers Co-operative Livestock Market, Soperton	May 19, 1959	Hanchett Livestock Yards, Standish	Apr. 24, 1959	Newman Grove Sales Company, Newman Grove	May 6, 1959
Farmers Livestock Auction Co., Inc., Nashville	May 18, 1959	Hart Livestock Sale, Hart	May 14, 1959	Tilden Livestock Market, Tilden	Apr. 25, 1959
Farmers Stockyard, Sylvania	May 18, 1959	Hastings Livestock Sales Co., Hastings	May 8, 1959	NORTH CAROLINA	
Flint River Livestock Auction, Bainbridge	May 15, 1959	Hemlock Auction Sales, Inc., Hemlock	May 14, 1959	Bethune Stockyards, Lillington	May 11, 1959
Eazelhurst Livestock Market, Hazelhurst	May 20, 1959	Hopkins Livestock Auction Yards, Hopkins	Apr. 27, 1959	Farmers Livestock Exchange, Marshville	May 15, 1959
Eudson-Troup Auctions, Fitzgerald	May 15, 1959	Lake Odessa Stockyards, Lake Odessa	Apr. 23, 1959	NORTH DAKOTA	
Irwin County Livestock Co., Inc., Ocilla	May 13, 1959	Lapeer Stockyards Company, Lapeer	Apr. 25, 1959	Edgeley Livestock Sales Co., Edgeley	May 14, 1959
Jepeway-Craig Commission Co., Dublin	May 22, 1959	Lincoln Livestock Auction Yards, Lincoln	Apr. 23, 1959	Harrington Bros. Co., Valley City	May 18, 1959
McRae Livestock Market, McRae	May 16, 1959	Linsmeyer Livestock Auction, Menominee	May 5, 1959	Harvey Livestock Sales, Harvey	May 18, 1959
Metter Livestock Market, Metter	May 13, 1959	Marion Livestock Auction, Marion	Apr. 23, 1959	Hettinger Livestock Sale Co., Hettinger	May 22, 1959
Mitchell County Livestock Co., Camilla	May 16, 1959	Marlette Livestock Auction Co., Marlette	Apr. 27, 1959	Western Livestock Co., Inc., Dickinson	May 11, 1959
Moultrie Livestock Co., Moultrie	May 14, 1959	Napoleon Livestock Commission Co., Napoleon	Apr. 25, 1959	Wishek Livestock Market, Wishek	May 16, 1959
Muscogee Livestock Co., Columbus	May 20, 1959	Owosso Live Stock Sales Co., Owosso	Apr. 22, 1959	OKLAHOMA	
Northeast Ga. Livestock Auction Co., Inc., Athens	May 18, 1959	Ravenna Livestock Sales, Ravenna	May 4, 1959	Tahlequah Sale Barn, Tahlequah	May 16, 1959
Parker's Stockyard, Statesboro	May 23, 1959	Sandusky Stock Yards, Sandusky	Apr. 22, 1959	TENNESSEE	
Pelham Stockyards, Inc., Pelham	May 13, 1959	Scottville Livestock Sale, Scottville	May 14, 1959	Athens Livestock Auction Co., Athens	May 15, 1959
Pierce County Stock Yard, Blackshear	May 16, 1959	Sturgis Livestock, Sturgis	May 12, 1959	Cumberland City Stockyard, Cumberland City	May 9, 1959
Producers Cooperative Livestock Exchange, Statesboro	May 14, 1959	Traverse City Livestock Comm. House, Traverse City	May 5, 1959	Farmers Stock Yard, Newport	May 14, 1959
Queen City Livestock & Auction Co., Inc., Gainesville	May 25, 1959	Tri County Livestock Auction, Copemish	May 12, 1959	M. H. Davis Livestock Market, Hartsville	May 11, 1959
Ragsdale-McClure Commission Co., Atlanta	May 14, 1959	Wayland Livestock Auction, Inc., Wayland	Apr. 28, 1959	New Tazewell Livestock Market, New Tazewell	May 11, 1959
Sumter Livestock Assoc., Americus	May 13, 1959	Zeeland Livestock Sales, Zeeland	Apr. 22, 1959	Trenton Sales Co., Trenton	May 20, 1959
Swainsboro Stock Yard, Swainsboro	May 14, 1959	MISSOURI		Trousdale County Livestock Market, Hartsville	May 14, 1959
Tifton Stockyards, Tifton	May 14, 1959	Alton Sales Co., Alton	May 12, 1959	West Tennessee Auction Co., Martin	May 18, 1959
Toccoa Livestock Auction, Toccoa	May 14, 1959	Ava Sales Co., Ava	May 8, 1959	White County Livestock Market, Sparta	May 14, 1959
Toombs County Stockyard, Lyons	May 15, 1959	Roy Baker Sales Co., Butler	May 18, 1959	TEXAS	
MICHIGAN		Brunswick Sale Co., Brunswick	May 19, 1959	Breckenridge Live Stock Commission Co., Breckenridge	May 8, 1959
Alpena Livestock Commission Co., Alpena	Apr. 25, 1959	Carrollton Livestock Auction, Carrollton	May 18, 1959	Green Valley Cattle Company, San Marcos	May 15, 1959
Armada Live Stock Sales, Armada	Apr. 28, 1959	Noel Cox Auction Sale, Ozark	May 15, 1959	VIRGINIA	
Bad Axe Stock Yards, Inc., Bad Axe	May 18, 1959	Davis-Johnston-Patrick Sales & Commission Co., Inc., Boonville	May 13, 1959	Manassas Livestock Market, Inc., Manassas	May 26, 1959
Big Rapids Livestock Sales, Big Rapids	May 4, 1959	Farmers and Traders Commission Co., Inc., Palmyra	May 20, 1959	WISCONSIN	
Breckenridge Auction & Sales Co., Breckenridge	Apr. 24, 1959	Farmington Auction Co., Inc., Farmington	May 13, 1959	Belmont Livestock Market, Inc., Belmont	June 1, 1959
Caro Live Stock Auction Yards, Caro	Apr. 24, 1959	Fredericktown Auction Co., Inc., Fredericktown	May 15, 1959	Downsville Sales & Commission, Downsville	May 19, 1959
Carson City Stockyards, Carson City	Apr. 22, 1959	Hinds Sale Co., Memphis	May 12, 1959	Equity Co-operative Livestock Sales Assn., Milwaukee	May 15, 1959
Cass Livestock Sale, Cassopolis	Apr. 21, 1959	Marshfield Sale Barn, Marshfield	May 11, 1959	Equity Livestock Auction Market, Altoona	May 15, 1959
Charlotte Livestock Commission, Charlotte	May 13, 1959	Maryville Auction Co., Maryville	May 9, 1959	Equity Livestock Auction Market, Bonduel	May 15, 1959
Clare Stockyards, Clare	Apr. 27, 1959	Montgomery County Auction, Wellsville	May 13, 1959	Equity Livestock Auction Market, Reedsville	May 15, 1959
Cloverland Livestock Auction, Inc., Rudyard	May 9, 1959	Mountain Grove Livestock Auction, Mountain Grove	May 13, 1959	Equity Livestock Auction Market, Richland Center	May 15, 1959
Coldwater Livestock Auction, Coldwater	Apr. 29, 1959	Mountain View Auction, Mountain View	May 21, 1959	Equity Livestock Auction Market, Ripon	May 15, 1959
Coopersville Livestock Sales, Coopersville	Apr. 29, 1959	Nevada Sales Company, Inc., Nevada	May 18, 1959	Mauston Livestock Sales, Mauston	May 16, 1959
Croswell Stockyards, Croswell	Apr. 27, 1959	Princeton Sale Company, Princeton	May 20, 1959	Done at Washington, D.C., this 23d day of June 1959.	
Dixon Bros. Livestock Sales, Dexter	May 11, 1959	Rhodes Commission Co., Advance	May 13, 1959	DAVID M. PETTUS, Director, Livestock Division, Agricultural Marketing Service.	
Dixon Bros. Livestock Sales, Jackson	May 16, 1959	Salem Livestock Auction Co., Salem	May 9, 1959	[F.R. Doc. 59-5357; Filed, June 26, 1959; 8:48 a.m.]	
Dundee Livestock Co., Dundee	Apr. 22, 1959	Steward's Sale Pavilion, Cameron	May 12, 1959		
Escanaba Livestock Auction, Escanaba	Apr. 22, 1959	Warsaw Sales Co., Warsaw	May 11, 1959		
Fremont Livestock Sales, Fremont	May 4, 1959	Welty Brothers Sale Pavilion, Nevada	May 11, 1959		
Gaylord Live Stock Auction, Gaylord	Apr. 28, 1959	Wentzville Auction Co., Wentzville	May 14, 1959		

