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Title 7—AGRICULTURE

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

[Navel Orange Reg. 152, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel 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 recommendation and information submitted by the Navel Orange 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 Navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication 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 act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.452 (Navel Orange Regulation 152, 24 F.R.

248) are hereby amended to read as follows:

(i) District 1: 646,800 cartons.
(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: January 14, 1959.

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

[F.R. Doc. 59-474; Filed, Jan. 16, 1959;
8:50 a.m.]

[Navel Orange Reg. 153]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.453 Navel Orange Regulation 153.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel 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 recommendation and information submitted by the Navel Orange 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 Navel 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

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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 Navel 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 Navel 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 was held on January 15, 1959.

(b) *Order.* (1) The respective quantities of Navel 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., January 18, 1959, and ending at 12:01 a.m., P.s.t., January 25, 1959, are hereby fixed as follows:

- (i) District 1: 646,800 cartons;
- (ii) District 2: 277,200 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) All Navel 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," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U.S.C. 608c)

Dated: January 16, 1959.

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

[F.R. Doc. 59-523; Filed, Jan. 16, 1959;
11:42 a.m.]

[Orange Reg. 354]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.950 Orange Regulation 354.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 13, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., January 19, 1959, and ending at 12:01 a.m., e.s.t., February 2, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than $2\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

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

Dated: January 14, 1959.

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

[F.R. Doc. 59-475; Filed, Jan. 16, 1959;
8:50 a.m.]

[Grapefruit Reg. 301]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.951 Grapefruit Regulation 301.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 13, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., January 19, 1959, and ending at 12:01 a.m., e.s.t., February 2, 1959, no handler shall ship between the production area and any point outside

thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than $3\frac{1}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{9}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: January 14, 1959.

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

[F.R. Doc. 59-476; Filed, Jan. 16, 1959;
8:50 a.m.]

[Tangelo Reg. 13]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.953 Tangelo Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when

information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 13, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time 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 tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., January 19, 1959, and ending at 12:01 a.m., e.s.t., February 2, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Bronze; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

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

Dated: January 14, 1959.

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

[F.R. Doc. 59-477; Filed, Jan. 16, 1959;
8:50 a.m.]

[Lemon Reg. 774]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.881 Lemon Regulation 774.

(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 become 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 spe-

cial 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 January 14, 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., January 18, 1959, and ending at 12:01 a.m., P.s.t., January 25, 1959, are hereby fixed as follows:

- (i) District 1: 41,850 cartons;
- (ii) District 2: 167,400 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.

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

Dated: January 15, 1959.

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

[F.R. Doc. 59-508; Filed, Jan. 16, 1959;
9:41 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board—Federal Aviation Agency

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. No. ER-248]

PART 200—DEFINITIONS AND INSTRUCTIONS

Definition of "Act"

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1959.

With the coming into force of the Federal Aviation Act of 1958 on December 31, 1958, and the repeal of the Civil Aeronautics Act of 1938, future regulations and orders of the Board which refer to "the Act" will generally have reference to the Federal Aviation Act of 1958. The Board has concluded that in the interest of simplicity and administrative convenience it will be desirable, whenever it is necessary in orders, certificates, regulations and other documents to refer to the enabling legislation, to refer only to the Federal Aviation Act or the appropriate provision thereof, and to provide by general regulation that such reference shall be deemed to refer also to the Civil Aeronautics Act of 1938 or the corresponding provisions thereof to the extent the latter Act, or corresponding provisions thereof, may be applicable. Therefore, Part 200 of the Board's Economic Regulations, containing definitions and instructions applicable to Board proceedings, is being amended to make this clear.

Since this amendment is technical in nature, imposes no additional requirement on any person, and operates to clarify Board procedure, it may be made effective immediately and without prior notice to the public.

In consideration of the foregoing, the Board hereby amends Part 200 of the

Economic Regulations (14 CFR Part 200), effective December 31, 1958, as follows:

By amending § 200.2 to read as follows: § 200.2 Act.

The term "Act" means the Federal Aviation Act of 1958. All orders, certificates, rules, regulations, notices, and other documents issued by the Board or under its authority and referring to the Federal Aviation Act of 1958, or to certain provisions thereof, shall be deemed to refer also to the Civil Aeronautics Act of 1938, as amended, or to the corresponding provisions thereof, to the extent the latter Act, or corresponding provisions thereof, may be applicable.

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

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F.R. Doc. 59-464; Filed, Jan. 16, 1959;
8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6967]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Psychological Corp. et al.

Subpart—*Combining or conspiring:* § 13.399 *To cut off competitors' supplies.*¹ Subpart—*Cutting off competitors' or others' supplies or service:* § 13.610 *Cutting off competitors' or others' supplies or service;* § 13.625 *Organizing and controlling supply sources;* § 13.635 *Refusing sales to, or same terms and conditions.*

(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, Psychological Corporation (New York, N.Y.) et al., Docket 6967, November 19, 1958]

In the Matter of Psychological Corporation, a Corporation, Science Research Association, a Corporation, World Book Company, a Corporation, and California Test Bureau, a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the nation's four largest publishers of vocational, aptitude, and psychological tests and related material—constituting the only source of supply for much of said products—with refusing concertedly to sell to concerns conducting tests by mail, maintaining lists of such firms and persons, and exchanging such lists and information concerning prospective customers to whom they would not sell.

Based on an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 19 the decision of the Commission.

The order to cease and desist is as follows:

¹New.

It is ordered. That the Respondents, Psychological Corporation, a corporation, Science Research Associates, a corporation, World Book Company, a corporation, and the California Test Bureau, a corporation, and said Respondents' officers, agents, representatives and employees, in or in connection with the composing and publishing, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of vocational, aptitude, psychological and similar tests and material to be used in conducting tests, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, combination or agreement, between any two or more of said Respondents or between or among any one or more of said Respondents and others not parties hereto to do or perform any of the following acts or practices:

(a) Refusing to sell their said tests and material to be used in conducting tests to any purchaser or prospective purchaser;

(b) Preparing or maintaining any lists of purchasers or prospective purchasers to whom they will not sell;

(c) Exchanging information as to the names of purchasers or prospective purchasers to whom they will not sell.

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

It is ordered. That respondents Psychological Corporation, a corporation; Science Research Association, a corporation; World Book Company, a corporation; and California Test Bureau, a corporation, 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: November 19, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-442; Filed, Jan. 16, 1959;
8:45 a.m.]

[Docket 7185]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Lloyd's Furs, Inc. et al.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Forced or sacrifice sales. Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Fur Products Labeling Act. Subpart—*Misbranding or mislabeling*: § 13.1212 *Formal regulatory and statutory requirements*: Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Lloyd's Furs, Inc., et al., Denver, Colo., Docket 7185, November 19, 1958]

In the Matter of Lloyd's Furs, Inc., a Corporation; Chevron Furs, Inc., a Corporation; and Richard I. Kaye and Anne T. Kaye, Individually and as Officers of Lloyd's Furs, Inc., and Richard I. Kaye, Individually and as an Officer of Chevron Furs, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated furriers in Denver, Colo., with violating the Fur Products Labeling Act by invoicing and labeling irregularities and by advertising in newspapers and otherwise which falsely represented fur sales as "Liquidation" and "going out of business" sales.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 19 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered. That respondent Lloyd's Furs, Inc., a corporation, and its officers, and Richard I. Kaye, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

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

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs contained in the fur product;

2. Setting forth on labels affixed to fur products:

(a) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with non-required information;

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting;

3. Failing to affix labels to fur products that comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches;

4. Failing to affix labels to fur products in a conspicuous manner;

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

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

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur contained in a fur product;

2. Abbreviating information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations thereunder.

It is further ordered. That respondents Lloyd's Furs, Inc., a corporation, and its officers, and Richard I. Kaye, individually and as an officer of said corporation; Chevron Furs, Inc., a corporation, and its officers, and Richard I. Kaye, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from: Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale,

or offering for sale of fur products and which:

1. Represents, directly or by implication, that any fur product offered for sale is from the stock of a business in a state of liquidation or that respondents are offering for sale the stock of a concern that is going out of business, unless such is the fact;

2. Represents, directly or by implication, that fur products offered for sale are from the stock of an old, established business, unless such is the fact.

It is further ordered, That the complaint herein, insofar as it relates to individual respondent, Anne T. Kaye, be, and the same hereby is, dismissed.

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

It is ordered, That respondents Lloyd's Furs, Inc., a corporation; Chevron Furs, Inc., a corporation; and Richard I. Kaye, individually and as an officer of said corporate 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: November 19, 1958.

By the Commission.

[SEAL] ROBERT M. FARRISH,
Secretary.

[F.R. Doc. 59-444; Filed, Jan. 16, 1959;
8:45 a.m.]

[Docket 7186]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

John Bressmer Co.

Subpart—*Advertising falsely or misleadingly*: § 13.30 *Composition of goods*: Fur Products Labeling Act. Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Fur Products Labeling Act. Subpart—*Misbranding or mislabeling*: § 13.1212 *Formal regulatory and statutory requirements*: Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1845 *Composition*: Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act; § 13.1865 *Manufacture or preparation*: Fur Products Labeling Act; § 13.1900 *Source or origin*: Fur Products Labeling Act; *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, The John Bressmer Company, Springfield, Ill., Docket 7186, November 18, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Springfield, Ill., with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing require-

ments and by advertising in newspapers and otherwise which failed to disclose the names of animals producing certain furs, the country of origin of imported furs, or that some furs were artificially colored; failed to set forth the terms "Persian Lamb", "Dyed Mouton-processed Lamb", and "Dyed Broadtail-processed Lamb" as required; and contained the names of other animals than those producing certain furs.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That The John Bressmer Company, a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution, in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:
A. Failing to affix labels to fur products showing:

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

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product.

2. Falsely and deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as

prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoices;

(6) The name of the country of origin of any imported furs contained in a fur product.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice, which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Fails to disclose:

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

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(3) The name of the country of origin of any imported furs contained in a fur product.

B. Sets forth the name or names of any animal or animals other than the name or names specified in section 5(a)(1) of the Fur Products Labeling Act.

C. Fails to set forth the term "Persian Lamb" in the manner required by law.

D. Fails to set forth the term "Dyed Mouton-processed Lamb" in the manner required by law.

E. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required by law.

4. Making pricing claims or representations in advertisements respecting comparative prices or reduced prices unless there is maintained by respondent adequate records disclosing the facts upon which such claims or representations are based.

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

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

Issued: November 18, 1958.

By the Commission.

[SEAL] ROBERT M. FARRISH,
Secretary.

[F.R. Doc. 59-443; Filed, Jan. 16, 1959;
8:45 a.m.]

[Docket 7199]

PART 13—DIGEST OF CEASE AND DESIST ORDERS**Busch & Sons Jewelers, Inc., et al.**

Subpart—*Advertising falsely or misleadingly*: § 13.85 *Government approval, action, connection or standards*: Standards, specifications, or source; § 13.230 *Size or weight*; § 13.235 *Source or origin*: Government.

(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, Busch & Sons Jewelers, Inc. (Newark, N.J.), et al., Docket 7199, November 18, 1958]

In the Matter of Busch & Sons Jewelers, Inc., a Corporation, Busch & Sons of Texas, Inc., a Corporation, and George J. Busch, Jr., and Raymond F. Sargent, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated jewelry retailers, one with two stores, located in Newark and Summit, N.J., respectively, and the other with two in Dallas and Abilene, Tex., with representing falsely in advertising in newspapers that they offered for sale diamonds purchased from the Government at 15 percent above the price paid, including individual diamonds of weights set forth in the three-column list in the advertisements; facts being the diamonds bought from the Government were a bulk lot and many of the individual diamonds of the weights set out were not included in the lot.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on November 18 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Busch & Sons Jewelers, Inc., a corporation, Busch & Sons of Texas, Inc., a corporation, and their officers and George J. Busch, Jr., and Raymond F. Sargent, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of diamonds or other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That merchandise offered for sale has been purchased by respondents at a certain stated price or for certain stated amounts, unless such is the fact.

2. That any specific article of merchandise offered for sale was acquired by respondents as a result of a certain described purchase or from a certain stated source, unless such is the fact.

3. That merchandise is offered for sale at a certain stated percentage or amount above the purchase price, unless such is the fact.

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

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

Issued: November 18, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-441; Filed, Jan. 16, 1959; 8:45 a.m.]

Title 29—LABOR**Chapter V—Wage and Hour Division,
Department of Labor****PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO****Wage Order Giving Effect to
Recommendations**

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 514 (23 F.R. 7408), appointed, convened, and gave due notice of the hearing of, and referred to Industry Committee No. 42-G the question of the minimum wage rate or rates to be paid under section 6 of that Act to employees in the Construction, Business Service, Motion Picture, and Miscellaneous Industry in Puerto Rico as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce. There was not referred to the committee the wage rate fixed for the Business Service, Motion Picture, Industrial and Other Building Construction and Special Trade Contractors, and Miscellaneous Industry Classification of the industry (23 F.R. 3) which had reached the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 3 CFR, 1950 Supp., p. 165), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of the committee are hereby published in this order amending Title 29 of the Code of Federal Regulations, Part 672, except for § 672.2(a) thereof, effective February 2, 1959, to read as follows:

Sec. —
672.1 Definition.
672.2 Wage rates.
672.3 Notices.

AUTHORITY: §§ 672.1 to 672.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 672.1 Definition.

The construction, business service, motion picture, and miscellaneous industry in Puerto Rico to which this part shall apply is defined as the design, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; the production of photographs and blueprints; the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however*, That the industry shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

§ 672.2 Wage rates.

(a) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the business service, motion picture, industrial and other building construction and special trade contractors, and miscellaneous industry classification of the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer, and the production of photographs and blueprints (except activities included in the janitorial and custodial service classification, as defined herein); the production and distribution of motion pictures and all activities incidental thereto; all activities connected with the construction (including new work, additions, alterations, demolition, and repair) of buildings such as industrial, commercial, institutional, and public buildings, electric power plants, natural gas compress-

ing stations, oil pumping stations and similar building construction, the installation or construction of access roads and similar facilities, furnaces, kilns, and similar appurtenances of industrial plants, and the assembling at the construction site and the installation of machinery in or upon buildings, structures, and other improvements, and with the work performed by contractors who specialize in activities such as plumbing, heating, decorating, electrical work, foundation work, the erection or servicing of building equipment, such as elevators, and other related construction specialties including the installation of insulation and air conditioning; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however*, That this classification shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.¹

(b) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the highway and street and other heavy construction and janitorial and custodial service classification of the construction, business service, motion picture, and miscellaneous industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as all work (including new work, additions, alterations, demolition, and repair) performed in connection with heavy construction, including, but not limited to, the construction of roads, streets, guard rails, fences, parkways, parking areas, airport runways, and related work, the construction of sewers and water mains, heavy foundations, elevated highways, bridges, overpasses and underpasses, dredging and harbor facility construction and improvements and other marine construction operations, and all construction industry activities not specifically included in the business service, motion picture, industrial and other building construction and special trade contractors, and miscellaneous industry classification, as defined in paragraph 2(a) of this section, and the activity carried on by any business performing office cleaning, floor waxing, and other janitorial services, disinfecting and exterminating, custodial and watchman services, and related services to industrial or commercial establishments or to the consumer: *Provided, however*, That this classification shall not include any construction activity carried on by an establishment primarily engaged in another industry for its own use.