ARITON LIVESTOCK AUCTION ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

ALABAMA

Name of stockyard	Date of posting
Ariton Livestock Auction, Arlinton	May 26, 1959
Escambia County Cooperative, Inc., Brewton	May 21, 1959
Farmers Cooperative Market, Inc., Frisco City	May 28, 1959
Union Stock Yards, Eufula	May 25, 1959

GEORGIA

Bainbridge Stock Yards, Bainbridge	May 13, 1959
Coffee County Livestock Co., Douglas	May 23, 1959
Dublin Livestock Commission Co., Dublin	May 26, 1959
Hasty's Auction Co., Atlanta	May 22, 1959
Jesup Stockyard, Jesup	May 16, 1959
Seaboard Stock Yards, Colquitt	May 18, 1959
Seminole Livestock Auction Market, Donalsonville	May 25, 1959
Wilkes County Stockyard, Washington	May 18, 1959

IOWA

Ackley Sales Pavilion, Ackley	May 25, 1959
Adel Sales Pavilion, Adel	May 18, 1959
Algona Livestock Auction, Algona	May 16, 1959
Allerton Sale Co., Allerton	May 16, 1959
Atlantic Auction Company, Atlantic	May 23, 1959
Bedford Sales Co., Bedford	May 22, 1959
Belmond Sale Pavilion, Belmond	May 19, 1959
Bonaparte Community Sale, Bonaparte	May 15, 1959
Boone Sales Co., Boone	May 18, 1959
Carroll East Sale Co., Carroll	May 20, 1959
Carson Sale Barn, Carson	May 16, 1959
Cedar Valley Livestock Exchange, Inc., Vinton	May 23, 1959
Central City Sale, Central City	May 16, 1959
Chariton Sales Company, Chariton	May 22, 1959
Clarinda Auction Co., Clarinda	May 18, 1959
Coggon Livestock Sales Co., Coggon	May 18, 1959
Coon Rapids Sale, Coon Rapids	May 28, 1959
Corning Auction Co., Inc., Corning	May 16, 1959
DeVries Auction Company, Buffalo Center	May 19, 1959
Diagonal Livestock Auction, Diagonal	May 16, 1959
Donnellson Community Exchange, Donnellson	May 22, 1959
Dows Sales Pavilion, Dows	May 18, 1959
Dunlap Livestock Auction Market, Dunlap	May 10, 1959
Eastern Iowa Livestock Commission, Inc., Mechanicsville	May 20, 1959
Eddyville Sale Co., Eddyville	May 23, 1959
Eldridge Sales Co., Eldridge	May 16, 1959
Eikader Sales Barn, Eikader	May 16, 1959

IOWA—Continued

Name of stockyard	Date of posting
Fairfield Livestock Commission Co., Fairfield	May 19, 1959
Forest City Auction Company, Forest City	May 16, 1959
Gaffney's Storm Lake Auction Co., Storm Lake	May 16, 1959
Grinnell Livestock Exchange, Grinnell	May 20, 1959
Harlan Auction Co., Harlan	May 19, 1959
Henderson Auction, Henderson	May 22, 1959
Humeston Sale Barn, Humeston	May 22, 1959
Iowa-Nebraska Sale Yards, Council Bluffs	May 22, 1959
Kimballton Auction Co., Kimballton	May 20, 1959
Lamoni Sale Corporation, Lamoni	May 22, 1959
LaPorte City Sale Barn, LaPorte City	May 22, 1959
Lawn Hill Livestock, Lawn Hill	May 16, 1959
Lawton Sale Barn, Lawton	May 20, 1959
Lenox Livestock Auction, Lenox	May 18, 1959
Leon Sale, Leon	May 18, 1959
Leonards Auction Sale, Manchester	May 20, 1959
Livestock Auction Co., Denison	May 18, 1959
Lizer's Livestock Auction, Gowrie	May 20, 1959
Madison County Auction, Winterset	May 16, 1959
Maquoketa Sales Co., Maquoketa	May 19, 1959
Marshalltown Livestock Auction, Inc., Marshalltown	May 22, 1959
Mason City Auction Co., Mason City	May 18, 1959
McCreary Sale Company, Centerville	May 16, 1959
Moorhead Sale Barn, Moorhead	May 18, 1959
Mount Ayr Livestock Market, Mount Ayr	May 20, 1959
New Sharon Sales Co., Inc., New Sharon	May 19, 1959
Newton Sale Co., Newton	May 26, 1959
Nishna Valley Sales Co., Shenandoah	May 26, 1959
Northside Sales Co., Sibley	May 19, 1959
Northwood Sales Co., Inc., Northwood	May 19, 1959
Ogden Sale Barn, Ogden	May 18, 1959
Orient Sales Co., Inc., Orient	May 18, 1959
Ottumwa Livestock Commission, Ottumwa	May 23, 1959
Perry Sale Pavilion, Perry	May 21, 1959
Postville Sales Commission, Postville	May 19, 1959
Producers Livestock Marketing Association, Creston	May 22, 1959
Pryor Commission Company, Woodbine	May 16, 1959
Reliable Sale Barn, Winterset	May 19, 1959
Riceville Sales Pavilion, Riceville	May 20, 1959
Sac County Auction Co., Sac City	May 18, 1959
Spencer Dairy Cattle Exchange, Spencer	May 18, 1959
Stanton Auction Co., Stanton	May 25, 1959
Story City Auction Sales, Story City	May 26, 1959
Tama Livestock Auction, Tama	May 20, 1959
Tripoli Sales Co., Tripoli	May 25, 1959
Wadena Livestock Exchange, Wadena	May 18, 1959
Walker Sales Company, Walker	May 21, 1959
Waukon Sales Commission, Waukon	May 25, 1959
V. H. Wehrheim Commission Firm, Webster City	May 19, 1959
Wesley Livestock Market, Wesley	May 16, 1959
West Liberty Auction Co., West Liberty	May 20, 1959

IOWA—Continued

Name of stockyard	Date of posting
Withhauer's Livestock Auction, Council Bluffs	May 22, 1959
KANSAS	
A. C. Sales Company, Arkansas City	May 26, 1959
Allen County Livestock Auction, Cas	May 29, 1959
Anderson County Sales Co., Garnett	May 26, 1959
Atchison County Auction Company, Atchison	May 23, 1959
Caldwell Community Sale, Caldwell City	May 29, 1959
Cedar Vale Sales Company, Cedar Vale	May 26, 1959
Chanute Sales Pavilion, Chanute	May 26, 1959
Concordia Sales Co., Concordia	May 30, 1959
Douglass Sales Company, Douglass	May 27, 1959
Effingham Auction Co., Effingham	May 22, 1959
El Dorado Livestock Commission Co., El Dorado	May 27, 1959
Frankfort Community Sales Co., Inc., Frankfort	May 25, 1959
Franklin County Sale Co., Ottawa	May 23, 1959
Fredonia Livestock Sales Co., Inc., Fredonia	May 26, 1959
Hiawatha Auction Company, Hiawatha	May 25, 1959
Holton Community Sale, Holton	May 23, 1959
Holton Livestock Exchange, Holton	May 26, 1959
Leavenworth Community Sale, Leavenworth	May 23, 1959
Lenexa Community Sale, Lenexa	May 26, 1959
Lincoln Sales Company, Inc., Lincoln	May 22, 1959
Moline Sales, Moline	May 21, 1959
Natoma Livestock Exchange, Inc., Natoma	May 25, 1959
Onaga Community Sale, Onaga	May 27, 1959
Overbrook Livestock Sale Co., Overbrook	May 27, 1959
Paola Market Sale, Paola	May 25, 1959
Sabetha Sale Company, Sabetha	May 23, 1959
Severy Sale Company, Inc., Severy	May 21, 1959
Southeastern Kansas Sales Co., Inc., Fort Scott	May 28, 1959
Topeka Livestock Commission Co., Topeka	May 22, 1959
Wellington Sales Co., Wellington	May 29, 1959
MISSISSIPPI	
Olive Branch Sales Co., Olive Branch	May 26, 1959
MISSOURI	
Buffalo Sale Barn, Buffalo	May 25, 1959
Crocker Sale Barn, Crocker	May 19, 1959
Doniphan Auction Sales Co., Doniphan	May 11, 1959
Douglas County Livestock Auction, Ava	May 27, 1959
Drexel Community Sale, Drexel	May 26, 1959
Ellington Auction Sales, Ellington	May 25, 1959
Gainesville Sale Barn, Gainesville	May 20, 1959
Gallatin Livestock Auction, Gallatin	May 20, 1959
Halsey & Riley Sales Co., Inc., Marshall	May 23, 1959
Lexington Livestock Auction, Lexington	May 16, 1959
Malden Sale Co., Malden	May 28, 1959
New Palmyra Sale, Palmyra	May 22, 1959
Odessa Community Sale, Odessa	May 26, 1959

MISSOURI—Continued

Name of stockyard	Date of posting
Olean Sales Co., Olean	May 22, 1959
Schuyler County Sales Co., Lancaster	May 14, 1959
Seneca Community Sale, Inc., Seneca	May 22, 1959
Summersville Auction Sale, Summersville	May 19, 1959
Troy Sale Co., Troy	May 26, 1959
Versailles Auction Co., Versailles	May 22, 1959

NEBRASKA

Neligh Livestock Commission Co., Neligh	Apr. 21, 1959
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NORTH DAKOTA

Harrington Brothers, Minot	June 1, 1959
Jamestown Sales Co., Inc., Jamestown	May 29, 1959
Kamrath Sales Pavilion, Mott	May 27, 1959
Mandan-Bismarck Livestock Commission Co., Mandan	May 29, 1959
Stockmen's Co-op. Marketing Assn., Watford City	June 1, 1959

OKLAHOMA

Hugo Sales Commission Co., Hugo	May 20, 1959
Okmulgee Stockyards, Okmulgee	May 2, 1959

SOUTH DAKOTA

Avon Livestock Sale, Avon	May 22, 1959
Bowdle Live Stock Commission Co., Bowdle	May 19, 1959
Britton Sales Pavilion, Eritton	May 18, 1959
Burke Livestock Auction, Burke	May 19, 1959
Centerville Livestock Sales, Centerville	May 19, 1959
Madison Livestock Auction Co., Madison	May 19, 1959
Murdo Sale Co., Murdo	May 16, 1959
Redfield Livestock Sales, Redfield	May 18, 1959
Webster Livestock Exchange, Webster	May 20, 1959

TENNESSEE

Fayetteville Stockyard, Fayetteville	May 26, 1959
Franklin Auction Barn, Inc., South Franklin	May 26, 1959
Lawrence County Stock Yards, Lawrenceburg	May 27, 1959
Lewis County Stockyards, Hohenwald	May 27, 1959
Morristown Stock Yards, Inc., Morristown	May 26, 1959
Newbern Sales Co., Newbern	May 25, 1959
Paris Live Stock Commission Co., Paris	May 26, 1959
Peoples Stockyards, Cookeville	May 29, 1959
Rogersville Livestock Market, Rogersville	May 11, 1959
Smith County Commission Co., Carthage	May 29, 1959
Smithville Stockyards, Smithville	May 30, 1959
Wilson County Livestock Market, Lebanon	May 21, 1959

WISCONSIN

Central Wisconsin Livestock Auction, Tomah	June 1, 1959
Janesville Livestock Exchange, Inc., Janesville	May 27, 1959

Done at Washington, D.C., this 23d day of June 1959.

DAVID M. FETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-5358; Filed, June 26, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[BDSA Emergency Delegation 1]

EMERGENCY DELEGATION OF AUTHORITY TO REGIONAL PRODUCTION DIRECTORS OF THE BUSINESS AND DEFENSE SERVICES ADMINISTRATION OR ITS SUCCESSOR AGENCY

1. In the event of attack upon the United States each Regional Production Director of BDSA will exercise, within his region, control in the interest of national defense of the production, distribution and use of all materials and facilities as defined in the Defense Production Act of 1950, as amended, except:

(1) Food and the domestic distribution of farm equipment and commercial fertilizer;

(2) Petroleum, gas, solid fuels and electric power; and

(3) The use of domestic transportation, storage and port facilities.

2. Pursuant to Executive Order 10480, as amended, Defense Mobilization Order I-7, as amended, and Department of Commerce Order No. 152, as revised and amended, with respect to the materials and facilities as set out in the preceding paragraph, and for the purposes therein set forth, each Regional Production Director of BDSA, within his region, is hereby delegated, with power to redelegate, the priorities and allocation powers provided in section 101(a) of the Defense Production Act of 1950, as amended,¹ together with such other priorities and allocation and related power and authority as may hereafter be vested in the Administrator of the Business and Defense Services Administration or its successor agency. In connection therewith,

¹Section 101(a) of the Defense Production Act of 1950, as amended, provides as follows: "The President is hereby authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense."

Among the types of action which might be taken under the priorities and allocations powers are the following:

(1) To require preference in the performance of a contract or order.

(2) Issuance of "set-aside" order requiring producer to reserve part of production for certain purposes.

(3) Require use of a producer's facilities for production of designated products (allocation of facilities).

(4) Establishment of inventory restrictions.

(5) Limit delivery of materials to designated purchasers or classes of purchasers (allocation of materials).

there is hereby delegated the power and authority provided in sections 704, 705, and 706 of the Defense Production Act of 1950, as amended.²

3. The delegations provided for in paragraphs 1 and 2 to each Regional Production Director of BDSA shall be exercised only during such periods of time as communications between such Regional Production Director and the national headquarters of BDSA or its successor agency are inoperative.

4. In any region in which a Regional Production Director of BDSA has not been appointed, but only until such time as one has been appointed, the Assistant Director for Resources and Production of OCDM for that region is designated the Acting Regional Production Director of BDSA.

5. The authority herein delegated shall be exercised in conformity with policies, rules, regulations and orders of the Office of Civil and Defense Mobilization and the Business and Defense Services Administration, or their successor agencies.

Dated: June 24, 1959.

BUSINESS AND DEFENSE SERVICES
ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F.R. Doc. 59-5335; Filed, June 26, 1959; 8:45 a.m.]

Federal Maritime Board

[Docket No. 858]

MATSON NAVIGATION CO. ET AL.
Notice of Investigation, Hearing, and Consolidation of Proceedings

In the matter of agreements Nos. 8337 and 8337-1 between Matson Navigation Company, Isthmian Lines, Inc., Matson Orient Line, Inc., and States Marine Corporation of Delaware.

On June 15, 1959, the Federal Maritime Board entered the following order:

Whereas, an agreement between Matson Navigation Company, Isthmian Line, Inc., Matson Orient Line, Inc., and States Marine Corporation of Delaware, has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), and has been assigned Federal Maritime Board Agreement No. 8337; and

Whereas, notice of the filing of said agreement was published in the FEDERAL REGISTER on October 25, 1958 (23 F.R. 8264); and

Whereas, Matson Orient Line, Inc., on October 16, 1958 submitted to the Board copies of drafts of Husbanding Agency Agreement between Matson Navigation Company and Isthmian Lines, Inc.; Managing Agency Agreement between

²Section 704 provides authority to issue regulations.

Section 705 provides authority to obtain information.

Section 706 provides authority to apply to courts for injunctive relief restraining violations or enforcing compliance with orders and regulations.

Matson Orient Line, Inc., and Matson Navigation Company; and General Traffic Agency Agreement between Matson Navigation Company and States Marine-Isthmian Agency, Inc., and has requested that such agreements be granted such approval or consent as may be required; and

Whereas, on February 27, 1959, Matson Orient Line, Inc., filed for approval, pursuant to section 15 of the Shipping Act, 1916, a modification of Agreement No. 8337, which has been assigned Federal Maritime Board Agreement No. 8337-1; and

Whereas, notice of filing of Agreement No. 8337-1 was published in the FEDERAL REGISTER on March 24, 1959 (24 F.R. 2882); and

Whereas, Matson Orient Line, Inc., on February 27, 1959, submitted to the Board revised copies of drafts of Husbanding Agency Agreement between Matson Navigation Company and Isthmian Lines, Inc., Managing Agency Agreement between Matson Orient Line, Inc., and Matson Navigation Company; and General Traffic Agency Agreement between Matson Navigation Company and States Marine-Isthmian Agency Inc., and has requested that such agreements be granted such approval or consent as may be required; and

Whereas, protests to the approval of the said agreements have been received by the Board; and

Whereas, the United States Lines Company has filed a formal complaint in Docket 852 contesting the legality of the aforementioned agreements;

It is ordered, That a hearing and investigation be held at a time and place to be fixed before an Examiner of the Board with respect to the issues: (1) Whether the aforementioned Husbanding Agency Agreement, Managing Agency Agreement, and/or the General Traffic Agency Agreement are agreements within the meaning of Section 15; (2) whether these agreements, and Agreements 8337 and 8337-1, are true and complete memoranda of every agreement relating to the operation of Matson Orient Line, Inc., between Matson Orient Line, Inc., Matson Navigation Company, Isthmian Lines, Inc., States Marine Corporation of Delaware, and States Marine-Isthmian Agency, Inc.; and (3) whether those of the aforementioned agreements as are agreements within the meaning of section 15 are unjustly discriminatory or unfair as between carriers, or will operate to the detriment of the commerce of the United States, or will be in violation of the Shipping Act, 1916; and

It is further ordered, That the hearing and investigation ordered herein be consolidated with the proceedings in Docket No. 852; and

It is further ordered, That this order be published in the FEDERAL REGISTER, and a copy thereof be served on each party in Docket No. 852.