§ 672.3 Notices.

Every employer subject to the provisions of § 672.2 shall post in a con-

spicious place in each department of his establishment where employees subject to the provisions of § 672.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C. this 13th day of January, 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-472; Filed, Jan. 16, 1959;
8:49 a.m.]

PART 678—STONE, CLAY, GLASS, CEMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order Giving Effect to Recommendations

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062, as amended; 29 U.S.C. 205), the Secretary of Labor by Administrative Order No. 514 (23 F.R. 7408), appointed, convened, and gave due notice of the hearing of, and referred to Industry Committees No. 42-B the question of the minimum wage rate or rates to be paid under section 6 of that Act to employees in the Stone, Clay, Glass, Cement, and Related Products Industry in Puerto Rico as defined in said Administrative Order, who are engaged in commerce or in the production of goods for commerce. There was not referred to the committee the wage rate fixed for the Abrasive Products, Cement, Dry Cement Mixes, Glass and Glass Products, Hot Asphaltic Plant Mix, Ready-mixed Concrete, Concrete Block and Tile, Concrete Pipe, Pre-cast Concrete Construction Components, Structural Clay Products, and Ceramic Floor and Wall Tile Classification of the industry (22 F.R. 10698) which had reached the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, as amended; 29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3·CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of the Committee are hereby published in this order amending Title 29 of the Code of Federal Regulations, Part 678, except for § 678.2(a) thereof, effective February 2, 1959, to read as follows:

Sec.

678.1 Definition.

678.2 Wage rates.

678.3 Notices.

AUTHORITY: §§ 678.1 to 678.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C.

208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205; sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206.

§ 678.1 Definition.

The stone, clay, glass, cement, and related products industry in Puerto Rico is defined as the mining, quarrying, or other extraction and the further processing of all minerals (other than metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, structural clay products, china, pottery, tile, and other ceramic products and refractories; glass and glass products (except lenses); dimension and cut stone; crushed stone, sand and gravel; hydraulic cement; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials: *Provided, however*, That the industry shall not include any product or activity included in the button, jewelry, and lapidary work industry (Part 616 of this chapter); the chemical, petroleum, rubber, and related products industry (Part 670 of this chapter); or the metal, machinery, transportation equipment, and allied products industry (Part 604 of this chapter), as defined in the wage orders for these industries in Puerto Rico; or in the construction, business service, motion picture, and miscellaneous industry, as defined in the administrative order appointing Industry Committee No. 42-C for Puerto Rico.

§ 678.2 Wage rates.

(a) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the abrasive products, cement, dry cement mixes, glass and glass products, hot asphaltic plant mix, ready-mix concrete, concrete block and tile, concrete pipe, pre-cast concrete construction components, structural clay products, and ceramic floor and wall tile classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of abrasive products including abrasive grinding wheels of natural or synthetic materials; abrasive sticks, stones, bricks, paper, and cloth; abrasive grains, natural or manufactured; buffing and polishing wheels; hydraulic cement (including the extraction of raw materials therefor); dry cement mixes; glass and glass products; hot asphaltic plant mix; ready-mixed concrete; concrete pipe or conduit; concrete blocks and concrete tiles; pre-cast concrete construction components; structural clay products (including the extraction of raw materials therefor); and ceramic floor and wall tile.¹

(b) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act

¹This wage rate and classification was established by wage order effective January 17, 1958 (23 F.R. 3).

¹This wage rate and classification was established by wage order effective January 10, 1958 (22 F.R. 10698).

of 1938 by every employer to each of his employees in the vitreous and semi-vitreous china food utensils classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of vitreous and semi-vitreous china table and kitchen articles for use in households and hotels, restaurants and other commercial institutions for preparing, serving, or storing food or drink, except that this classification does not include products included in the art pottery classification.

(c) Wages at a rate of not less than 72 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the mica classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the processing of mica and the manufacture of mica parts for radio, television, and other electronic tubes and components, or for other products.

(d) Wages at a rate of not less than 88 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the asbestos cement, and lime and lime products classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of asbestos cement products, including asbestos cement sheets, corrugated sheets, and molded products, and the manufacture of lime and lime products, including the extraction of raw material therefor.

(e) Wages at a rate of not less than \$1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the artificial teeth classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of artificial teeth and dentures.

(f) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the art pottery classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of hand-decorated art pottery.

(g) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the stone, clay, glass, cement, and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce,

and this classification shall be defined as all products and activities included in the stone, clay, glass, cement, and related products industry in Puerto Rico except those included in the abrasive products, cement, dry cement mixes, glass and glass products, hot asphaltic plant mix, ready-mixed concrete, concrete block and tile, concrete pipe, precast concrete construction components, structural clay products, and ceramic floor and wall tile classification, as established by prior wage order, the vitreous and semi-vitreous china food utensils classification, the mica classification, the asbestos cement, and lime and lime products classification, the artificial teeth classification, and the art pottery classification.

§ 678.3 Notices.

Every employer subject to the provisions of § 678.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 678.2 are working such notice of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 13th day of January 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-471; Filed, Jan. 16, 1959;
8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 834—PATERNITY CLAIMS

Sec.	
834.1	Purpose.
834.2	Policy.
834.3	Active duty personnel.
834.4	Personnel not on active duty.
834.5	Former service personnel.

AUTHORITY: §§ 834.1 to 834.5 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 35-70, Sept. 9, 1958.

§ 834.1 Purpose.

Sections 834.1 to 834.5 outline the procedures for processing paternity claims made against Air Force personnel.

§ 834.2 Policy.

(a) Paternity disputes: The Air Force is without authority to adjudicate paternity claims made against Air Force personnel. The commander of the Air Force member concerned may only determine if the contention of the member is made in good faith. If the parties concerned cannot arrive at a decision as to paternity, then a court of competent jurisdiction adjudicates the dispute.

(b) If a court order, including one from a court of foreign jurisdiction, is issued, which determines paternity, the Air Force member concerned is expected to comply with it. The Air Force is with-

out authority to relieve personnel of obligations imposed by a court order. Personnel must obtain relief through a judicial system of competent jurisdiction.

(c) Established paternity: If paternity is established, either by admission or by judicial decree, the commander of the Air Force member concerned will:

(1) Counsel him on his legal and moral obligations to the child.

(2) Encourage him to render the necessary financial support to the child.

(3) Counsel him on his legal rights, and

(4) Take other actions as deemed appropriate under the circumstances.

(d) Leave:

(1) The commander of the service member concerned should approve leave to the serviceman when:

(i) The serviceman and the complainant desire to marry, and

(ii) No legal obstacle exists to the marriage, and

(iii) Paternity has been established or admitted.

(2) Overseas, the serviceman may be granted emergency return if the conditions in subparagraph (1) of this paragraph apply.

§ 834.3 Active duty personnel.

A paternity claim against an Air Force serviceman on active duty received by the Air Force will be brought to the attention of the member concerned by his immediate commander. After the serviceman concerned has had an opportunity to consult with an attorney, the serviceman will be advised of his rights under Article 31b, UCMJ, and then requested by his commander to make a sworn statement about the paternity claim. If he admits paternity, he will state if he desires to marry the complainant and if he intends to support the child or make other arrangements on the child's behalf. The commander will correspond directly with the complainant for:

(a) Furnishing information as to the Air Force member's intentions in the matter;

(b) Furnishing information that the Air Force has no authority to enforce or adjudicate paternity claims against its personnel;

(c) Requesting that he be furnished with a doctor's certification of pregnancy if the child is not yet born, or a copy of the birth certificate, and

(d) Requesting that he be furnished certified copies of all judicial orders or decrees of paternity or support, including those rendered by a court of foreign jurisdiction.

§ 834.4 Personnel not on active duty.

A paternity claim made against an Air Force serviceman not on active duty will be forwarded to him in a manner to insure delivery to the addressee only. Military channels will be used whenever practicable. Otherwise, correspondence will be forwarded to the last known mailing address of the member by Certified or Registered Mail, Return Receipt Requested—Deliver to Addressee Only. After delivery of the correspondence, the

complainant will be advised of the date of delivery without disclosing the member's mailing address. The complainant will be informed that the matter has been left to the discretion of the member complained of since he is in a civilian status and the Department of the Air Force has no direct control over him.

(a) Correspondence concerning Inactive Reservists will be forwarded to:

Commander, Air Reserve Records Center, 3800 York Street, Denver 5, Colo.

(b) Correspondence concerning Retired members will be forwarded to:

Director of Military Personnel, Headquarters USAF, ATTN: Special Activities Group, Retired Activities Branch, Washington 25, D.C.

§ 834.5 Former service personnel.

A paternity claim made against a former Air Force member will be returned to the complainant. The complainant will be advised that the member complained of is no longer in the Air Force in any capacity. Additionally, the date of discharge or final separation will be given, and the complainant will be informed that the Air Force has no responsibility for the whereabouts of former Air Force personnel. Only in cases in which the complainant has sent a certified copy of a judicial order or decree of paternity or support rendered by a United States or foreign court of competent jurisdiction, the former member's last known address will be given. In all other cases the last known address of the person concerned will not be given to the complainant.

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

[F.R. Doc. 59-452; Filed, Jan. 16, 1959;
8:47 a.m.]

Title 30—MINERAL RESOURCES

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

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

Correction

In F.R. Doc. 58-10535, appearing at page 9918 of the issue for Tuesday, December 23, 1958, paragraph (b) of § 301.6 should read as follows:

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

**Title 43—PUBLIC LANDS:
INTERIOR**

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1775]

[Utah 010084]

UTAH

Reserving Lands Within National Forests for Use of the Forest Service as Administrative Sites, Recreation Areas, or Other Public Purposes

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

Subject to valid existing rights, the following-described public lands in Utah, within the national forests hereafter designated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes, as indicated:

UINTAH SPECIAL MERIDIAN

ASHLEY NATIONAL FOREST

Yellowstone Administrative Site

T. 2 N., R. 4 W.,
Sec. 21, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
The areas described aggregate 60 acres.

Paradise Park Administrative Site

T. 3 N., R. 1 E.,
Sec. 17, lot 1 and NW $\frac{1}{4}$ NW $\frac{1}{4}$.
The areas described aggregate 66.81 acres.

Ankar Administrative Site

T. 2 N., R. 3 W.,
Sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
The areas described aggregate 120 acres.

Moon Lake Administrative Site

T. 2 N., R. 5 W.,
Sec. 19, lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 2 N., R. 6 W.,
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
The areas described aggregate 112.04 acres.

SALT LAKE MERIDIAN

ASHLEY NATIONAL FOREST

Green River Administrative Site

T. 2 N., R. 22 E.,
Sec. 30, lot 4.
The area described contains 38.43 acres.

Trout Creek Administrative Site

T. 1 S., R. 20 E.,
Sec. 3, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
The area described aggregate 110 acres.

Summit Springs Administrative Site

T. 2 N., R. 19 E.,
Sec. 26, N $\frac{1}{2}$ SE $\frac{1}{4}$.
The area described contains 80 acres.

Colton Administrative Site

T. 2 S., R. 21 E.,
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
The areas described aggregate 80 acres.

Lewis Allen Administrative Site

T. 2 N., R. 21 E.,
Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$
E $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
unsurveyed.
The areas described aggregate 75 acres.

Thornburgh Administrative Site

T. 2 N., R. 17 E.,
Sec. 14, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$, unsurveyed;
Sec. 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,
unsurveyed.
The areas described aggregate 40 acres.

Ute Lookout Tower

T. 2 N., R. 19 E.,
Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
The area described contains 10 acres.

DIXIE NATIONAL FOREST

Wild Cat Administrative Site Add. No. 1

T. 31 S., R. 5 E., unsurveyed,
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$;
Sec. 15, N $\frac{1}{2}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
The areas described aggregate 130 acres.

Jones Corral Administrative Site

T. 31 S., R. 3 W.,
Sec. 35, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
The area described contains 40 acres.

Lake Philo Administrative Site

T. 32 S., R. 1 E., unsurveyed,
Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$.
The areas described aggregate 120 acres.

Cow Puncher Administrative Site

T. 32 S., R. 2 E., unsurveyed,
Sec. 35, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$, and W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
The areas described aggregate 120 acres.

Bear Valley Administrative Site

T. 33 S., R. 7 W.,
Sec. 13, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
The area described contains 40 acres.

Cottonwood Administrative Site

T. 33 S., R. 3 W.,
Sec. 9, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$, un-
surveyed.
The areas described aggregate 120 acres.

The Green Administrative Site

T. 34 S., R. 1 W.,
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$.
The areas described aggregate 110 acres.

Sweetwater Administrative Site

T. 34 S., R. 1 W.,
Sec. 28, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
The areas described aggregate 60 acres.

The Widtsoe Administrative Site

T. 34 S., R. 2 W.,
Sec. 23, lots 7 and 10;
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$.
The areas described aggregate 130.88 acres.

Hunt Creek Administrative Site

T. 34 S., R. 4 W., unsurveyed,
Sec. 23, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
The area described contains 10 acres.

Burro Flat Administrative Site

T. 35 S., R. 2 W.,
Sec. 36, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
The area described contains 10 acres.

RULES AND REGULATIONS

Panguitch Lake Administrative Site

T. 36 S., R. 7 W.,
 Sec. 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 5, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 The areas described aggregate 100 acres.

Upper Valley Administrative Site

T. 36 S., R. 1 E.,
 Sec. 6, S $\frac{1}{2}$ lot 6 and lot 7.
 T. 36 S., R. 1 W., unsurveyed.
 Sec. 1, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 The areas described aggregate 91.92 acres.

Lowder Administrative Site

T. 36 S., R. 8 W.,
 Sec. 19, NE $\frac{1}{4}$.
 The area described contains 160 acres.

Podunk Administrative Site

T. 38 S., R. 4 $\frac{1}{2}$ W.,
 Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 The areas described aggregate 20 acres.

Harris Flat Administrative Site

T. 38 S., R. 7 W.,
 Sec. 24, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 The areas described aggregate 120 acres.