Pursuant to the above order, notice is hereby given that the consolidated hearing will be conducted in accordance with the Board's Rules of Practice and Procedure, at a date and place to be announced by the Chief Examiner, and a

recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene herein, should notify the Secretary of the Board promptly and should file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: June 24, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5368; Filed, June 26, 1959;
8:50 a.m.]

Office of the Secretary
SAM NORRIS

Statement of Changes in Financial Interests

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

- A. Deletions: Rexall Drugs.
- B. Additions: Rexall Drugs.

This statement is made as of June 12, 1959.

SAM NORRIS.

JUNE 12, 1959.

[F.R. Doc. 59-5366; Filed, June 26, 1959;
8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

FINDING REGARDING FOREIGN SOCIAL INSURANCE AND PENSION SYSTEM OF BURMA

Correction

In the third paragraph of F.R. Doc. 59-5047, appearing at page 4971 of the issue for Thursday, June 18, 1959, "Yugoslavia does meet" should read "Burma does not meet."

ATOMIC ENERGY COMMISSION

[Docket No. 50-47]

ORDNANCE MATERIALS RESEARCH OFFICE

Notice of Amendment to Construction Permit

Please take notice that the notice with respect to the issuance of an amendment to Construction Permit No. CPRR-16 issued to Ordnance Materials Research Office, which appeared in the FEDERAL REGISTER on June 13, 1959, 24 FR 4863,

was incorrect with respect to the amendment number, the power level, and location of the reactor.

The notice should have read "Please take notice that the Atomic Energy Commission has issued Amendment No. 1 to Construction Permit No. CPRR-16, set forth below, which extends the earliest completion date of the pool-type 1000 kilowatt Ordnance Materials Research Office Reactor to be located at the Watertown Arsenal, Watertown, Massachusetts, to November 15, 1959, and the latest completion date to May 15, 1960."

Dated at Germantown, Md., this 23d day of June 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-5332; Filed, June 26, 1959;
8:45 a.m.]

[Docket No. 50-129]

WEST VIRGINIA UNIVERSITY

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on June 3, 1959, the Atomic Energy Commission has issued Construction Permit No. CPRR-35 authorizing West Virginia University to construct a plastic core, swimming pool-type, 75 watt (thermal) nuclear reactor, designated as Model AGN-211, Serial No. 103, on its campus in Morgantown, West Virginia. Notice of the proposed action was published in the FEDERAL REGISTER on June 4, 1959, 24 F.R. 4569.

Dated at Germantown, Md., this 19th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-5333; Filed, June 26, 1959;
8:45 a.m.]

[Docket No. 50-134]

WORCESTER POLYTECHNIC INSTITUTE

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that Worcester Polytechnic Institute, Worcester, Massachusetts, under section 104c of the Atomic Energy Act of 1954 has submitted an application for license authorizing construction and operation of a one kilowatt (thermal) pool-type research reactor on the Institute's campus at Worcester, Massachusetts. A copy of the application is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 23d day of June 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-5334; Filed, June 26, 1959;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11323, 11327; FCC 59M-801]

**B. J. PARRISH AND JAMES A. NOE
(KNOE)**

Order Scheduling Further Prehearing Conference

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11323, File No. BP-8698; James A. Noe (KNOE), Monroe, Louisiana, Docket No. 11327, File No. BP-9161; for construction permits.

It is ordered, June 22, 1959, that a further prehearing conference is scheduled for Monday, June 13, 1959, at 10 a.m., in the offices of the Commission, Washington, D.C.

Unless good cause is shown otherwise, this will be the last session.

Released: June 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5373; Filed, June 26, 1959;
8:51 a.m.]

[Docket Nos. 12860-12863; FCC 59M-800]

WILLIAM PARMER FULLER III ET AL.

Statement and Order Following Prehearing Conference

In re applications of William Parmer Fuller III, Salt Lake City, Utah; Docket No. 12860, File No. BP-11727; James C. Wallentine, tr/as Kanab Broadcasting Co., Kanab, Utah, Docket No. 12861, File No. BP-11813; L. John Miner, tr/as Inland Empire Broadcasting Co., Price, Utah, Docket No. 12862, File No. BP-11907; Cache Valley Broadcasting Company (KVNU), Logan, Utah, Docket No. 12863, File No. BP-12017; for construction permits.

1. The first prehearing conference was held herein on June 19, 1959. All parties were represented by counsel except L. John Miner, tr/as Inland Empire Broadcasting Co., who was held to be in default.

2. Agreements were reached among the participating parties and were stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner. They included the following:

(1) Applicants' direct cases to be in writing and exchanged so as to be in the

hands of participating parties by noon on July 6, 1959.

(2) Hearing to be continued to July 9, 1959, at 9:00 a.m.

It is ordered, This 19th day of June 1959, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling, and that the hearing herein, previously scheduled for July 6, 1959, is continued to July 9, 1959, at 9:00 a.m.

Released: June 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5374; Filed, June 26, 1959;
8:51 a.m.]

[Docket No. 12904; FCC 59M-803]

WMAX, INC. (WMAX)

Order Scheduling Hearing

In re application of WMAX, Inc. (WMAX), Grand Rapids, Michigan, Docket No. 12904, File No. BP-11744; for construction permit for standard broadcast station.

It is ordered, This 22d day of June 1959, that Annie Neal Hunting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 17, 1959, in Washington, D.C.

Released: June 23, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5375; Filed, June 26, 1959;
8:51 a.m.]

[Docket No. 12733; FCC 59M-806]

NORMAN E. KAY

Order Continuing Hearing

In re application of Norman E. Kay, Del Mar, California, Docket No. 12733, File No. BP-12089; for construction permit.

The Hearing Examiner having under consideration the need for a continuance of this proceeding because of conflicts in his own schedule;

It appearing that the hearing is currently scheduled to commence on July 2, 1959;

It is ordered; This 23d day of June 1959, on the Hearing Examiner's own motion, that the hearing is continued from July 2 to July 17, 1959.

Released: June 24, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-5376; Filed, June 26, 1959;
8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10079 et al.]

SOUTHERN AIRWAYS, INC.

Renewal of Temporary Intermediate Points; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that hearing in the above-entitled proceeding to determine whether the public convenience and necessity require the renewal of Southern Airways' authority to serve Greenwood and Spartanburg, South Carolina, on segment 1 and Laurel, Mississippi, on segment 4, is assigned to be held on July 21, 1959, at 10:00 a.m., e.s.t., in the Board Room of the Atlanta Public Library, Carnegie Way and Forsyth Street, Atlanta, Georgia, before Examiner Curtis C. Henderson.

For further details on the scope of the proceeding and the issues involved, parties are referred to Board Order No. E-13284 dated December 17, 1958, and the Report of Prehearing Conference served May 26, 1959 and the Supplemental Prehearing Conference Report served June 10, 1959.

Dated at Washington, D.C., June 23, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-5371; Filed, June 26, 1959;
8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16864]

GENERAL AMERICAN OIL COMPANY OF TEXAS

Notice of Application and Date of Hearing

JUNE 22, 1959.

Take notice that General American Oil Company of Texas (Applicant), a Delaware corporation with its principal office in Dallas, Texas, filed on October 31, 1958, an application in Docket No. G-16864, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to Lone Star Gas Company (Lone Star), with respect to the sale of Applicant's gas from the Harley Lease, Stephens County, Oklahoma, covered by a contract by and between Applicant and Lone Star, dated December 19, 1955, on file as General American Oil Company of Texas FPC Gas Rate Schedule No. 23, which service it was authorized to render on April 8, 1957, in Docket No. G-10137, subject to the jurisdiction of the Commission, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the lease is no longer capable of commercial gas production and that Applicant, therefore, has abandoned its gas sales from this property. Applicant recites, further, that the well on the lease could produce a small amount of gas at a pressure below line pressure, but that the cost of

compression would far exceed the revenues to be expected.

Concurrently with the subject application, Applicant filed an agreement dated October 1, 1958, between Applicant and Lone Star cancelling the aforementioned contract and, in addition, filed a notice of cancellation of its related FPC Gas Rate Schedule No. 23.

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 July 20, 1959, at 9:30 a.m., e.d.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5336; Filed, June 26, 1959; 8:46 a.m.]

[Docket No. G-16847]

N. V. KINSEY ET AL.

Notice of Application and Date of Hearing

JUNE 22, 1959.

Take notice that N. V. Kinsey, Norman V. Kinsey, Jr., Lallage Feazel and Gertrude Feazel Anderson on October 30, 1958, filed an application in Docket No. G-16847, for permission and approval to abandon service to Arkansas Fuel Oil Corporation (Arkansas Fuel) from the Ada Hardin Unit #1, Jackson Shields Survey, Carthage Field, Panola County, Texas, which service was authorized November 20, 1956, in Docket No. G-4235 (Lead Docket No. G-6405) and covered by a contract dated September 5, 1952, as amended, by and between Kinsey, et al., and Arkansas Louisiana Gas Company, predecessor in interest to Arkansas Fuel, on file as Norman V. Kinsey, Jr., et al. FPC Gas Rate Schedule No. 2, subject to the jurisdiction of

the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

Applicants, in support of the proposed termination of their sale of casinghead gas from the Ada Hardin Unit #1 to Arkansas Fuel, state that the unit well currently produces a limited amount of oil by pump, but that the gas-oil ratio has decreased to the point where no further gas is available for sale and continuance of service is therefore no longer possible.

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 July 20, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 41 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission, 441 G Street NW., Washington, D.C., dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence

in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5337; Filed, June 26, 1959; 8:46 a.m.]

[Docket No. G-18380]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

JUNE 22, 1959.

Take notice that Lone Star Gas Company (Applicant), a Texas corporation with a principal office in Dallas, Texas, filed on April 27, 1959, an application as supplemented May 13 and 22, 1959, for a certificate of public convenience and necessity to construct and operate the facilities hereinafter described subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an additional 10-inch lateral line and metering station to increase deliveries to the City of Arlington in Tarrant County, Texas, where Applicant now sells gas at retail.

The application recites (1) the company now serves Arlington through a 10-inch lateral extending 3.38 miles from its mainline C which also supplies gas to Fort Worth and Dallas (2), Lone Star proposes to construct 3.61 miles of 10-inch lateral from Line C to the west side of Arlington to enable it to increase deliveries to the city and to operate Line C at lower and safer pressures, and (3) the estimated requirements of the Arlington area are as follows:

	1958	1959	1960	1961
Annual requirements (Mcf).....	Actual 1,887,858	1,892,894	1,979,517	2,066,387
Peak day requirements (Mcf).....	19,680	20,699	21,719	22,741

The application further recites the actual delivery of 19,680 Mcf to Arlington on the 1957-58 peak day is considered by Lone Star to be about the maximum capacity of the existing lateral line serving the area, and the maximum capacity of the proposed lateral is 20,700 Mcf per day, which would give Applicant a total of about 41,000 Mcf per day of capacity into Arlington including the capacity of the existing lateral.

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 July 28, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in

and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5338; Filed, June 26, 1959; 8:46 a.m.]

[Docket No. G-16464]

MONSANTO CHEMICAL CO.**Notice of Application and Date of Hearing**

JUNE 22, 1959.

Take notice that on September 29, 1958, as supplemented on April 9, 1959, Monsanto Chemical Company (Applicant) filed in Docket No. G-16464 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Arkansas Louisiana Gas Company (Ark La) from Applicant's interest in the J. S. Rushing, et al.—Mason Unit and the Hope Producing Company, et al.—R. E. Smith Unit, both in the Ada Field, Bienville Parish, Louisiana, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The subject sale is covered by a contract dated January 11, 1952, as amended, between Lion Oil Company, predecessor in interest to Applicant, and Ark La, on file as Monsanto Chemical Company FPC Gas Rate Schedule No. 19, and was authorized by order issued September 13, 1957, in Docket No. G-11688.

The basic contract of January 11, 1952, has expired and Applicant proposes to dispose of the subject gas to Southwestern Electric Power Company (formerly Southwestern Gas & Electric Company) pursuant to an agreement between Applicant and Southwestern dated September 18, 1958.

Ark La has signified its concurrence in the subject abandonment by Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 4, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 19, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of an concurrence in omission herein of the intermediate

decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5339; Filed, June 26, 1959;
8:46 a.m.]

[Docket Nos. G-17827, 17957]

MULL DRILLING CO. ET AL.**Notice of Applications and Date of Hearing**

JUNE 22, 1959.

In the matters of Mull Drilling Company, Inc., Operator (Mull), a Kansas corporation with a principal place of business in Wichita, Kansas, filed on February 13, 1959, in Docket No. G-17827; Panhandle Eastern Pipe Line Company, Docket No. G-17957.

Take notice that Mull Drilling Company, Inc., Operator (Mull), a Kansas corporation with a principal place of business in Wichita, Kansas, filed on February 13, 1959, in Docket No. G-17827 for itself, and on behalf of Jack M. Copass and C. R. Sullivan, d/b/a Copass & Sullivan, an application for a certificate of public convenience and necessity covering their proposed sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle), to be made pursuant to a gas sales contract dated October 15, 1958, executed by and between Panhandle and Mull, as ratified by instrument dated November 10, 1958, by Copass and Sullivan, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission, and open to public inspection.

Panhandle a Delaware corporation with its principal place of business in Kansas City, Missouri, filed on March 2, 1959, in Docket No. G-17957 an application for a certificate of public convenience and necessity authorizing the construction and operation of a tap in its existing 24-inch-main transmission pipeline in Pratt County, Kansas, and approximately 27,086 feet of 8-inch lateral supply pipeline, extending northerly from said tap to a point in Pratt County, to enable it to purchase and transport natural gas produced by Mull, Operator, et al., subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

Mull, an independent producer, proposes to make a sale of natural gas procured from approximately 1955.75 acres in Pratt and Edward Counties, Kansas, to Panhandle for transportation in interstate commerce for resale.

The total estimated initial cost of the proposed facilities to be constructed by Panhandle is \$105,000, which cost will be financed by Panhandle from its funds currently on hand.

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 July 30, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Mull Operator, et al., and Panhandle to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5340; Filed, June 26, 1959;
8:46 a.m.]

[Docket No. G-17623]

C. W. MURCHISON ET AL.**Notice of Application and Date of Hearing**

JUNE 22, 1959.

In the matter of C. W. Murchison, Frank A. Schultz, J. Glenn Turner and William G. Webb, Docket No. G-17623.

Take notice that on January 21, 1959, C. W. Murchison, Frank A. Schultz, J. Glenn Turner and William G. Webb (Applicants) filed in Docket No. G-17623 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to El Paso Natural Gas Company (El Paso) from certain leases in the Blanco Field, San Juan and Rio Arriba Counties, New Mexico, covered by a gas sales contract dated March 18, 1957, on file with the Commission as Frank A. Schultz, et al., FPC Gas Rate Schedule No. 3, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that on December 1, 1958, their interest in the subject acreage, insofar as production of natural gas from either the Pictured Cliffs or Mesaverde formations was concerned, was sold to El Paso, which company as purchaser is continuing to deliver the gas produced therefrom into its own lines for interstate transmission.

Authorization to render to El Paso the services herein proposed to be abandoned was granted on March 25, 1958, in Docket No. G-13340.

Notice of cancellation of so much of the aforesaid gas sales contract dated March 18, 1957, as pertains to production from the Pictured Cliffs and Mesa-verde formations was filed by Applicants concurrently with the application herein and is designated in the files of the Commission as Supplement No. 1 to Frank A. Schultz, et al., FPC Gas Rate Schedule No. 3.

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 July 30, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5341; Filed, June 26, 1959;
8:46 a.m.]

[Docket No. G-17517]

SPARTA OIL CO.

Notice of Application and Date of Hearing

JUNE 19, 1959.

Take notice that on January 2, 1959, The Sparta Oil Company (Applicant) with a principal office in Houston, Texas, filed an application in Docket No. G-17517, pursuant to section 7(b) of the Natural Gas Act, for authorization to abandon the sales of natural gas to Trunkline Gas Company (Trunkline) from the Lou Ella Field, San Patricio County, Texas, covered by a gas sales contract dated January 2, 1953, on file as Applicant's FPC Gas Rate Schedule No. 1, subject to the jurisdiction of the Commission, all as more fully described in the application filed with the Commission and open to public inspection.