Timber Mountain Administrative Site

T. 38 S., R. 14 W.,
 Sec. 14, NE $\frac{1}{4}$ SE $\frac{1}{4}$, unsurveyed.
 The area described contains 40 acres.

Spring Branch Administrative Site

T. 39 S., R. 15 W.,
 Sec. 24, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, unsurveyed.
 The areas described aggregate 40 acres.

Brouse Area Administrative Site

T. 39 S., R. 13 W.,
 Sec. 19, lots 6, 7, and SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 The areas described aggregate 120 acres.

Danish Ranch Administrative Site

T. 40 S., R. 14 W.,
 Sec. 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 The areas described aggregate 60 acres.

Cottonwood Administrative Site

T. 41 S., R. 15 W.,
 Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 The areas described aggregate 40 acres.

Blind Lake Recreation Area

T. 30 S., R. 4 E., unsurveyed,
 Sec. 26, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$
 SW $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 The areas described aggregate 150 acres.

Antimony Canyon Recreation Area

T. 31 S., R. 1 W.,
 Sec. 21 lot 1;
 Sec. 21, lot 1;
 The areas described aggregate 65.17 acres.

Oak Creek Recreation Area

T. 31 S., R. 5 E., unsurveyed,
 Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$
 SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 The areas described aggregate 90 acres.

Blue Spruce Recreation Area

T. 32 S., R. 2 E., unsurveyed,
 Sec. 35 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 The areas described aggregate 40 acres.

Posey Lake Recreation Area

T. 33 S., R. 2 E., unsurveyed,
 Sec. 17, W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 The areas described aggregate 200 acres.

Vermillion Castle Recreation Area

T. 35 S., R. 8 W.,
 Sec. 6, lots 3, 4, N $\frac{1}{2}$ lot 11, and N $\frac{1}{2}$ lot 12.
 The areas described aggregate 105.77 acres.

Red Canyon Recreation Area

T. 35 S., R. 4 $\frac{1}{2}$ W.,
 Sec. 21, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and
 NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 The areas described aggregate 110 acres.

Pine Lake Recreation Area

T. 35 S., R. 1 W., unsurveyed,
 Sec. 24, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and
 N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 35 S., R. 2 W.,
 Sec. 19, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
 The area described contains 80 acres.

Brian Head Recreation Area

T. 36 S., R. 9 W.,
 Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$.
 The area described contains 80 acres.

Panguitch Lake Recreation Area

T. 36 S., R. 7 W.,
 Sec. 5, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 8, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$
 NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.
 The areas described aggregate 180 acres.

Cedar Canyon Recreation Area

T. 37 S., R. 9 W.,
 Sec. 17, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 and N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 The areas described aggregate 240 acres.

Tropic Reservoir Recreation Area

T. 37 S., R. 4 W.,
 Sec. 5, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$
 E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 -NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 The areas described aggregate 580 acres.

Navajo Lake Caverns

T. 38 S., R. 9 W.,
 Sec. 13, NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$
 SE $\frac{1}{4}$ NW $\frac{1}{4}$.
 The areas described aggregate 200 acres.

Aspen Mirror Lake Recreation Area

T. 38 S., R. 7 W.,
 Sec. 7, lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 The areas described aggregate 139.98 acres.

Duck Creek Spring Recreation Area

T. 38 S., R. 7 W.,
 Sec. 7, lot 4;
 Sec. 18, N $\frac{1}{2}$ lot 1.
 T. 38 S., R. 8 W.,
 Sec. 13, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$.
 The areas described aggregate 215.20 acres.

Navajo Lake Recreation Area

T. 38 S., R. 8 W.,
 Secs. 7 and 8;
 Sec. 9, W $\frac{1}{2}$.
 T. 38 S., R. 9 W.,
 Sec. 1, SW $\frac{1}{4}$;
 Sec. 11, E $\frac{1}{2}$;
 Sec. 12.
 The areas described aggregate 2051.79
 acres.

Strawberry Point Recreation Area

T. 39 S., R. 8 W.,
 Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 The areas described aggregate 90 acres.

Pine Valley Recreation Area

T. 39 S., R. 14 W., unsurveyed,
 Sec. 19, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 39 S., 15 W.,

Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 The areas described aggregate 420 acres.

Oak Grove Recreation Area

T. 40 S., R. 14 W.,
 Sec. 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$, unsurveyed;
 Sec. 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$, unsurveyed.
 The areas described aggregate 80 acres.

The lands withdrawn by this order
 aggregate 7,592.99 acres.

This order shall be subject to existing
 withdrawals for other than national
 forest purposes so far as they affect any
 of the above-described lands, and shall
 take precedence over but not otherwise
 affect the existing reservation of the
 lands for national forest purposes.

ROGER ERNST,

Assistant Secretary of the Interior.

JANUARY 13, 1959.

[F.R. Doc. 59-445; Filed, Jan. 16, 1959;
 8:46 a.m.]

[Public Land Order 1776]

[Utah 09556]

UTAH

Reserving Lands Within Manti-LaSal National Forest for Experimental Purposes as the Great Basin Ex- periment Station

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

Subject to valid existing rights, the
 following-described public lands within
 the Manti-LaSal National Forest, Utah,
 are hereby withdrawn from all forms of
 appropriation under the public land
 laws, including the mining but not the
 mineral leasing laws nor the Act of July
 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604),
 as amended, and reserved for use of the
 Forest Service, Department of Agricul-
 ture, as the Great Basin Experiment Sta-
 tion, in connection with research projects
 being conducted in furtherance of the
 Act of May 22, 1928 (45 Stat. 699; 16
 U.S.C. 581, 581a-581i) as amended:

SALT LAKE MERIDIAN

GREAT BASIN EXPERIMENT STATION

Manti-LaSal National Forest

T. 17 S., R. 4 E.
 Secs. 2 to 10 inclusive;
 Secs. 13 to 24 inclusive;
 Sec. 25, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 26, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 27 to 36 inclusive.
 T. 17 S., R. 5 E.
 Secs. 29, 30, 31, and 32.
 T. 18 S., R. 3 E.
 Secs. 1 and 2.
 T. 18 S., R. 4 E.
 Secs. 1 to 6 inclusive;
 Secs. 9, 10, 11, 14, 15, 16, 21, and 22.

The areas described aggregate 33,-
 839.68 acres.

This order shall be subject to existing
 withdrawals for other than national for-

est purposes so far as they affect any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

JANUARY 13, 1959.

[F.R. Doc. 59-446; Filed, Jan. 16, 1959;
8:46 a.m.]

[Public Land Order 1777]

[1825763]

UTAH

Withdrawing Public Lands for Use of Department of the Army in Connection with Dugway Proving Ground; Partly Revoking Executive Order No. 8579 of October 29, 1940

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

1. Subject to valid existing rights, the public lands within the following-described areas in Utah, which are surveyed only in part, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, but not the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Department of the Army for military purposes:

SALT LAKE MERIDIAN

- T. 6 S., Rs. 13, 14, 15, and 16 W.
- T. 7 S., Rs. 14, 15, and 16 W.
- T. 8 S., Rs. 14, 15, and 16 W.
- T. 9 S., R. 13 W.,
Secs. 4 to 9 incl.;
Secs. 14 to 36 incl.
- T. 9 S., Rs. 14 and 15 W.
- T. 9 S., R. 16 W.,
Secs. 1 to 30 incl.;
- Sec. 31, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and
N $\frac{1}{2}$ SW $\frac{1}{4}$;
- Secs. 33 to 36 incl.
- T. 10 S., Rs. 13, 14, and 15 W.
- T. 10 S., R. 16 W.,
Secs. 1 to 5 incl.;
- Sec. 6, NE $\frac{1}{4}$ and S $\frac{1}{2}$;
- Secs. 7 to 31 incl.;
- Sec. 32, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
- Secs. 33 to 36 incl.

The public lands in the areas described aggregate approximately 407,720 acres.

2. The withdrawal made by this order shall attach to the following-described nonpublic lands upon acquisition by the United States of title thereto or any interest therein:

SALT LAKE MERIDIAN

- T. 9 S., R. 16 W.,
Sec. 31, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 32.
- T. 10 S., R. 16 W.,
Sec. 32, SW $\frac{1}{4}$.

The areas described aggregate 920 acres.

3. The Department of the Air Force may use the area for flight and combat training purposes, at such time or times and in a manner consistent with the primary mission or missions of the De-

partment of the Army in, and its jurisdiction over, the lands.

4. Executive Order No. 8579 of October 29, 1940, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing lands for use of the War Department as an aerial bombing and gunnery range, is hereby revoked so far as it affects the lands withdrawn by this order.

5. The Department of the Interior retains jurisdiction over the management of the surface and subsurface resources, including mineral resources, of the lands. No disposal of such resources will be made except under applicable public-land laws with the concurrence of the Department of the Army and, where necessary, only after appropriate modification of the provisions of this order.

6. The lands withdrawn by this order are excluded from the purview of the act of February 28, 1958 (72 Stat. 27) by section 1(4) thereof.

ROGER ERNST,
Assistant Secretary of the Interior.

JANUARY 13, 1959.

[F.R. Doc. 59-447; Filed, Jan. 16, 1959;
8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 10-9; Docket No. 12295]

PART 10—PUBLIC SAFETY RADIO SERVICES

Change of Effective Date of Narrow-Band Technical Standards in Certain Bands

The Commission having under consideration the Second Report and Order in the above-entitled matter (FCC 58-1217) adopted December 17, 1958; and

It appearing that under the terms of the subject Second Report and Order, Part 10 of the Commission's rules was amended, as set forth therein, with the formal codification of such changes to be accomplished by subsequent Order of the Commission; and

It further appearing that formal codification of the changes herein ordered in Part 10 of the Commission's rules conforms, without any substantive change, to the terms in the above-described Second Report and Order, and are, therefore, editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing that the formal codification herein of Part 10 to reflect the rule changes ordered in said Second Report and Order should be made effective February 1, 1959 as provided in said Second Report and Order; and

It further appearing that authority for the amendments herein ordered is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority:

It is ordered, This 12th day of January 1959, that, effective February 1, 1959, Part 10 of the Commission's rules, Public

Safety Radio Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 14, 1959.

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

Part 10, Public Safety Radio Services Rules, is amended as follows:

1. Section 10.102(c) is amended so that the portion thereof preceding the table reads as follows:

(c) In lieu of meeting the requirements of paragraph (a) of this section for the frequency ranges shown below, transmitters authorized prior to August 1, 1958, and transmitters which are operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, may conform to the following frequency tolerances until not later than October 31, 1963, provided that authorized operation continues on the same frequency. In addition, transmitters of any radiocommunication system operated at locations wholly within the limits of one or more of the territories or possessions of the United States, or in Alaska, and transmitters of a system authorized prior to August 1, 1958, which system is required to move to a different frequency due to the reallocation of frequencies previously assigned, may also conform to the following frequency tolerances until not later than October 31, 1963.

2. Section 10.104(b)(2) is amended so that the portion thereof preceding the table reads as follows:

(2) Except as provided in subparagraphs (3), (4) and (6) of this paragraph, for all F3 emission, the maximum authorized bandwidth and maximum authorized frequency deviation shall be as follows:

3. Section 10.104(b)(3) is amended to read as follows:

(3) In lieu of meeting the requirements of subparagraph (2) of this paragraph, for all F3 emission, transmitters of any radiocommunication system first authorized prior to August 1, 1958, and transmitters which are operationally integrated with such systems, may

(i) when authorized for operation in the frequency ranges 42 to 46.51 Mc, 47 to 49.51 Mc or 152 to 162 Mc, be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than July 31, 1960, provided that authorized operation continues on the same frequency. Subsequent to July 31, 1960, and until not later than October 31, 1963, such transmitters may continue to be utilized for authorized operation on the same frequency provided the frequency deviation thereof is reduced so as not to exceed ± 5 kc.

(ii) when authorized for operation in the frequency ranges 46.51 to 47 Mc or 49.51 to 50 Mc, be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than October 31, 1963,

[Rules Amdt. 21-16; FCC 59-13]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Miscellaneous Amendments

provided that authorized operation continues on the same frequency; when such transmitters are moved to a different frequency due to the reallocation of the frequency previously assigned they may be utilized for authorized operation provided the frequency deviation is immediately reduced so as not to exceed ± 5 kc.

(iii) when authorized for operation on frequencies in the 25 to 42 Mc range removed by at least 40 kc from the nearest regularly-available frequency listed in this part, Part 11 or 16 of this chapter be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc until not later than October 31, 1963, provided that authorized operation continues on the same frequency.

4. Section 10.104(b) is amended by adding new subparagraph (6) to read as follows:

(6) In lieu of meeting the requirements of subparagraph (2) of this paragraph, for all F3 emission, transmitters of any radiocommunication system authorized for operation in the 25 to 50 Mc or 152 to 162 Mc range and operated at locations wholly within the limits of one or more of the territories or possessions of the United States, or in Alaska, may be operated with a maximum authorized bandwidth of 40 kc and a maximum frequency deviation of 15 kc, until not later than October 31, 1963.

5. Section 10.105(d) is amended to read as follows:

(d) For the frequency ranges 25 to 50 Mc and 150.8 to 162 Mc: Except as otherwise provided in this paragraph, each transmitter first authorized or installed after July 31, 1958, other than transmitters operationally integrated with existing radiocommunication systems authorized prior to August 1, 1958, and each transmitter operating after October 31, 1963, which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section, also shall be provided with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (g) of this section. The provisions of this paragraph do not apply until November 1, 1963, to transmitters of licensed radiocommunication systems authorized prior to August 1, 1958, and transmitters which are operationally integrated with existing radio systems so authorized, when such a system is required to move to a different frequency due to the reallocation of the frequency previously assigned, nor to transmitters of any radiocommunication system operated on frequencies in the range 25 to 50 Mc or 152 to 162 Mc at locations wholly within the limits of one or more of the territories or possessions of the United States, or Alaska.

[F.R. Doc. 59-465; Filed, Jan. 16, 1959; 8:49 a.m.]

1. Section 21.506 of Part 21 of the Commission's rules presently limits base stations in the Domestic Public Land Mobile Radio Service to an effective radiated power of 500 watts and § 21.505 restricts base station antenna installations to antenna heights of not more than 500 feet above average terrain. From time to time, the latter rule has been waived where circumstances were established which appeared to warrant authorization of antenna structures of greater elevation. However, § 21.506 has never been waived to permit use of higher effective radiated power. The Commission desires to amend § 21.505, as set forth below, to permit the use of base station antenna installations with heights in excess of 500 feet above average terrain (as determined by the method set forth in § 21.115 of the rules) on the condition that the effective radiated power of the base station is proportionately reduced below 500 watts by a factor not less than the value of the antenna height gain (with respect to a 500 foot high antenna), as shown in the chart entitled "Required Reduction in Effective Radiated Power for Antenna Heights in Excess of 500 Feet Above Average Terrain" attached hereto and made part of § 21.505 of the rules. In effecting this rule change, careful consideration also was given to whether § 21.506 should be amended so as to permit base stations which employ antenna heights of less than 500 feet above average terrain correspondingly to increase their effective radiated power above 500 watts by a factor not in excess of the antenna height loss with respect to a 500 foot high antenna. Such change is not being effectuated because we believe that the increase of base station effective radiated power above 500 watts would materially increase the problems of intermodulation interference to other radio systems now authorized, or which may be authorized in the future.

2. By the Commission's First Report and Order in Docket No. 11995, dated December 11, 1957, certain changes were made in Part 21 of the rules through Amendment No. 21-10 which, among other things, deleted the provisions under which mobile radio facsimile systems were authorized in the Domestic Public Land Mobile Radio Service. In view of this action, it is redundant to provide for authorizing the forms of emission (A4 and F4) used for facsimile transmission in the Domestic Public Land Mobile Radio Service. Accordingly, the Commission now desires to make appropriate changes in §§ 21.507 (a) and (b), as set forth below.

3. The Commission's Report and Order in Docket No. 11253, dated September 19, 1956, established narrow band technical standards for split-channel operations in the 25-50 Mc and 152-162 Mc bands. In applying these standards to the Domestic Public Land Mobile and

Rural Radio Services, certain changes were made in Part 21 of the rules through Amendment Nos. 21-2 and 21-7 wherein changes in §§ 21.507(b) and 21.604(a) unintentionally imposed the narrow band standards upon stations in the 72-76 Mc band. Additionally, § 21.507(b), as amended, allowed Domestic Public Land Mobile Radio Service transmitters authorized and installed prior to November 1, 1958, and transmitters operationally integrated with existing radio systems authorized for wide band operation (type 36F3 emission) prior to November 1, 1958, to be licensed for wide band operation, and required that all transmitters in the 25-50 Mc and 152-162 Mc bands meet the narrow band standards by October 31, 1963. Through oversight, we neglected to provide similarly for the Rural Radio Service which employs the same frequencies and types of equipment. With respect thereto, we desire to take corrective action by amending rule §§ 21.507 (b) and 21.604(a) as set forth below.

4. It appears that the public interest would be served by adoption of the rule changes discussed above and that such changes are of a nature which relieve restrictions or effect editorial corrections and, therefore, proposed rule-making proceedings are not necessary or desirable or in the public interest.

5. It is ordered, That §§ 21.505, 21.507 (a) and (b), and 21.604(a) of Part 21 of the Commission's rules are hereby amended, as set forth below, effective February 13, 1959. This action is taken pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and sections 4 (a) and (c) of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: January 7, 1959.

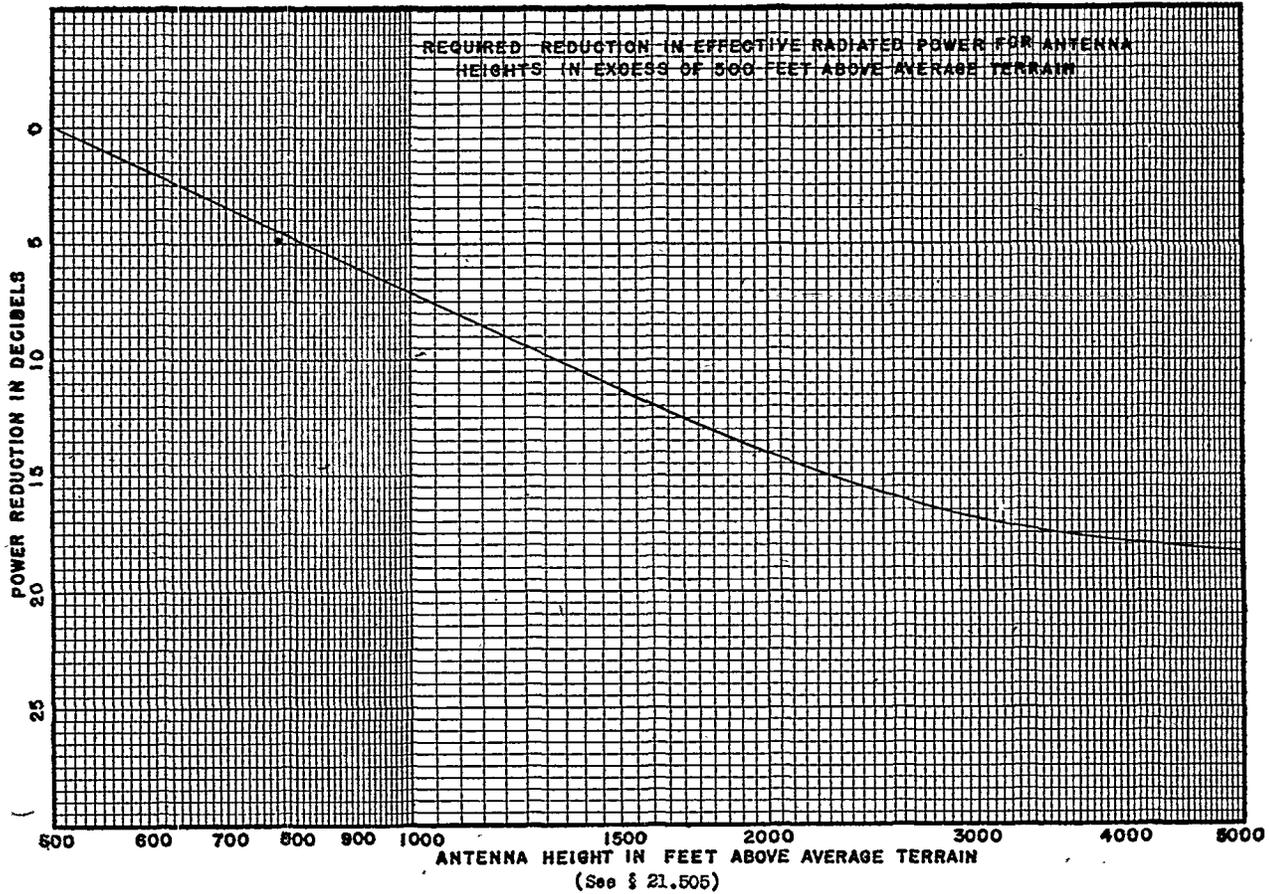
Released: January 13, 1959.

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

1. Section 21.505 is amended to read as follows:

§ 21.505 Antenna height-power limit for base stations.

In view of the fact that the predominant need for mobile communication service can usually be met by base stations within the classification set forth in § 21.502, and because widespread coverage is undesirable in areas where no substantial need exists for mobile communication service through a distant base station, base stations will not be authorized to employ transmitting antennas in excess of 500 feet above average terrain unless the effective radiated power of the base station is reduced below 500 watts by not less than the amount shown in the following chart entitled "Required Reduction in Effective Radiated Power for Antenna Heights in Excess of 500 Feet Above Average Terrain".



2. Sections 21.507(a) and (b) are amended to read as follows:

§ 21.507 Bandwidth and emission limitations.

(a) Stations in this service shall normally be authorized to use only type A3 or F3 emission for radiotelephony, and type A1, A2, F1 or F2 emission for selective signaling. The authorization to use type A3 or F3 emission shall be construed to include the use of the tone signals or signaling devices the sole function of which is to establish and maintain communication between stations using radiotelephony. Stations using selective signaling in the one-way signaling service

are required to be authorized to employ telegraph type emission appropriate to the type of transmission employed. The use of types AO and FO emission in the 72-76-Mc band will not be authorized, except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station. (Further reference should be made to §§ 21.103 to 21.105, inclusive.)

(b) Except as provided in subparagraph (1) of this paragraph the maximum authorized bandwidth of emission and, for the cases of frequency or phase modulated emissions, the maximum authorized frequency deviation shall be as follows:

(1) In lieu of meeting the foregoing requirements of this paragraph, for the frequency ranges shown below, transmitters authorized and installed prior to November 1, 1958, to utilize type F3 emission, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, may be operated until not later than October 31, 1963, with a maximum authorized bandwidth and a maximum frequency deviation in accordance with the following schedule:

Frequency range (Mc)	Authorized bandwidth (kc)	Frequency deviation (kc)
25 to 50 Mc.....	40	15
150 to 450 Mc.....	40	15

Type of emission	50-150 Mc		25-50 Mc and 150-450 Mc		450-500 Mc	
	Authorized bandwidth (kc)	Frequency deviation (kc)	Authorized bandwidth (kc)	Frequency deviation (kc)	Authorized bandwidth (kc)	Frequency deviation (kc)
A1.....	1	-----	1	-----	1	-----
A2.....	3	-----	3	-----	3	-----
A3.....	8	-----	8	-----	8	-----
F1.....	3	-----	3	-----	3	-----
F2.....	3	-----	3	-----	3	-----
F3.....	40	15	20	5	40	15

3. Section 21.604(a) is amended to read as follows:

§ 21.604 Emission limitations.

(a) Except as provided in subparagraph (1) of this paragraph the maximum authorized bandwidth of emission and for the cases of frequency or phase modulated emissions, the maximum authorized frequency deviation shall be as follows:

Type of emission	50-150 Mc		25-50 Mc and 150-450 Mc		450-500 Mc	
	Authorized bandwidth (kc)	Frequency deviation (kc)	Authorized bandwidth (kc)	Frequency deviation (kc)	Authorized bandwidth (kc)	Frequency deviation (kc)
A1	1		1		1	
A2	3		3		3	
A3	8		8		8	
A4	12		12		12	
F1	3		3		3	
F2	3		3		3	
F3	40	15	20	5	40	15
F4	40	15	20	5	40	15

(1) In lieu of meeting the foregoing requirements of this paragraph, for the frequency ranges shown below, transmitters authorized and installed prior to November 1, 1958, to utilize type F3 emission, and transmitters which are operationally integrated with existing radio systems authorized prior to November 1, 1958, may be operated until not later than October 31, 1963, with a maximum authorized bandwidth and a

maximum frequency deviation in accordance with the following schedule:

Frequency range (Mc)	Authorized bandwidth (kc)	Frequency deviation (kc)
25 to 50 Mc	40	15
150 to 450 Mc	40	15

[F.R. Doc. 59-419; Filed, Jan. 16, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 927, 996, 1019]

[Docket Nos. AO-71-A35, AO-203-A-9, AO-305]

HANDLING OF MILK IN NEW YORK-NEW JERSEY; SPRINGFIELD, MASSACHUSETTS; AND CONNECTICUT (NEW PROGRAM) MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision with Respect to Proposed Amendments to Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the New York-New Jersey order and to the proposed marketing agreement and order for the Connecticut marketing area which was issued December 17, 1958 (23 F.R. 9847 F.R. Doc. 58-10499) is hereby further extended from January 16, 1959, to January 23, 1959. Such exceptions must be filed with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on January 23, 1959.

Dated: January 14, 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-480; Filed, Jan. 16, 1959; 8:50 a.m.]

[7 CFR Parts 960, 975]

[Docket Nos. AO-179-A17, AO-253-A4]

HANDLING OF MILK IN CLEVELAND, OHIO AND AKRON-STARK COUNTY, OHIO, MARKETING AREAS

Notice of Postponement of Hearing on Proposed Amendments to Tentative Marketing Agreements and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the postponement of a public hearing which was called to begin at 10:00 a.m., local time, on January 27, 1959, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Cleveland and Akron-Stark County, Ohio, marketing areas.

The hearing is rescheduled to convene at the Statler Hotel, Euclid and East Twelfth Streets, Cleveland, Ohio, on February 24, 1959, beginning at 10:00 a.m., local time.

The issues to be considered at this hearing are set forth in the notice of hearing issued by the Deputy Administrator, Agricultural Marketing Service, on December 22, 1958, and published in the FEDERAL REGISTER on December 25; 1958 (23-F.R. 10373; F.R. Doc. 58-10672).

Issued at Washington, D.C., this 14th day of January 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-478; Filed, Jan. 16, 1959; 8:50 a.m.]

[7 CFR Part 1027]

[Docket No. AO-312]

HANDLING OF MILK IN BALTIMORE, MARYLAND, MARKETING AREA

Notice of Hearing on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Ballroom, Emerson Hotel, Baltimore and Calvert Streets, Baltimore, Maryland, beginning at 10:00 a.m., e.s.t., on February 2, 1959, with respect to a proposed marketing agreement and order to regulate the handling of milk in the Baltimore, Maryland, marketing area.

This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions, which relate to the proposed marketing agreement and order hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

Proposed by the Maryland Cooperative Milk Producers, Inc.:

Proposal No. 1:

DEFINITIONS

§ 1027.1 Act.

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

§ 1027.2 Secretary.

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

§ 1027.3 Department of Agriculture.

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions specified in this part.

§ 1027.4 Person.

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

§ 1027.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1027.6 Baltimore, Maryland marketing area.

"Baltimore, Maryland, marketing area", hereinafter called "the marketing area", means all the territory in the State of Maryland situated within the corporate limits of the city of Baltimore and the town of Laurel in Prince Georges County and within the following counties: Cecil, Hartford, Baltimore, Carroll, Howard, Calvert, Anne Arundel, Queen Annes, Kent, Caroline, Talbot, Dorchester, Wicomico, Somerset and Worcester and that part of Frederick lying north of a line beginning at the intersection of the Washington-Fredrick County line with Alternate U.S. Route 40, following Alternate U.S. Route 40 easterly to the western boundary of the corporate limits of the city of Frederick, thence along the western, northern and eastern boundary of the city to its eastern junction with Alternate U.S. Route 40 and then southeasterly along Alternate U.S. Route 40 to the Frederick-Carroll County line, and that part of Washington County within the boundaries of Camp Ritchie, all in the State of Maryland, together with all piers, docks and wharves connected therewith and including all territory within such boundaries which is occupied by Government (municipal, State or Federal) installations, institutions or other establishments.

§ 1027.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving and processing or packaging of milk or milk products.

§ 1027.8 Approved plant.

"Approved plant" means:

(a) Any plant which is approved by the applicable health authority having jurisdiction in the marketing area for the handling of milk for disposition as Class I milk and from which Class I milk is disposed of on routes to retail or wholesale outlets in the marketing area; and

(b) Any plant which is approved by the applicable health authority having jurisdiction in the marketing area to supply milk to a plant specified in paragraph (a) of this section and from which milk is moved during the month to such plant.