Applicant states in support of the proposed abandonment of the sale to Trunkline, that the wellhead pressure in its only well on the acreage involved has

declined to such an extent that gas will not flow against Trunkline's pipeline pressure. Applicant further states that it attempted to continue deliveries by unloading liquids resulting in increased flowing pressure for approximately six months prior to cessation of deliveries but that on or about May 3, 1958, the well was plugged. Applicant adds that the combined cost of installation of compression facilities and well operation together with the small reserves remaining do not justify continuance of service.

The application recites Applicant was authorized on September 11, 1956 in Docket No. G-4094, to render the service herein proposed to be abandoned.

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 July 29, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 17, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5342; Filed, June 26, 1959;
8:46 a.m.]

[Docket Nos. G-13336, G-13759]

SUPERIOR OIL CO. AND WOODLEY PETROLEUM CO.

Notice of Applications and Date of Hearing

JUNE 22, 1959.

In the matters of The Superior Oil Company, Operator, Docket No. G-13336; Woodley Petroleum Company, Docket No. G-13759.

Take notice that on October 1, 1957, Superior Oil Company, Operator (Superior), a California corporation, and on November 18, 1957, Woodley Petroleum Company (Woodley), a Delaware

corporation, with principal places of business in Houston, Texas, filed applications in Docket Nos. G-13336 and G-13759, respectively, pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon service to United Gas Pipe Line Company (United) from their well on the Adam Smith Lease in the Bayou Mallet Field, Acadia Parish, Louisiana, subject to the jurisdiction of the Commission, all as more fully described in their applications on file with the Commission, and open to public inspection.

The applications recite that their said well ceased to produce in February 1957, and that their pipeline from the well to United's transmission line is in a state of disrepair. Superior was authorized in Docket No. G-6171, on October 14, 1955, and Woodley in Docket No. G-3844 on September 11, 1956, to render the service now proposed to be abandoned.

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 July 30, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5343; Filed, June 26, 1959;
8:46 a.m.]

[Docket No. G-14325 etc.]

SUPERIOR OIL CO.

Notice of Applications and Date of Hearing

JUNE 22, 1959.

In the matter of the Superior Oil Company, Docket Nos. G-14325, G-14326 and G-14678.

Take notice that on January 24, 1958, in Docket Nos. G-14325 and G-14326, and on March 17, 1958, in Docket No. G-14678, The Superior Oil Company (Applicant) filed applications pursuant to section 7(b) of the Natural Gas Act for approval of the abandonment of certain natural gas service, all as more fully set forth in the respective applications which are on file with the Commission and open to public inspection.

In Docket Nos. G-14325 and G-14678, Applicant seeks to abandon, partially, service to United Gas Pipe Line Company (United) from the Weser Field, Goliad County, Texas, and the South Runge Field, Karnes County, Texas, respectively, which service was authorized by the Commission on April 18, 1956, in Docket No. G-6155. The sales in these dockets are covered by an amended contract between Applicant and United on file as The Superior Oil Company FPC Gas Rate Schedule No. 6.

In Docket No. G-14326, Applicant seeks to abandon, partially, service to Southern Natural Gas Company (Southern) from the Gwinville Field, Jefferson Davis County, Mississippi, which service was authorized by the Commission on October 14, 1955, in Docket No. G-6170. The sales in this docket are covered by an amended contract between Applicant and Southern on file as The Superior Oil Company (Operator), et al., FPC Gas Rate Schedule No. 11.

Applicant states that the wells involved in Docket Nos. G-14325 and G-14326 have ceased to produce, and that the wells involved in Docket No. G-14678 are depleted to the extent that their reduced producing capacity no longer warrants the expense of compression necessary for the sale of gas therefrom.

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 July 28, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the inter-

mediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5344; Filed, June 26, 1959;
8:46 a.m.]

[Docket No. G-18196]

TENNESSEE GAS TRANSMISSION CO.
Notice of Application and Date of
Hearing

JUNE 22, 1959.

Take notice that on March 31, 1959, Tennessee Gas Transmission Company (Applicant) filed in Docket No. G-18196 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main transmission pipeline system natural gas which will be purchased from producers in the general area of its existing transmission system from time to time during the calendar year 1959, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with its system.

The estimated total cost of the facilities to be constructed is not to exceed \$5,000,000 during the calendar year 1959, with no single project to exceed a cost of \$500,000.

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 July 23, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1959. Failure of any party to appear at and participate in the hearing

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5345; Filed, June 26, 1959;
8:46 a.m.]

[Docket No. G-16911 etc.]

TEXAS PACIFIC COAL AND OIL CO.
ET AL.

Notice of Applications, Consolidation
and Date of Hearing

JUNE 19, 1959.

In the matters of Texas Pacific Coal and Oil Company, Docket No. G-16911; Cimarron Transmission Company, Docket No. G-17014; Texaco Inc., Docket No. G-17015; Sinclair Oil & Gas Company, Docket No. G-17017; Natural Gas Pipeline Company of America, Docket No. G-17241; Shell Oil Company, Docket No. G-18016.

Take notice that applications for certificates of public convenience and necessity have been filed in the above-captioned proceedings, pursuant to section 7(c) of the Natural Gas Act, authorizing the construction, operation, sales and services 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.

Natural Gas Pipeline Company of America (Natural), a Delaware corporation with principal place of business at 122 South Michigan Avenue, Chicago 3, Illinois, filed its application in Docket No. G-17241 on December 12, 1958. Natural proposes to construct and operate approximately 29 miles of 10-inch lateral supply pipeline, together with appurtenant facilities, extending in an easterly direction from a point of connection (proposed 6-inch tap) with its existing 20-inch Oklahoma Extension to a point in the Southwest Enville Field, Love County, Oklahoma. The estimated total cost of the proposed facilities is \$772,000 which will be financed by Natural from funds on hand. These facilities will be used for the purpose of enabling Natural to take into its existing main transmission system up to an average of 30,000 Mcf of natural gas per day at 14.73 psia, which it proposes to purchase from the Cimarron Transmission Company at the aforesaid point in the Southwest Enville field. This gas will be used by Natural in meeting its existing general system requirements. No additional sales are proposed by Natural.

Cimarron Transmission Company (Cimarron), an Oklahoma corporation with principal place of business at 921 National Bank of Tulsa Building, Tulsa,

¹ By letter dated May 1, 1959, The Texas Company advised that its corporate name was changed to Texaco Inc., effective May 1, 1959.

Oklahoma, filed its application in Docket No. G-17014 on November 19, 1958 and amendments thereto on February 20 and May 4, 1959. Cimarron proposes to sell natural gas in interstate commerce to Natural for resale. This sale will be made under a 20 year contract between Cimarron and Natural, dated November 10, 1958 as amended November 12, 1958, December 11, 1958 and January 19, 1959 (designated Cimarron's FPC Gas Rate Schedule No. 1), whereunder Cimarron has dedicated to the performance thereof (1) all of the gas available to it under gas purchase contracts with Texaco Inc., Sinclair Oil & Gas Company, Shell Oil Company and Texas Pacific Coal and Oil Company covering natural gas to be produced by said four producers from the Enville and Southwest Enville fields, Love County, Oklahoma, as set forth later herein and (2) any additional reserves thereafter acquired by Cimarron in Love County, Oklahoma. With respect to the price to be charged Natural for this gas, the contract provides that Natural shall reimburse Cimarron for the actual net amount paid or payable, pursuant to the provisions of the Producer's Agreements, for all gas received by Natural, and, in addition, Natural shall pay Cimarron for its cost and allowed return for services

as provided for in the contract, provided, however, that Natural shall never pay for such services in excess of 3½ cents per Mcf of gas delivered by Cimarron. The contract contemplates that the services to be rendered by Cimarron will consist of the construction and future extension of a gathering system and the gathering, dehydration, treatment, compression, delivery and sale of the gas involved. The estimated total cost of Cimarron's proposed facilities is \$447,264 of which \$254,265 is attributable to a combination dehydration and desulphurization plant. The method for determining Cimarron's cost and allowed return for services to be performed is set forth in detail in an amendment to the contract and provides, inter alia, for a 7½ percent rate of return under the cost of service portion thereof. This amendment also provides that a cost of service and price determination shall be made as of the beginning of each fiscal year when there are substantial changes in costs or services.

The four remaining applicants propose to sell natural gas in interstate commerce to Cimarron for resale to Natural. Basic information relating to their applications is tabulated below.