§ 1027.9 Pool plant.

"Pool plant" means:

(a) An approved plant other than the plant of a producer-handler: (1) During any month within which a volume of milk equal to not less than 10 percent of its receipts of milk from dairy farmers, approved by the applicable health authority for fluid disposition in the marketing area, is disposed of as Class I milk on routes in the marketing area: *Provided*, That the total quantity of Class I milk disposed of from such plant, both inside and outside the marketing area, is equal to not less than 50 percent of such plant's total receipts from such dairy farmers, or (2) during any month of September through February in which at least 50 percent, and during any month of March through August in which at least 40 percent of its receipts of milk from dairy farmers, exclusive of receipts from other pool handlers, approved by the applicable health authority for fluid disposition in the marketing area is shipped in the form of milk, skim milk or cream to a plant which disposes of not less than 10 percent of its receipts of approved milk from dairy farmers and from other approved plants as Class I milk on routes in the marketing area and not less than 50 percent of such receipts are disposed of as Class I milk both inside and outside the marketing area: *Provided*, That any such plant which was a pool plant in each of the preceding months of September through February shall be a pool plant for the months of March through August, unless the handler gives written notice to the market administrator on or before the first day of such month that the plant is a nonpool plant: *And provided further*, That any such plant which was a nonpool plant during any of the months of September through February shall not be a pool plant in any of the immediately following months of March through August in which it was owned by the same handler or affiliate of the handler or by any person who controls, or is controlled by, the handler; and

(b) Any manufacturing plant which is an approved plant other than the plant of a producer-handler operated by a pool handler and located within the marketing area:

(1) During any month September through February in which at least 20 percent of its receipts from dairy farmers, exclusive of receipts from other pool handlers, approved by the applicable health authority for fluid disposition in the marketing area, is shipped in the form of milk, skim milk or cream to a plant which disposes of not less than 10 percent of its receipts of approved milk from dairy farmers and from other approved plants as Class I milk on routes in the marketing area and not less than 75 percent of such receipts are disposed of as Class I milk both inside and outside the marketing area; and

(2) At which 90 percent or more of the receipts from dairy farmers is represented by deliveries of members of a cooperative association, which cooperative association is also a handler and vested by individual membership contract with

power to assign milk delivered under such contracts to such carriers and such plants as it may designate.

§ 1027.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of an approved plant (whether or not such approved plant is a pool plant) or any plant qualified as a pool plant pursuant to § 1027.9(b); and

(b) Any cooperative with respect to:

(1) The milk of any producer which such cooperative association causes to be diverted in accordance with the proviso of § 1027.14 from a pool plant to a nonpool plant for the account of such cooperative association;

(2) The milk of its member producers which is delivered to a pool plant of a handler in a tank truck owned or operated or under contract to such cooperative association: *Provided*, That such milk so delivered shall be deemed to have been received by such cooperative association at the plant to which it was delivered.

§ 1027.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant.

§ 1027.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and an approved plant from which Class I milk is disposed of on a route(s) in the marketing area and which during the month received no milk from any source other than his own farm production and from pool plants.

§ 1027.13 Dairy farmer.

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant.

§ 1027.14 Producer.

"Producer" means any dairy farmer, except a producer-handler who produces milk which is approved by the applicable health authority having jurisdiction in the marketing area for fluid disposition within the marketing area and which is:

(a) Received at a pool plant; or

(b) Diverted for manufacture to a nonpool plant by a cooperative association who is a handler: *Provided*, That the total deliveries of milk of such cooperative association's members are approved by the applicable health authority having jurisdiction in the marketing area for fluid distribution within the marketing area and that the total deliveries of milk of such cooperative association members are available whenever needed for Class I use to the several handlers in the market.

§ 1027.15 Producer milk.

"Producer milk" means any skim milk or butterfat contained in milk received directly at a pool plant from producers, or diverted in accordance with the proviso of § 1027.14.

§ 1027.16 Other source milk.

"Other source milk" means all receipts of skim milk and butterfat other than

that contained in (a) producer milk, (b) receipts from pool plants, or (c) Class II products disposed of in the form in which received without further processing by the handler.

§ 1027.17 Route.

"Route" means any delivery (including any delivery by a vendor or disposition at a plant store or from vending machines) of any Class I product to a wholesale or retail stop, including a Federal, State or municipal institution or installation, but excluding any delivery in bulk form to a pool plant qualified pursuant to § 1027.9(a)(1).

§ 1027.18 Base milk.

"Base milk" means producer milk received by a handler during any month which is not in excess of each producer's daily average base, computed pursuant to § 1027.80 multiplied by the number of days in such month.

§ 1027.19 Excess milk.

"Excess milk" means milk received by a handler during any month which is in excess of base milk received from each producer during such month.

MARKETING ADMINISTRATOR

§ 1027.20 Designation.

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

§ 1027.21 Powers.

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

- (a) To administer its terms and provisions;
- (b) To make rules and regulations to effectuate its terms and provisions;
- (c) To receive, investigate, and report to the Secretary complaints of violations; and
- (d) To recommend amendments to the Secretary.

§ 1027.22 Duties.

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

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount and with reasonable surety thereon, covering each employee who

handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1027.98,

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

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1027.97, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

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

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1027.30 to 1027.32, or payments pursuant to §§ 1027.90 to 1027.99;

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

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month, the Class I price computed pursuant to § 1027.50(a) for the current month, and the Class II price computed pursuant to § 1027.50(b) and the handler butterfat differential computed pursuant to § 1027.51, both for the preceding month; and

(2) The 10th day of each month, the uniform prices computed pursuant to §§ 1027.71 and 1027.72 and the producer butterfat differential computed pursuant to § 1027.91 both for the preceding month; and

(k) On or before the 10th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month.

REPORTS, RECORDS AND FACILITIES

§ 1027.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month each pool handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in, (1) receipts of producer milk (including such handler's own production); (2) receipts from other pool plants in the form of products designated as Class I milk pursuant to § 1027.41(a) and (3) receipts of other source milk;

(b) Inventories of products designated as Class I milk pursuant to § 1027.41(a) on hand at the beginning and end of the month; and

(c) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section.

§ 1027.31 Other reports.

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

(b) Each pool handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month, which shall show for each producer:

- (i) His name and address;
- (ii) The total pounds of milk received from such producer;
- (iii) The average butterfat content of such milk; and

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

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s) his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(c) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number if any, the date on which the change took place, and the farm and plant location involved; and

(d) Each pool handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1027.90(b) shall on or before the 10th day after the end of each month report to such cooperative association concern-

ing each producer-member of such cooperative association from whom he received milk during the month as follows:

- (1) The name, address and code number, if any;
- (2) The total deliveries and the number of days on which delivery was made;
- (3) The average butterfat test of the milk delivered; and
- (4) The nature and amount of any deductions to be made in payments due such producer.

§ 1027.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct date for each month, with respect to:

- (a) The receipt and utilization of all skim and butterfat handled in any form;
- (b) The weights and tests for butterfat and other content of all milk and milk products handled;
- (c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1027.30(b); and
- (d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1027.33 Retention of records.

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

CLASSIFICATION OF MILK

§ 1027.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month at pool plants and which is required to be reported pursuant to § 1027.30 shall be classified by the market administrator.

§ 1027.41 Classes of utilization.

Subject to the conditions set forth in §§ 1027.42 to 1027.45 the classes of utilization shall be as follows:

- (a) *Class I milk*. Class I milk shall be all skim milk (including that used to

produce concentrated milk and reconstituted or fortified skim milk) and butterfat:

- (1) Disposed of (other than in hermetically sealed containers) in fluid form or as frozen concentrated milk for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, and any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream; and
- (2) Not specifically accounted for as Class II milk.

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

- (1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) of this section;
- (2) Disposed of for livestock feed;
- (3) Contained in skim milk dumped, if the conditions of § 1027.40(c) are met by the handler;
- (4) Contained in inventory of products designated in paragraph (a)(1) of this section on hand at the end of the month;
- (5) In actual plant shrinkage not to exceed two percent of skim milk and butterfat, respectively, in producer milk; and
- (6) In shrinkage of other source milk.

(c) Each handler dumping skim milk or butterfat pursuant to § 1027.40(b)(3) shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1027.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

(d) The market administrator shall allocate shrinkage at the pool plant(s) of each handler as follows:

- (a) Compute the total shrinkage of skim milk and butterfat; and
- (b) Allocate the resulting amounts pro rata to the handler receipts of skim milk and butterfat, respectively, in producer milk and other source milk.

(e) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise; and

(f) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(g) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(h) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(i) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(j) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(k) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(l) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(m) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(n) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(o) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(p) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1027.44 Transfers.

Skim milk or butterfat disposed of during the month from a pool plant shall be classified:

- (a) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 1027.41(a)(1) to a pool plant of another handler unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1027.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the assignment of other source milk pursuant to § 1027.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;
- (b) As Class I milk if transferred in the form of any product designated as Class I milk pursuant to § 1027.41(a)(1) to a producer-handler;
- (c) As Class I milk if transferred or diverted in the form of any product designated as Class I milk pursuant to § 1027.41(a)(1) to an approved plant, other than a pool plant or the plant of a producer-handler, to the extent of such plant's disposition of skim milk and butterfat, respectively, as Class I milk in the marketing area: *Provided*, That any remaining amount of such transfer or diversion shall be assigned to the highest remaining utilization in the transferee plant after the prior assignment of receipts of such plant from dairy farmers who the market administrator determines constitute its regular source of supply;
- (d) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream, to nonpool plants other than an approved plant located less than 300 miles from the City Hall, Baltimore, Maryland, unless:
- (1) The handler claims Class II utilization in his report submitted pursuant to § 1027.30;
- (2) The operator of the transfer plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and
- (3) Not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant during the month in the use indicated in such report: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk.
- (e) As Class I milk if transferred or diverted in bulk in the form of milk, skim milk or cream, to a nonpool plant other than an approved plant located 300 miles or more from City Hall, Baltimore, Maryland.

PROPOSED RULE MAKING

§ 1027.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1027.30 for the pool plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handlers.

§ 1027.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1027.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 1027.41(b) (5);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk except such receipts in the form of products specified in § 1027.41(a) (1) received from plants which are fully subject to the pricing provisions of another order issued pursuant to the Act;

(3) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II milk the pounds of skim milk in other source milk received in the form of products specified in § 1027.41(a) (1) from a plant(s) which is fully subject to the pricing provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk contained in inventory of products specified in § 1027.41(a) (1) on hand at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the pool plants of other handlers in the form of products specified in § 1027.41(a) (1) according to the classification thereof as determined pursuant to § 1027.44(a);

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

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to the producer milk in each class computed pursuant to paragraph (a) (1) and (2) of this section, and determine the weighted average butterfat of each class.

MINIMUM PRICES

§ 1027.50 Class prices.

Subject to the provisions of §§ 1027.51 and 1027.52 each handler shall pay, at the time and in the manner set forth in § 1027.90 for each hundredweight of milk containing 3.5 percent butterfat received at his pool plant(s) during the month from producers or a cooperative association not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to § 1027.46.

(a) *Class I price.* The price for Class I milk shall be \$5.70 for the months of January through March and July through December, and \$5.10 for the months of April, May, and June, provided, that such price shall be adjusted with changes in the average of the minimum Class I prices established by Federal order for Philadelphia, New York, and Chicago in accordance with the following schedule:

3-Market average variation— corresponding month of 1957		Baltimore Class I price ad- justment (cents)	
Plus 15 cents to minus 15 cents.....		0	
More than—	But less than—	Plus adjustment	
15 cents	35 cents.....		20
35 cents	55 cents.....		40
55 cents	75 cents.....		60
	75 cents	80	
Minus—	But not more than—	Minus adjustment	
15 cents	35 cents.....		20
35 cents	55 cents.....		40
55 cents	75 cents.....		60
	75 cents	80	

(b) *Class II price.* The price for Class II milk shall be the sum of the values of butterfat and skim milk computed as follows:

(1) *Butterfat.* Add all car or truck-lot weekly quotations per 40 quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract \$2.00, divide by 33.48, multiply by 3.5; *Provided,* That such butterfat value shall not be less than 3.5 times 120 percent of the average Grade A (92-score) butter price at New York as reported by the United States Department of Agriculture for the month for which payment is to be made less 17 cents; and

(2) *Skim milk.* The average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as reported for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture shall determine the skim values as follows:

Average price per pound of non-fat solid-spray and roller process (cents):	Skim value (cents)
\$0.066 to \$0.075.....	\$0.075
\$0.76 to \$0.085.....	.15
\$0.096 to \$0.105.....	.225
\$0.106 to \$0.115.....	.30
\$0.116 to \$0.125.....	.375
\$0.126 to \$0.135.....	.45

Average price per pound of non-fat solid-spray and roller process (cents)—*Con.* Skim value (cents)

\$0.136 to \$0.145.....	\$0.525
\$0.146 to \$0.155.....	.60
\$0.156 to \$0.165.....	.675
\$0.166 to \$0.175.....	.75
\$0.176 to \$0.185.....	.825
\$0.186 to \$0.195.....	.90

§ 1027.51 Butterfat differential to handlers.

There shall be added to or subtracted from as the case may be, the price of milk for each class as computed pursuant to § 1027.50 (a) and (b) for each one-tenth of one percent variation in the average butterfat test of the milk in such class above or below 3.5 percent, respectively, an amount equal to the value of butterfat computed pursuant to § 1027.50(b) (1) divided by 35 and rounded to the nearest one-tenth cent.

§ 1027.52 Location differentials to handlers.

For that milk which is received from producers at a pool plant located 30 miles or more from City Hall, Baltimore, Maryland by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, the Class I price as specified in § 1027.50(a) shall be reduced at the rate set forth in the following schedule:

Distance (miles):	Rate per hundredweight (cents)
30	21.0
For each additional 10 miles or fraction thereof.....	1.5

Provided, That for the purpose of calculating such location differential, products designated as Class I milk which are transferred between pool plants shall first be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1027.46(a) (1) to (4) and the comparable steps in § 1027.46(b) for such plant, such assignment to the transferring plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1027.53 Use of equivalent prices or indexes.

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

APPLICATION OF PROVISIONS

§ 1027.60 Producer-handler.

Sections 1027.40 to 1027.46, 1027.50 to 1027.52, 1027.70 to 1027.71 and 1027.90 to 1027.99 shall not apply to a producer-handler.

§ 1027.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or dis-

position of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1027.30) and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1027.9(a) (1) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Baltimore marketing area than in a marketing area regulated pursuant to such other order; and

(b) Any plant qualified pursuant to § 1027.9(a) (2) or (b) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant has qualified as a pool plant pursuant to the first proviso of § 1027.9(a) (2) for each month during the preceding September through February.

§ 1027.62 Handlers operating nonpool plants.

Unless payment for approved milk at such plant is made pursuant to § 1027.90 (d), each handler in his capacity as the operator of a nonpool plant shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount obtained by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month by the rate determined pursuant to § 1027.63.

§ 1027.63 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk the Class II price adjusted by the Class II butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 1027.70 Computation of the value of producer milk for each handler.

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

(a) Multiply the pounds of producer milk in each class, as computed pursuant to § 1027.46, by the applicable class price (adjusted pursuant to §§ 1027.51 and 1027.52) and total the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1027.46 (a) (2) and (b) by the rate of payment on unpriced milk determined pursuant to § 1027.63 at the nearest plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided,*

That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk or butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified;

(c) Add the amounts computed by multiplying the pounds of "overage" deducted from each class pursuant to § 1027.46 (a) (7) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month or the hundredweight of milk subtracted from Class I pursuant to § 1027.46 (a) (4) and (b) for the current month, whichever is less; and

(e) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 1027.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market as follows:

(a) Combine into one total the net obligations computed pursuant to § 1027.70 for all handlers who made reports prescribed in § 1027.30 for the month and who were not in default of payments pursuant to §§ 1027.90, 1027.92 and 1027.94 for the preceding month;

(b) Subtract, if the average butterfat content of producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the producer butterfat differential computed pursuant to § 1027.91 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1027.92;

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

(e) Add the total amount of payment due pursuant to § 1027.62;

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

(g) Subtract not less than 4 nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section.

§ 1027.72 Computation of uniform price for base milk and excess milk.

For each month the market administrator shall compute the uniform price per hundredweight for base milk and

for excess milk, each of 3.5 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1027.30 by multiplying the hundredweight of such milk by the uniform price for excess milk, which price shall be the Class II price computed pursuant to § 1027.50 (b);

(b) Subtract the aggregate value of excess milk, plus 4 cents times the hundredweight of excess milk, from the total value of producer milk for the month as determined according to the calculation set forth in § 1027.71 (a) to (f); and

(c) Divide the amount obtained in paragraph (b) of this section by the total hundredweight of base milk, and subtract not less than 4 cents nor more than 5 cents from the prices thus computed. The resulting figure shall be the uniform price for base milk.

BASE RATING

§ 1027.80 Computation of producer bases.

Subject to the rules set forth in § 1027.81, the market administrator shall determine bases for producers in the following manner:

(a) Divide the total pounds of milk received by a handler from each producer during the months of July through December immediately preceding by the number of days such milk was produced, but not less than 169 days, the base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided,* That any producer for whom a base has been computed may upon written notice to the market administrator not later than January 31 relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section; and

(b) The base of any producer who has not established a base (including any producer for whom a base may not be computed because of lack of available information covering such producer deliveries in the July-December period) or who elects to relinquish his base pursuant to paragraph (a) of this section shall be a quantity to be effective for the current month only, computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	-----	90
February	-----	88
March	-----	88
April	-----	86
May	-----	75
June	-----	83
July	-----	85
August	-----	76
September	-----	76
October	-----	82
November	-----	82
December	-----	82

§ 1027.81 Base rules.

The following rules shall be observed in determination of bases:

(a) A base computed pursuant to § 1027.80 (a) may be transferred in its entirety upon written notice to the market administrator on or before the

last day of the month of transfer, but only if a producer sells, leases or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part;

(b) A producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to § 1027.80(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1027.80 (b) until he establishes a new base under § 1027.80(a) to begin the next February 1;

(c) If a producer operates more than one farm, each delivering milk to a pool plant, he shall establish a separate base with respect to producer milk delivered from each such farm and in the event such producer chooses to relinquish the base earned for one farm, he must do so for all farms;

(d) Any dairy farmer who subsequently becomes a producer, upon presentation of evidence satisfactory to the market administrator, may use his deliveries during the base-making months to establish a base to apply when he assumes the status of producer;

(e) Only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of an application signed by all joint holders or their heirs, or assigns;

(f) In the event of a producer's death, his base may be transferred upon written notice to the market administrator by a member of producer's immediate family; and

(g) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number days from the first day of delivery by either the transferee or transferor during the base forming period to the last day of the base making period, inclusive, but not less than 169 days.

§ 1027.82 Announcement of established base.

(a) On or before February 1st of each year the market administrator shall notify each producer not a member of a cooperative association, of the daily base established by such producer; and

(b) On or before February 1st of each year the market administrator shall provide the cooperative association(s) with a listing of bases of members of such association.

PAYMENTS

§ 1027.90 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each pool handler on or before the 15th day after the end of each month shall make payment to each producer from whom milk is received during the month for the quantity of

milk so received at not less than the uniform prices per hundredweight for base and excess milk computed pursuant to § 1027.72 adjusted by the butterfat differential computed pursuant to § 1027.91 and by the location differential computed pursuant to § 1027.92 less proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1027.93 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) In the case of milk received by a handler from a cooperative association in its capacity as a handler such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler; and

(d) Unless payment is made to the producer-settlement fund pursuant to § 1027.62, each handler shall make payment on or before the 15th day after the end of each month to each dairy farmer for milk received from him during the month at an approved plant which is a nonpool plant at not less than the price per hundredweight, adjusted by the butterfat differential pursuant to § 1027.91, obtained by dividing the value of approved milk at such plant computed pursuant to § 1027.70 by the hundredweight of milk from dairy farmers at such plant: *Provided*, That if the total amount paid to such dairy farmers is less than that prescribed by this paragraph, payment of the difference shall be made to the producer-settlement fund.

§ 1027.91 Producer butterfat differential.

In making payments pursuant to § 1027.90 (a) or (b) the uniform prices for base and excess milk shall be (a) increased for each one-tenth of one percent of variation in the average butterfat content of the milk received from each producer above 3.5 percent, an amount equal to the butterfat value computed pursuant to § 1027.50(b)(1)

divided by 3.5 and rounded to the nearest full cent and (b) decreased for each one-tenth of one percent of variation in the average butterfat content of the milk received from each producer below 3.5 percent an amount equal to the butterfat value computed pursuant to § 1027.50 (b) (1) divided by 3.5 and rounded to the nearest full cent, plus one cent.

§ 1027.92 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 1027.90 (a) or (b) a handler shall deduct with respect to all milk received at his pool plant(s) located 30 miles by shortest highway distance from the City Hall, Baltimore, Maryland as determined by the market administrator, 21 cents per hundredweight plus 1.5 cents for each 10-mile additional distance or fraction thereof which such plant is located from such City Hall.

§ 1027.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1027.62, 1027.94 and 1027.96 and out of which he shall make all payments pursuant to §§ 1027.95 and 1027.96: *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

§ 1027.94 Payments to the producer-settlement fund.

On or before the 11th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 1027.90 (a) and (b).

§ 1027.95 Payments out of the producer-settlement fund.

On or before the 12th day after the end of the month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 1027.92 (a) and (b) is greater than the net pool obligations of such handler: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1027.96 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment

thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1027.97 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 1027.90(a) shall deduct 5 cents per hundredweight or such less amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 18th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1027.90(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

§ 1027.98 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, including any cooperative association which is a handler, shall pay to the market administrator on or before the 18th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in (a) producer milk (including such handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1027.46(a)(2) and (b), or (c) milk received from dairy farmers at a nonpool plant: *Provided*, That if payment for such milk is not made pursuant to § 1027.90(d) the expense of administration payable pursuant to this section shall be applicable only to the Class I milk disposed of in the marketing area (except to a pool plant) from such plant.

§ 1027.99 Termination of obligations.

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

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need

not be limited to, the following information:

(1) The amount of the obligation;

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

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

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

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

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 3c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1027.100 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1027.101.

§ 1027.101 Suspension or termination.

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

§ 1027.102 Continuing obligations.

If under the suspension or termination of any or all provisions of this part,

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

§ 1027.103 Liquidation.

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

MISCELLANEOUS PROVISIONS

§ 1027.110 Agents.

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

§ 1027.111 Separability of provisions.

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

Proposed by Green Spring Dairy, Inc.:

Proposal No. 2: Include in § 1027.6 as an addition to the marketing area proposed in proposal No. 1 the following: Election Districts No. 10, 14, 20, 13, 7, and 3 in Prince Georges County, Maryland.

Proposal No. 3: Add to § 1027.41, as proposed in Proposal No. 1, the following: *Class IA milk.* Class IA milk shall be all Class I milk disposed of on routes outside the marketing area.

Proposal No. 4: Add a new § 1027.47 to Proposal No. 1 to read as follows:

§ 1027.47 Rules and regulations.

The rules and regulations to effectuate the terms and provisions of § 1027.40 to § 1027.46 shall be made and may from time to time be amended, by the market administrator in accordance with the procedure set forth in this section: *Provided*, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the market administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided further*, That if any interested person makes written request for the

PROPOSED RULE MAKING

issuance, amendment, or repeal of any rule, the market administrator shall within 30 days either issue notice of meeting pursuant to paragraph (a) of this section or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial.

(a) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which time all interested persons shall have opportunity to be heard. Notice of such meeting shall be given by the market administrator, and a copy of the proposed rules and regulations shall be sent at least five days prior to the date of the meeting to all handlers operating pool plants. A stenographic record shall be made at all such meetings and such record shall be public information available for inspection at the office of the market administrator;

(b) A period of at least five days after the meeting held pursuant to paragraph (a) of this section shall be allowed for the filing of briefs. Such briefs shall be public information available for inspection at the office of the market administrator;

(c) Not later than 30 days after a meeting held pursuant to paragraph (a) of this section, the market administrator shall issue and send to all handlers operating pool plants the tentative rules and regulations or amendments thereto relating to the issues considered at such meeting, or a tentative notice that no rules or regulations or amendments thereto are to be issued prior to further consideration at another meeting. The tentative rules and regulations, or tentative notice, together with copies of the stenographic record and briefs, shall also at the same time be forwarded by the market administrator to the Secretary;

(d) Not later than 30 days after issuance by the market administrator, the Secretary shall either approve the tentative rules and regulations or tentative notice as issued, or direct the market administrator to reconsider. In which latter event, the market administrator shall within 30 days either issue revised tentative rules and regulations or tentative notice, or call another meeting pursuant to paragraph (a) of this section; and

(e) The tentative rules and regulations and amendments thereto or tentative notice issued pursuant to paragraph (c) of this section shall be effective as of the first of the month following approval by the Secretary but not sooner than ten days after issuance by the market administrator.

Proposal No. 5: Add to § 1027.50 as proposed in Proposal No. 1 the following:

Class IA price. The price for Class IA milk shall be the weighted average of uniform prices for base milk and excess milk computed pursuant to § 1027.72 for the second month preceding the month in which the sales of Class IA are made.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., or may be there inspected.

Issued at Washington, D.C., this 14th day of January 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-479; Filed, Jan. 16, 1959;
8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 290]

[Economic Regs. Draft Release 106]

APPLICATION FOR RENEWAL OF
TEMPORARY AUTHORIZATIONS

Notice of Proposed Rule Making

JANUARY 14, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment of Part 290 of the Economic Regulations specifying what shall constitute a timely and sufficient application for a renewal of a temporary Board authorization given in an economic proceeding or for a new authorization granting the same authority so as to extend the existing authority until the Board acts on such filing, pursuant to section 9(b) of the Administrative Procedure Act.

The principal features of the proposed amendment are explained in the Explanatory Statement set forth below and the proposed amendments are set forth below.

Interested persons may participate in the proposed rule making through submission of written data, views or arguments, pertaining thereto in quadruplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before February 16, 1959, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after February 18, 1959, for examination by interested persons in the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D.C.

This rule is proposed under the authority of section 204(a), 72 Stat. 743, 49 U.S.C. 1324 and section 12, 60 Stat. 242, 5 U.S.C. 1011; interpret or apply sections 1001, 72 Stat. 788, 49 U.S.C. 1481 and 9(b), 60 Stat. 242, 5 U.S.C. 1008(b).

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

Explanatory statement. Section 2(e) of the Administrative Procedure Act defines a license as the whole or part of any agency permit, certificate, approval, regulation, charter, membership, or other form of permission. The third sentence of section 9(b) of the Administrative Procedure Act provides that "in any case in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency." At the present time,

the Board has established rules in Part 290 of the Economic Regulations defining what will be considered to be a "timely and sufficient" application for a renewal of an exemption granted by the Board pursuant to section 416(b) of the Federal Aviation Act and what activities authorized by way of exemptions are deemed by the Board not to be of a continuing nature within the meaning of section 9(b).

There are no comparable provisions in the Board's Economic Regulations relating to other temporary authorizations granted by the Board. The purpose of this proposed amendment is to make present Part 290 of the Economic Regulations applicable to temporary authorizations granted under sections 101(3), 401, 408, 409 and 412 of the Act.

In view of the foregoing, notice is hereby given that it is proposed that Part 290 of the Economic Regulations be amended to read as follows:

§ 290.0 Applicability of part.

This part is applicable to all temporary authorizations granted pursuant to sections 101(3), 401, 408, 409, 412 and 416 of the Federal Aviation Act, outstanding on the date this amended part takes effect, and to all such temporary authorizations thereafter granted: *Provided*, That this part shall apply to renewals of approvals under section 412 only in cases where some applicable provision of a statute, regulation, or order requires approval of the respective agreement prior to its taking effect: *Provided further*, That it shall not apply to temporary authorizations which will expire within 60 days of the effective date of this section.

§ 290.1 Definitions and interpretations.

(a) The Board deems that the following authorizations are not licenses of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act and that the authority contained therein terminates on the date specified in such authorizations regardless of whether or not a timely application has been filed for renewal thereof:

(1) Authorizations granted for a specified period of less than 180 days.

(2) Authorizations which terminate upon the happening of an event, fulfillment of a condition, or occurrence of a contingency.

(b) A "timely" application for a renewal of a temporary authorization or a new authorization granting the same authority is one filed not later than 60 days prior to the expiration date of said temporary authorization or such other period of time prior to the expiration of said temporary authorization as may be specified in a specifically applicable rule or in the order granting the said authority. In the case of authorizations terminating alternatively upon the happening of an event or the arrival of a specified date, whichever occurs first, the specified date shall be controlling as to the timeliness of a renewal application, pursuant to this section: *Provided*, That notwithstanding the filing of a renewal application the occurrence of the event shall terminate the authorization.

(c) A "sufficient" application for a renewal of a temporary authorization or a new authorization granting the same authority is one which contains the information required by the applicable law and regulations, meets the requirements thereof as to form, and which does not seek substantially greater or different authority than that in the existing authorization.