Docket No.	Date filed	Applicant and address	Source of gas	Initial price of gas in cents/Mcf at 14.65 psia and FPC Gas Rate Schedule No., if designated
G-16911	Nov. 6, 1958.....	Texas Pacific Coal and Oil Co., P.O. Box 2110, Fort Worth National Bank Bldg., Fort Worth, Tex.	Enville Field, Love County, Okla.	15.5, No. 16.
G-17015	Nov. 20, 1958 as amended May 6, 1959.	Texaco Inc., P.O. Box 2332, Houston 1, Tex.	Southwest Enville Field, Love County, Okla.	15.0, No. 188.
G-17017	Nov. 20, 1958 as amended Feb. 13, 1959.	Sinclair Oil & Gas Co., Sinclair Oil Bldg., Tenth and Boston, Tulsa, Okla.	Enville Field, Love County, Okla.	15.5.
G-18016	Mar. 9, 1959.....	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	Southwest Enville Field, Love County, Okla.	15.0, No. 197.

Texaco in Docket No. G-17015 and Sinclair in Docket No. G-17017 respectively seek certificates of limited duration. Texaco seeks a certificate "limited to the term of the contract" and Sinclair seeks one authorizing the sale in accordance with its contract "during the remainder of the term thereof, including extensions and renewals".

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 July 28, 1959 at 10:00 a.m. E.D.S.T., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

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 July 13, 1959.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-5346; Filed, June 26, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1115]

UNIVERSAL OIL RECOVERY CORP.

Order Cancelling Hearing

JUNE 22, 1959.

The Commission by order dated December 6, 1957, having ordered that a hearing in the above-entitled matter, pursuant to section 3(b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, commence on December 16, 1957 at 10:00 a.m., at the Offices of the Commission, 425 Second Street NW., Washington, D.C., and such hearing having been commenced and adjourned;

The Company having requested a withdrawal of its request for a hearing

and the Division of Corporation Finance not objecting thereto.

It is ordered, That the request for hearing be and it hereby is deemed withdrawn.

It is further ordered, That the order of December 6, 1957, scheduling a hearing be and it hereby is rescinded.

Pursuant to the provisions of Rule 261(b) of Regulation A, the temporary suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the issuer becomes permanent.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 59-5349; Filed, June 26, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 144]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 24, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61614. By order of June 19, 1959, the Transfer Board approved the transfer to Helen M. Raeke, doing business as John F. Raeke Company, Boston, Mass., of Certificate No. MC 77655, issued April 24, 1941, to John F. Raeke, doing business as John F. Raeke Co., Boston, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Boston, Mass., on the one hand, and points in Massachusetts within 40 miles of Boston, on the other. Samuel Newman, 163 Meridian Street, East Boston, Mass., for applicants.

No. MC-FC 61819. By order of June 17, 1959, the Transfer Board approved the transfer to Woodworth & Sons, Inc., Tolono, Ill., of the operating rights in Certificate No. MC 116099, issued June 30, 1958, to Alfred Woodworth, doing business as Woodworth and Sons, Tolono, Ill., authorizing the transportation, over irregular routes, of petroleum products, as defined, in bulk, in tank vehicles, from New Goshen, Ind., and points in Indiana within 5 miles thereof, to points in Illinois. Thomas A. Gra-

ham, 10 South La Salle Street, Chicago 3, Ill.

No. MC-FC 62158. By order of June 22, 1959, the Transfer Board approved the transfer to C. B. Christian, Inc., South Haven, Mich., of Certificate No. MC 10341, issued March 16, 1954, to C. B. Christian and Margaret G. Christian, doing business as C. B. Christian, South Haven, Mich., authorizing the transportation of: New furniture, and household goods, as defined, between Chicago, Ill., on the one hand, and, on the other, points in Indiana and Michigan, within 150 miles of Chicago; household goods, as defined, between South Haven, Mich., on the one hand, and, on the other, points in Illinois and Indiana; pianos and organs, between South Haven, Mich., on the one hand, and, on the other, Chicago, Ill., and Cleveland, Ohio, and from South Haven, Mich., to points in Illinois, Indiana, and Ohio, other than Cleveland, Ohio, and Chicago, Ill.; pianos and piano benches, uncrated, between South Haven, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and farm products, from Mentha and Fennville, Mich., to Springfield, Ill., and Indianapolis and Nappanee, Ind. R. M. James, 332 West Lovell Street, Kalamazoo, Mich., for applicants.

No. MC-FC 62219. By order of June 19, 1959, the Transfer Board approved the transfer to Otto Arens, Wynot, Nebr., of certificate in No. MC 88642, issued May 26, 1953, to Louis L. Peters, Wynot, Nebr., authorizing the transportation of: Livestock, grain, hay and empty petroleum containers from points in Nebraska to Yankton, S. Dak., and Sioux City, Iowa; commercial feed, machinery, coal, lumber and oil, in containers, from Yankton, S. Dak., and Sioux City, Iowa, to points in Nebraska; emigrant movables from points in Nebraska to points in Iowa and South Dakota; and seed corn from points in Iowa to points in Nebraska.

No. MC-FC 62227. By order of June 19, 1959, the Transfer Board approved the transfer to Shear Transfer and Storage Co., Inc., Santa Monica, Calif., of certificate in No. MC 10272, issued April 17, 1958, to Otis L. Smith, doing business as Shear Transfer & Storage Co., Santa Monica, Calif., authorizing the transportation of: Household goods between Santa Monica, Calif., on the one hand, and, on the other, Los Angeles and Los Angeles Harbor, Calif., and general commodities, excluding household goods, commodities in bulk, and other specified commodities between Los Angeles, Venice, Culver City, and Santa Monica, Calif. Cromwell Warner, 3950 Bemis Street, Los Angeles 39, Calif.

No. MC-FC 62235. By order of June 22, 1959, the Transfer Board approved the transfer to David V. Foley, Jr., doing business as Foley Truck Service, Normandy, Mo., of certificate in No. MC 39473, issued August 14, 1957, to Russell H. Klaustermeier, Alhambra, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities between Pierron, Ill., and St. Louis, Mo., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. A. A. Marshall, Registered Practitioner, 305 Buder Building, St. Louis 1, Mo.

No. MC-FC 62258. By order of June 19, 1959, the Transfer Board approved the transfer to Rainbow Piano & Furniture Movers, Inc., North Attleboro, Mass., of the operating rights in Certificate No. MC 64402, issued October 4, 1956, to Norman F. McEnaney, doing business as Rainbow Piano & Furniture Movers, North Attleboro, Mass., authorizing the transportation, over irregular routes, of household goods, between Attleboro, North Attleboro, Franklin, and Plainville, Mass., on the one hand, and, on the other, New York, N.Y., and points in Maine, Connecticut, New Hampshire, Rhode Island, and Vermont. Charles R. Mason, 61 North Washington Street, North Attleboro, Mass., for applicants.

No. MC-FC 62303. By order of June 19, 1959, the Transfer Board approved the transfer to Billy K. Bledsoe, Campbell, Mo., of the operating rights in Certificate No. MC 117179 Sub 1, issued January 14, 1959, to C. A. Story, Dexter, Mo., authorizing the transportation, over irregular routes, of malt beverages, from Milwaukee, Wis., to Poplar Bluff, Mo., and empty malt beverage containers, from Poplar Bluff, Mo., to Milwaukee, Wis. A. A. Marshall, 305 Buder Building, St. Louis 1, Mo.

No. MC-FC 62327. By order of June 19, 1959, the Transfer Board approved the transfer to Work and Silvis Co., Inc., R.D. No. 1, Four Mile Road, Allegany, N.Y., of a certificate in No. MC 100378, issued June 10, 1949, to Kenneth Russel Work and Harry W. Silvis, a partnership, doing business as Work and Silvis Trucking Service, R.D. No. 1, Four Mile Road, Allegany, N.Y., authorizing the transportation of sand, gravel, and crushed stone, over irregular routes, from points in Cattaraugus County, N.Y., to points in McKean County, Pa. Kenneth Russel Work, Work and Silvis Co., Inc., R.F.D. No. 1, Four Mile Road, Allegany, N.Y.

[SEAL] HAROLD D. McCox,
Secretary.

[F.R. Doc. 59-5361; Filed, June 26, 1959;
8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 101-A]
**RAILROADS SERVICING NEW YORK
HARBOR AREA**

Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 101 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 101, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 3:00 p.m., June 22, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 22, 1959.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-5362; Filed, June 26, 1959;
8:49 a.m.]

TARIFF COMMISSION

[Investigation 9C]

RYE

Notice of Investigation and Hearing

Investigation No. 9C under section 22 of the Agricultural Adjustment Act, as amended.