(d) An application for a renewal of a temporary authorization or a new authorization granting the same authority shall be considered to be "finally determined" upon the effective date of the Board's Order denying or approving the application and such final determination shall not be affected by a petition for reconsideration unless specifically so ordered.

§ 290.2 Procedure to obtain Board interpretation.

In any case not clearly settled by this part, the Board will determine upon written request by an air carrier to which a temporary authorization has been granted pursuant to sections 101(3), 401, 408, 409, 412, and 416(b) of the Federal Aviation Act, or it may determine upon its own initiative whether under section 9(b) of the Administrative Procedure Act any authority granted is continued in force beyond the expiration date specified in such authorization and until final determination of a timely application for a renewal thereof or for a new authorization granting the same authority. In order to afford sufficient time for consideration and action thereon, a written request for such a determination shall be filed not later than 60 days prior to the expiration date of the temporary authorization: *Provided*, That filing of such written request, and Board action thereon, shall not affect the timeliness of applications for renewal of a temporary authorization or a new authorization granting the same authority pursuant to § 290.1(b) or other applicable Board regulation or order.

§ 290.3 Effect of part.

Nothing in this part shall be construed as preventing the Board from terminating at any time, in accordance with law, any temporary authorization or any extension thereof; and nothing in the part shall be construed as a determination that any given temporary authorization is a license within the meaning of section 9(b) of the Administrative Procedure Act.

[F.R. Doc. 59-463; Filed, Jan. 16, 1959; 8:48 a.m.]

[14 CFR Part 292]

[Economic Regs. Draft Release 105]

CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

Irregular-Route and Charter Operations

JANUARY 14, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 292

No. 12—4

of the Economic Regulations designed to implement its policy determinations in the Intra-Alaska Case, Docket No. 6093, et al.

The principal features of the proposed regulation are explained in the Explanatory Statement set forth below, and reasons therefor are described more fully in the Board's opinion in the Intra-Alaska Case. The proposed amendments are set forth below.

This regulation is proposed under the authority of sections 204(a), 401 and 416(a) of the Federal Aviation Act of 1958. (72 Stat. 743, 754, 771; 49 U.S.C. 1324, 1371, 1386.)¹

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 triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D.C. All communications received on or before February 16, 1959 will be considered by the Board before taking further action upon the proposed rule. Copies of such communications will be available on or after February 18, 1959, for examination by interested persons in the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D.C.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,
Acting Secretary.

Explanatory statement. Under present Part 292 of the Economic Regulations, Alaskan air carriers, under the so-called irregular-route authority, may conduct, over a route designated in their certificate of public convenience and necessity, scheduled operations to such additional points not named in the certificate as are situated within the territory which would ordinarily be served by such route. On the other hand, such carriers may conduct charter trips and other special services, to or from points outside of the route they are authorized to serve only on an infrequent and irregular basis.

In its Opinion and Order No. E-13376 in the Intra-Alaska Case, Docket No. 6093, et al., issued concurrently herewith, the Board amended the certificates of public convenience and necessity of certain Alaskan air carriers to authorize such carriers to provide scheduled service to noncertificated points which are not more than 25 miles off the airline course of such carriers' routes.

In addition, the Board ordered the issuance of a notice of proposed rule making to amend Part 292 of the Board's Economic Regulations to eliminate the irregular-route authority contained therein. Thus all the irregular-route authority of the Alaskan air carriers would be set forth in their respective certificates. However, to meet any additional demands for service, the Board

¹ As transmitted to the President with the Board's decision in the Intra-Alaska Case, this regulation was proposed "under the authority of sections 205(a), 401 and 416(a) of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 987, 1004; 49 U.S.C. 425, 481, 496.)"

proposed to provide greater latitude in the operation of charter service by eliminating the provision that charter trips be infrequent and irregular.

It is noted that present Part 292 contains certain designations which are no longer in existence and requires other editorial changes. These changes would not require public notice and will be made upon adoption of a final regulation.

It is proposed to amend Part 292 of the Economic Regulations (14 CFR Part 292), Classification and Exemption of Alaskan Air Carriers, as follows:

1. By amending § 292.2 by deleting paragraph (a) and by redesignating paragraphs (b) and (c) as paragraphs (a) and (b).

2. By amending new paragraph (a) to read as follows:

(a) From making charter trips and rendering other special services between points on routes which it is authorized by its certificate to serve. (Charter trips and other special services may also be rendered to or from any other point within or outside the Territory of Alaska: *Provided, however*, That such trips originate at or are destined to a point on a route the carrier is authorized by its certificate to serve.)

[F.R. Doc. 59-462; Filed, Jan. 16, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 270]

DEFINITION OF PUBLIC OFFERING IN THE CASE OF A SMALL BUSINESS INVESTMENT COMPANY UNDER CERTAIN CIRCUMSTANCES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of identical rules under the Securities Act of 1933 and the Investment Company Act of 1940 defining the term "public offering" to exclude under certain conditions the offering of the stock of small business investment companies to small business concerns pursuant to the requirements of the Small Business Investment Act of 1958. The proposed rules will, in the Commission's view, tend to effectuate the purposes and objectives of the Small Business Investment Act without adversely affecting the public investor interest or achievement of the statutory purposes of the Securities Acts administered by the Commission.

Under section 304(d) of the Small Business Investment Act, whenever, a small business investment company provides capital to a small-business concern through the purchase of the latter's convertible debenture bonds, the small-business concern is required to purchase stock of the small business investment company in an amount equal to not less than 2 percent nor more than 5 percent of the capital so provided in accordance

with regulations prescribed by the Administrator of the Small Business Administration. Such regulations recently promulgated by the Administrator specify certain minimum amounts of such stock which a small-business concern is required to purchase depending upon the amounts of capital which it obtains from a small business investment company through the issuance of convertible debenture bonds.

It has been suggested that the purchase and sale of the investment company's capital stock under these circumstances is intended to serve purposes other than that of raising capital for the investment company and that there is no public offering of stock within the intent and provisions of the Securities Act and the Investment Company Act. Nevertheless, since the requirements of the Small Business Investment Act and the rules and regulations thereunder necessitate that the investment company in its role as a provider of capital continually stand ready to sell its stock to small business concerns, a continuous disposition of stock by the small business investment company may well be involved. The Commission, therefore, pursuant to the provisions of section 19(a) of the Securities Act of 1933 and

section 38(a) of the Investment Company Act of 1940, is considering the adoption of rules of interpretation determining that, under certain conditions, such an offering of capital stock by a small business investment company shall not be deemed a public offering.

Sections 230.151 and 270.3c-1 are proposed to read as follows:

Definition of certain terms included in section 4(1) of the Securities Act of 1933 and section 3(c)(1) of the Investment Company Act of 1940 as applied to a small business investment company

(a) The term "transactions by an issuer not involving any public offering" as used in section 4(1) of the Securities Act of 1933 shall be deemed to include the offer for sale, and any sale, of the capital stock of a small business investment company, licensed as such under the Small Business Investment Act of 1958, to a small business concern in not more than the minimum amount required under the provisions of section 304 of the Small Business Investment Act of 1958 and the rules and regulations thereunder provided that:

(1) Such offer or sale is made only in connection with and as a condition to the purchase of debenture bonds from such

small business concern by such small business investment company, and

(2) The capital stock acquired by each small business concern in connection with such offer and sale is purchased for investment and not with a view to the distribution of such stock.

(b) The term "public offering" as used in section 3(c)(1) of the Investment Company Act of 1940 shall not be deemed to include an offering described in paragraph (a) of this section.

All interested persons are invited to submit views and comments on the proposed rule. Written statements of views and comments and any requests for oral argument in respect of the proposed rule should be submitted to the Securities and Exchange Commission, Washington 25, D.C., on or before February 4, 1959. Unless the person submitting any statement requests that his views not be made part of the Commission's public files, they will be made available for public inspection.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

JANUARY 12, 1959.

[F.R. Doc. 59-448; Filed, Jan. 16, 1959;
8:46 a.m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-615]

ALF TOMSEN & CO

Order Temporarily Revoking and Denying Export Privileges

In the matter of Alf Tomsen & Co., Warburgstrasse 33, Hamburg 36, Federal Republic of Germany, respondent.

The Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, applied to the Compliance Commissioner, pursuant to the provisions of § 382.11 of the Bureau of Foreign Commerce Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations) for an order temporarily denying to Alf Tomsen & Co., the respondent herein, all United States export privileges pending completion of an investigation of alleged violations of the Export Regulations by said respondent.

The Compliance Commissioner, having considered the evidence submitted in support of said application, has reported the facts upon which the application is based, from which it appears that there is reasonable ground to believe that the respondent has transhipped to unauthorized destinations electronic materials exported from the United States in contravention of the terms of the export licenses and destination control notices related thereto, that the respondent indicates its intention to continue to obtain goods exported from the United States

and to transship them to unauthorized destinations regardless of destination controls which may be attached to such goods, and that, if permitted to continue to obtain such goods, the respondent will be in a position to transship the same without hindrance and in disregard of the controls applicable thereto.

The Compliance Commissioner has recommended that the application be granted to the extent hereinafter provided and

It appearing that the facts of this case require additional investigation and that it is contrary to the public interest at this time that said respondent and persons and firms associated with it be permitted to participate in any exportations from the United States and that the temporary denial recommended by the Compliance Commissioner is reasonable and necessary to protect the public interest and to effectuate effective enforcement of the law: *It is ordered:*

(1) All outstanding validated export licenses in which the respondent, Alf Tomsen & Co., appears or participates as purchaser, intermediate consignee, ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The said respondent, Alf Tomsen & Co., its agents, servants, and employees, and all persons and firms associated with it, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity or technical data from the United States to any foreign destination, including Can-

ada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party or as representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) Such denial of export privileges shall apply not only to the said respondent, but also to any other person, firm, corporation, or business organization with which the respondent may be now or hereafter related by ownership, affiliation, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith;

(4) This order shall take effect forthwith and shall remain in effect for a period of thirty days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of Foreign Commerce, shall directly or in-

directly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a re-exportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereof receive any benefit or have any interest or participation of any kind or nature, direct or indirect;

(6) A certified copy of this order shall be served upon the respondent.

(7) In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: January 14, 1959.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F.R. Doc. 59-461; Filed, Jan. 16, 1959;
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration ORGANIZATION AND FUNCTIONS

The following description of the organization, functions and procedures, etc. of the Food and Drug Administration is published pursuant to section 3(a) of the Administrative Procedure Act (60 Stat. 237, as amended; 5 U.S.C. 1002(a)) and § 1.45(a) of the Federal Register Regulations (1 CFR 1.45(a)), revoking the description of this agency published in the FEDERAL REGISTER of September 5, 1956 (21 F.R. 6682) and all subsequent amendments.

- I. Organization.
- II. Functions and procedures.
- III. Delegations of authority.
- IV. Availability of information.

I. Organization.—A. Creation and authority. The name Food and Drug Administration was first provided by the Agricultural Appropriation Act of 1931, approved May 27, 1930 (46 Stat. 392), although the law-enforcement functions had been carried on under different organizational titles since January 1, 1907, when the Food and Drugs Act of 1906 (34 Stat. 3915; 21 U.S.C. 1, secs. 1-15) became effective. The Food and Drug Administration and its functions necessary for the enforcement of the five acts named in II were transferred from the Department of Agriculture to the Federal Security Agency, effective June 30,

1940, in accordance with the provisions of the President's Reorganization Plan IV. With the enactment of Reorganization Plan I of 1953 (67 Stat. 18; note under 5 U.S.C. 623), the Federal Security Agency became the Department of Health, Education, and Welfare.

B. Washington headquarters. The central organization of the Food and Drug Administration consists of the Offices of the Commissioner and Deputy Commissioner, the Divisions of Administrative Management, Federal-State Relations, and Public Information, and the following Bureaus:

Bureau of Biological and Physical Sciences.
Bureau of Enforcement.
Bureau of Field Administration.
Bureau of Medicine.
Bureau of Program Planning and Appraisal.

The Offices of the Commissioner and Deputy Commissioner, the Divisions of Administrative Management, Federal-State Relations, and Public Information, and the Bureaus of Enforcement and Field Administration are in the Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington 25, D.C. The Bureau of Medicine is located at 501 First Street SE., Washington 25, D.C. The Bureau of Program Planning and Appraisal is located in Temporary R Building (Room 2406), Fourth and Jefferson Drive SW., Washington 25, D.C. The Bureau of Biological and Physical Sciences and all the Divisions functioning under that Bureau, with the exception of the Division of Cosmetics, are in the South Agriculture Building, 12th and C Streets SW., Washington 25, D.C. The Division of Cosmetics is located at 501 First Street SE., Washington 25, D.C.

C. Field Service. The field organization of the Food and Drug Administration consists of seventeen district offices. The district headquarters and inspection stations are as follows:

Atlanta District: Room 416 Federal Annex, Atlanta 3, Ga.

Inspection stations: U.S. Post Office and Courthouse Building, Charlotte 1, N.C. (P.O. Box 1516). U.S. Post Office and Customhouse Building, Jacksonville 1, Fla. (P.O. Box 4937). U.S. Appraiser's Stores, Tampa 1, Fla. (P.O. Box 1166).

Baltimore District: Room 800, U.S. Appraiser's Stores, 103 South Gay Street, Baltimore 2, Md.

Inspection stations: Room 319, Federal Building, Charleston 23, W. Va. (P.O. Box 641). Room 217, Franklin Building, Norfolk 10, Va. Room 3, American Legion Headquarters Building, Raleigh, N.C. (P.O. Box 1310). Room 203, 600 Independence Avenue SW., Food and Drug Administration, Washington 25, D.C.

Boston District: Room 805, U.S. Appraiser's Stores Building, 408 Atlantic Avenue, Boston 10, Mass.

Inspection stations: U.S. Post Office Building, Hartford 1, Conn. (P.O. Box 396). Room 401, Main Post Office Building, Providence 3, R.I.

Buffalo District: Room 415, Post Office Building, South Division and Ellicott Streets, Buffalo 3, N.Y.

Inspection stations: Room 217, Post Office Building, Albany 1, N.Y. Room 303, Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa. Room 417, Federal Building, Rochester, N.Y.

Chicago District: Room 1222, Main Post Office Building, Van Buren and Canal Streets, Chicago 7, Ill.

Inspection stations: Room 1027, Federal Building, 231 West Lafayette Boulevard, Detroit 26, Mich. Room 305, U.S. Appraisers Stores Building, 628 East Michigan Street, Milwaukee 2, Wis. (P.O. Box 850).