Investigation instituted. By direction of the President, the United States Tariff Commission, on the 24th day of June 1959, instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether rye, rye flour, and rye meal are practically certain to be imported into the United States after June 30, 1959, under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price-support program for rye undertaken by the United States Department of Agriculture pursuant to sections 301 and 401 of the Agricultural Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic rye.

Hearing. All interested parties will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on the 13th day of July 1959.

Request to appear at hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission, in writing, at the Commission's offices in Washington, D.C., at least three days in advance of the date of the hearing.

Issued: June 24, 1959.

By the order of the Commission:

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59-5367; Filed, June 26, 1959;
8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—JUNE

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during June. Proposed rules, as opposed to final actions, are identified as such.

3 CFR	Page	7 CFR—Continued	Page	14 CFR—Continued	Page
<i>Proclamations:</i>					
June 28, 1910	5193	1017	5240	302	4883
2980	4679	1020	4725	400—635	4650
3147	4679	1021	5016	507	4590, 4609, 4650, 4651, 5177, 5215
3158	4679	1022	4727	565	5017
3188A	4679	1065	5016	608	5116
3206	4679	1067	4829	609	4610, 4912, 5142
3248	4679	1069	4829	610	4694, 4697, 5145
3296	4607	1070	4694	1209	5178
3297	4679	<i>Proposed rules:</i>		1220	5178
3298	4679	52	5152	<i>Proposed rules:</i>	
3299	4771	53	5187	40	5246, 5247
3300	5103	56	4997	41	5246, 5248
<i>Executive orders:</i>					
Dec. 9, 1852	4728	68	4597	42	5246, 5249
July 2, 1910	4925	81	4699	375	5243
7923	4959	301	4635	507	5187
10535	5233	723	4964	600	4964—4969, 5224—5226
10560	5233	725	4964	601	4964—4969, 5224—5226
10685	5233	727	4964	15 CFR	
10824	4447	904	4745, 5152	1	5116
10825	4825	909	4748	382	4488
10826	5233	911	4920	399	4488
10827	5233	918	4750	16 CFR	
5 CFR					
6	4505, 4545, 4607, 4647, 4771, 4901, 4947, 4987, 5013	927	4836, 4924	13	4478, 4479, 4514, 4588, 4589, 4607, 4652, 4884, 4917, 4952, 4992, 4993, 5017, 5018, 5148, 5179, 5180, 5240, 5241
24	5207	934	4745, 5152	303	4480
27	4987	960	4842	17 CFR	
6 CFR					
331	4545, 4587, 4869	969	4494, 5223	2	5117, 5180
421	4449, 4545, 5214, 5236	975	4842	9	5117
427	4869, 4876, 5116	977	4633	10	5117
468	5214	990	4752, 5156	11	5117
472	5215	992	5223	230	4953, 5117
481	4647	1000	4753, 5158	<i>Proposed rules:</i>	
483	5133	1001	4494	1	4924
485	5169	1017	4634	3	4924
7 CFR					
28	5169	8 CFR			
51	4681, 5103	245	4905	249	4905
58	4987	9 CFR			
68	4682	27	5177	73	4514
210	4772	78	4949	78	4949
301	4505, 4649	97	5140	97	5140
330	4650	180	4952	18 CFR	
401	5209—5213	<i>Proposed rules:</i>			
718	4507, 5141	1—140	5152	1	4523
722	5105, 5106	20	4564	2	4523
723	5106	140	4564	101	5001
725	4682, 4947	19 CFR			
728	4507, 4949, 5236	1	4906	1	4885
813	5113	206	4906	6	4918
876	5173	220	4697	9	5148
904	5213	221	4698	10	5149
922	4613, 4827, 5013, 5236	224	5116	11	5149
927	5175	522	4830	14	5150
934	5213	<i>Proposed rules:</i>			
936	4693, 4901, 4903, 4904, 4989—4992, 5237	217	5251	16	5241
937	4881, 5176, 5237, 5238	329	5250	18	5241
945	4509	545	4564	19	5149, 5150
953	4447, 4614, 4827, 4882, 5015, 5239	13 CFR			
962	4449	<i>Proposed rules:</i>			
968	4550	127	5226	20	4919
969	4827, 5015	14 CFR			
996	5213	1—199	4650	21	5242
999	5213	60	4830	23	4918
1001	4828, 5016, 5239	203	5016	24	5150
1003	4510	225	4906	25	5117
1015	4694	242	4609	31	4953
<i>Proposed rules:</i>					
20 CFR					
325					
336					
401					
21 CFR					
3					
27					
120					
304					

21 CFR—Continued	Page
<i>Proposed rules:</i>	
9.....	4664
19.....	4495
120.....	4518
121.....	4664, 4887, 5224, 5243
130.....	4518
22 CFR	
51.....	5242
24 CFR	
222.....	5216
233.....	5216
293a.....	5216
25 CFR	
121.....	5019
242.....	4652
<i>Proposed rules:</i>	
171.....	4519
172.....	4519
26 (1954) CFR	
1.....	5217
36.....	4831
170.....	4614, 4783, 5220
197.....	4788
198.....	4789
200.....	4790
201.....	4791
231.....	4820
245.....	4820
251.....	4823
296.....	4623
301.....	5217
<i>Proposed rules:</i>	
1.....	4495
170.....	4732
173.....	4734
195.....	4735
240.....	4736
250.....	4741
252.....	4742
29 CFR	
4.....	4953
545.....	5181
<i>Proposed rules:</i>	
681.....	4496
32 CFR	
1.....	4551
2.....	4551
3.....	4552
4.....	4552
5.....	4553
6.....	4553
7.....	4553
8.....	4559
10.....	4560
11.....	4560
12.....	4560
14.....	4560
16.....	4561
30.....	4561
536.....	4591
561.....	4628
571.....	4832
633.....	4591
1453.....	4595
1701.....	5181
1709.....	4954

32A CFR	Page
<i>BDSA (Ch. VI):</i>	
DMS Reg. 1, Dir. 5.....	5020
<i>OIA (Ch. X):</i>	
OI Reg. 1.....	4654
33 CFR	
19.....	4773, 4835
116.....	4596
146.....	4954
202.....	4773
203.....	4561, 4629, 4919, 5150
205.....	4561, 5150
207.....	4561, 4919, 4993, 5150
36 CFR	
1—34.....	5045
<i>Proposed rules:</i>	
1.....	4519
37 CFR	
201.....	4955
202.....	4956
38 CFR	
6.....	5021
8.....	5021
21.....	4994
39 CFR	
102.....	5220
111.....	5220
121.....	5220
142.....	5220
144.....	5220
162.....	5220
166.....	5220
167.....	5220
168.....	4453, 4513, 4727
<i>Proposed rules:</i>	
95.....	4963
41 CFR	
1—1.....	4454
1—12.....	4454
1—16.....	4454, 4886
18—60.....	5183
<i>Proposed rules:</i>	
202.....	4597
42 CFR	
1.....	4516
43 CFR	
76.....	4657
192.....	4630
<i>Public land orders:</i>	
309.....	4488
587.....	4524
1714.....	4886
1762.....	4488
1860.....	4597
1861.....	4488
1862.....	4488
1863.....	4488
1864.....	4515
1865.....	4516
1866.....	4516
1867.....	4562
1868.....	4659
1869.....	4728
1870.....	4729
1871.....	4729

43 CFR—Continued	Page
<i>Public land orders—Continued</i>	
1872.....	4729
1873.....	4729
1874.....	4885
1875.....	4886
1876.....	4886
1877.....	4906
1878.....	4959
1879.....	4959
1880.....	5118
1881.....	5221
1882.....	5221
1883.....	5222
1884.....	5222
44 CFR	
401.....	5119
45 CFR	
531.....	4597
46 CFR	
10.....	5022
12.....	5023
35.....	4960, 5023
39.....	5023
67.....	5023
78.....	4960, 5023
92.....	5023
97.....	4960, 5023
110.....	5023
154.....	4774, 4835
160.....	4961
167.....	4962
185.....	4962, 5023
187.....	5023
47 CFR	
2.....	4963
3.....	4491-4494, 4630
11.....	4659
12.....	4516, 4550, 4660
13.....	4660
14.....	4632
31.....	4660, 4661
<i>Proposed rules:</i>	
3.....	4519
11.....	5188
16.....	5188, 5190
19.....	4969
21.....	5188
49 CFR	
91.....	4730
95.....	4774, 4994-4996, 5186
187.....	4698
193.....	5119, 5186
324.....	4730
<i>Proposed rules:</i>	
43.....	5191
139.....	4635
195.....	5160
50 CFR	
6.....	5187
17.....	4996
105.....	4663
107.....	4663
108.....	4663, 5151
109.....	4663
115.....	4663