Cincinnati District: Room 501, U.S. Post Office and Courthouse Building, Cincinnati 2, Ohio.

Inspection stations: Room 313, Francis Building, Louisville 2, Ky. Room 2, New Post Office Building, Cleveland 13, Ohio. Room 305, Old Post Office Building, Columbus 15, Ohio. Room 241, State Board of Health Building, 1330 West Michigan Street, Indianapolis 7, Ind. Room 762, U.S. Courthouse, Nashville 3, Tenn.

Denver District: Room 573, New Customhouse Building, Denver 2, Colo.

Inspection station: Room 203-0, Terminal Building, Salt Lake City 10, Utah.

Detroit District: 1560, East Jefferson Street, Detroit 16, Mich.

Kansas City District: Room 330, U.S. Courthouse, Kansas City 6, Mo.

Inspection stations: Room 104 Municipal Building, Oklahoma City, Okla. Room 413, Federal Office Building, Omaha 2, Nebr.

Los Angeles District: Room 514, 1401 South Hope Street, Los Angeles 15, Calif.

Inspection stations: Pier A, Berth 5, Long Beach, Calif. Room 100-A, Ellis Building, Phoenix, Ariz.

Minneapolis District: Room 201, Federal Building, Washington and Third Avenue, South, Minneapolis 1, Minn.

Inspection station: Room 220, Old Federal Building, Des Moines 9, Iowa.

New Orleans District: Room 224, Customhouse, 423 Canal Street, New Orleans 16, La.

Inspection stations: Room 241, Post Office Building, Fifth Avenue and 19th Street, North, Birmingham 1, Ala. (P.O. Box 1649). Room 1810, Santa Fe Building, Dallas 22, Tex. (P.O. Box 5449). Room 103, Veterans Administration Building, Houston 14, Tex. (P.O. Box 4240).

New York District: Room 1200, 201 Varick Street, New York 14, N.Y.

Inspection station: Room B93, Post Office Building, Newark 1, N.J. (P.O. Box 204).

Philadelphia District: Room 1204, Customhouse Building, Second and Chestnut Streets, Philadelphia 6, Pa.

Inspection station: Room 4, Studebaker Building, 201 State Street, Harrisburg, Pa. (P.O. Box 527).

St. Louis District: Room 1007, New Federal Building, 1114 Market Street, St. Louis 1, Mo.

Inspection stations: Room 541, Post Office Building, Little Rock, Ark. (P.O. Box 1658). Room 209, Hickman Building, Memphis 3, Tenn. (P.O. Box 1161). Room 51, Post Office Building, 100 North Munroe Street, Peoria, Ill. (P.O. Box 217). Room 240, Post Office Building, Springfield, Mo. (P.O. Box 267).

San Francisco District: Room 506, Federal Office Building, San Francisco 2, Calif.

Inspection station: Room 304, Federal Office Building, Fresno, Calif. (P.O. Box 169).

Seattle District: Room 501, Federal Office Building, Seattle 4, Wash.

Inspection stations: Room 406, U.S. Customhouse Building, Portland 9, Oreg. Room 321, Federal Building, Spokane 1, Wash.

II. Functions and procedures.—A. Law enforcement. The Food and Drug Administration, acting under the supervision of the Secretary of Health, Education, and Welfare, administers the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (15 U.S.C. 401 et

¹ The Detroit District will begin functioning early in 1959.

seq.), the Federal Import Milk Act (21 U.S.C. 141 et seq.); and the Federal Filled Milk Act (21 U.S.C. 61 et seq.). In the enforcement of these acts and related duties, the following procedures have been established:

1. Evidence acquired through examinations and investigations by the Food and Drug Administration of violations of any of the acts listed above, on which criminal, libel for condemnation, or injunction proceedings are contemplated under the authority of such act, is referred by the Secretary of Health, Education, and Welfare to the Department of Justice with recommendation for the institution of such proceedings.

2. Any interested person may propose to the Secretary of Health, Education, and Welfare the issuance, amendment, or repeal of any regulation authorized by any law listed above. The request should describe the representative capacity, if any, of the applicant and set forth the proposal in general terms, and should state reasonable grounds therefor. Reasonable grounds include a description of what the person proposing the action will prove if a hearing is held. Failure to state with reasonable precision the grounds relied upon to support a proposal for the issuance, amendment, or repeal of a regulation will result in denial of the proposal. Denial of the proposal will also result if the grounds relied upon by the person proposing the action would not support the proposed action even if proved at a hearing. Proceedings on proposals with respect to regulations under sections 408 (d) and (e); 409, 507(f), and 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a (d) and (e); 346b, 357(f), and 371(e)) are prescribed in those sections and in the rules of practice for hearings under section 701(e) which appear in Title 21 of the Code of Federal Regulations. Proposals with respect to regulations on which no hearing is required are announced for informal public hearings or for the submission of written comments, unless such proposals are clearly noncontroversial, relate solely to the internal management of the Department, or involve interpretative rules, statements of policy, procedure, or practice.

3. Procedure governing imports under the Federal Food, Drug, and Cosmetic Act is prescribed in the Code of Federal Regulations (21 CFR 1.315 et seq.); procedure governing imports under the Federal Caustic Poison Act is prescribed by 21 CFR Part 285. Appeals from decisions under either act of officers of districts are informal and may be made by letter or in person by the importer or his representative.

4. Procedure governing the filing of applications with respect to new drugs pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is prescribed by Part 130 of the Code of Federal Regulations. Copies of the form to be followed in preparing applications may be obtained from the Commissioner of Food and Drugs, the Bureau of Medicine, and the districts. A procedure for hearings in relation to removing the prescription

limitation from drugs limited to prescription by effective new-drug applications is contained in § 130.101(b) of the Code of Federal Regulations (21 CFR 130.101(b)).

5. Procedure governing the importation of merchandise subject to the Tea Importation Act is prescribed in 21 CFR Part 281. Forms may be obtained from the Commissioner of Food and Drugs, the New York and San Francisco Districts, and from any Collector of Customs.

6. Procedure governing the importation of milk and cream under the Federal Import Milk Act is prescribed by 21 CFR Part 290. Forms may be obtained from the Commissioner of Food and Drugs and from the Veterinary Director General, Health of Animals Division, Department of Agriculture, Ottawa, Canada. Canadian shippers may obtain from the Veterinary Director General information as to the Canadian officials who are available to supervise tests and examinations.

7. Procedure governing the certification of coal-tar colors under the Federal Food, Drug, and Cosmetic Act is prescribed in 21 CFR Part 9. Specimen forms for use as guides in preparing requests for certification of batches of straight colors, color mixtures, and repacked colors may be obtained from the Commissioner of Food and Drugs, the Division of Cosmetics, Bureau of Biological and Physical Sciences, and the districts.

8. Procedure for the certification under the Federal Food, Drug, and Cosmetic Act of drugs composed wholly or partly of insulin is prescribed by 21 CFR Part 164. Specimen forms for use as guides in preparing requests for certification of insulin-containing drugs may be obtained from the Commissioner of Food and Drugs and the Division of Pharmacology, Bureau of Biological and Physical Sciences.

9. Procedure for the certification under the Federal Food, Drug, and Cosmetic Act of drugs composed wholly or partly of penicillin, streptomycin, dihydrostreptomycin, chlortetracycline, tetracycline, bacitracin, or chloramphenicol is prescribed in 21 CFR Parts 146, 146a, 146b, 146c, 146d, and 146e. Specimen forms for use as guides in preparing the applications and requests for certification or exemption from certification may be obtained from the Commissioner of Food and Drugs and the Division of Antibiotics, Bureau of Biological and Physical Sciences.

10. Procedures governing the establishment of tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities under the Federal Food, Drug, and Cosmetic Act are prescribed in 21 CFR Part 120. Copies of these regulations including § 120.7, which outlines the data required to be submitted in petitions, may be obtained from the Commissioner of Food and Drugs and the Director of the Bureau of Biological and Physical Sciences.

11. Procedures governing the issuance of regulations with respect to food additives may be found in 21 CFR Part 121. Copies of these regulations may be ob-

tained from the Commissioner of Food and Drugs.

12. Procedure governing the service of inspection of establishments packing sea food under the Federal Food, Drug, and Cosmetic Act and applications therefor is prescribed in the case of processed shrimp and canned oysters by 21 CFR Part 85. Forms for application for such service, its renewal or extension may be obtained from the Commissioner of Food and Drugs and the Atlanta or New Orleans District.

13. Informal conferences may be arranged for discussion of any subject pertaining to the functions of the Food and Drug Administration, although the scope of discussion of pending court cases is necessarily limited. Such conferences are particularly encouraged in connection with the formulation of proposals to issue, amend, or repeal regulations.

14. Procedures governing the issuance of temporary permits for interstate shipment of experimental packs of food varying from the requirements of applicable definitions and standards of identity established pursuant to the authority of the Federal Food, Drug, and Cosmetic Act are prescribed in 21 CFR 3.12. Copies of these regulations, in which are outlined the information to be contained in applications for such permits, may be obtained from the Commissioner of Food and Drugs.

III. *Delegations of authority.* A. Final authority vested in the Secretary of Health, Education, and Welfare under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, the Federal Import Milk Act, the Federal Filled Milk Act, and the Tea Importation Act was delegated to the Commissioner of Food and Drugs by the Secretary in section 10.20 (1) and (2) of the Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare, published in the FEDERAL REGISTER of February 20, 1957 (22 F.R. 1045), except the reservations of authority contained in sections 2.50 (Part 2) and 10.30 (Part 10) of the above-referenced statement. (FEDERAL REGISTER of December 6, 1958 (23 F.R. 9500)).

B. Pursuant to section 10.40 of Part 10 of the Statement of Organization and Delegations of Authority promulgated by the Secretary of Health, Education, and Welfare in the FEDERAL REGISTER of February 20, 1957 (22 F.R. 1045), final authority of the Commissioner of Food and Drugs is delegated as set forth below. Unless otherwise specified, the authority contained in section 10.20 of the above-referenced Statement of Organization and Delegations of Authority is retained by the Commissioner of Food and Drugs.

1. *General delegation of authority.* The Deputy Commissioner of Food and Drugs is authorized to perform all the functions of the Commissioner of Food and Drugs.

2. *Designations to hold hearings.* The Director of the Bureau of Field Administration is authorized to designate officers and employees to hold hearings prior to criminal proceedings pursuant to sec-

tions 305 and 701(c) of the Federal Food, Drug, and Cosmetic Act.

3. *Authorization of officials to request samples of imports.* The Director of the Bureau of Field Administration may authorize officials to request, pursuant to section 801(a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices, and cosmetics imported or offered for import, in order to determine whether such articles are in compliance with the act, and to conduct hearings at the request of the owner or consignee.

4. *Certification of true copies and use of Department seal.* The Director of the Bureau of Enforcement may certify true copies of documents and cause the seal of the Department of Health, Education, and Welfare to be affixed to such copies.

5. *Delegation regarding disclosure of Official records.* The Director of the Bureau of Enforcement and the Director of the Division of Regulatory Management of that Bureau are authorized to make determination to disclose official records and information in accordance with § 4.1 of Title 21 of the Code of Federal Regulations (21 CFR 4.1; 20 F.R. 9554).

6. *Delegation regarding certification of coal-tar colors.* The Director of the Bureau of Biological and Physical Sciences, the Director of the Division of Cosmetics and the Chiefs of the Color Certification Branch and the Special Investigations Branch of that Division are authorized to certify batches of coal-tar colors for use in food, drugs, or cosmetics, pursuant to sections 406(b), 504, and 604 of the Federal Food, Drug, and Cosmetic Act.

7. *Delegation regarding pesticides.* The Director of the Bureau of Biological and Physical Sciences is authorized to publish notices of the filing of pesticide petitions, pursuant to section 408(d) (1) of the Federal Food, Drug, and Cosmetic Act.

8. *Delegation regarding certification of insulin.* The Director of the Bureau of Biological and Physical Sciences, the Director of the Division of Pharmacology, and the Chief and Acting Chief of the Insulin Branch of the Division of Pharmacology are authorized to exercise the functions and duties of the Commissioner under the regulations insofar as such duties and functions involve the certification of batches of drugs containing insulin as contemplated by § 164.3(a) or approval of the use of materials as contemplated by § 164.2 (j) and (k) (21 CFR Part 164).

9. *Delegation regarding certification of antibiotic drugs.* The Director of the Bureau of Biological and Physical Sciences and the Director and Assistant Directors of the Division of Antibiotics are authorized to certify or reject batches of drugs containing penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative of these drugs, pursuant to section 507(a) of the Federal Food, Drug, and Cosmetic Act.

10. *Delegations regarding acceptance of process and reporting violations to the*

Department of Justice. The Assistant General Counsel in charge of the Food and Drug Division is authorized to accept services of process pursuant to sections 408(i) (1), 409, 505(h), and 701 (f) (1) of the Federal Food, Drug, and Cosmetic Act, and to report apparent violations to the Department of Justice for the institution of criminal proceedings, pursuant to section 305 of the Federal Food, Drug, and Cosmetic Act and section 9(b) of the Federal Caustic Poison Act.

IV. *Availability of information—A. Public records.* Public records pertaining to the functions of the Food and Drug Administration, including records of formal and informal public hearings on proposals to issue, amend, or repeal regulations, are available for inspection at the office of the Hearing Clerk, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D.C.

B. *Official records.* Disclosure of official records and information on investigations by the Food and Drug Administration pursuant to its law-enforcement program is subject to the procedure described in 21 CFR 4.1.

C. *Making submittals and requests.* 1. The following should be directed to the Secretary of Health, Education, and Welfare and mailed to the Commissioner of Food and Drugs:

a. Applications for the issuance, amendment, or repeal of any regulation authorized by law.

b. Applications with respect to new drugs submitted pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

c. Applications for permits under the Federal Import Milk Act.

2. Requests for certification of batches of coal-tar colors, drugs composed wholly or partly of insulin, and drugs composed wholly or partly of penicillin, streptomycin, dihydrostreptomycin, chloramphenicol, chlortetracycline, tetracycline, or bacitracin should be directed to the Commissioner of Food and Drugs or the Bureau of Biological and Physical Sciences.

3. Applications for the granting of sea food inspection service at establishments packing processed shrimp or canned oysters should be directed to the Atlanta District or the New Orleans District.

4. Petitions for the establishment of tolerances or granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities should be submitted in duplicate to the Pesticide Branch, Bureau of Biological and Physical Sciences.

5. Petitions for the issuance of a regulation covering the use of food additives should be submitted in triplicate to the Commissioner of Food and Drugs.

D. *Inspection of orders and opinions.* 1. Final orders and opinions involving detention of importations under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, and the Tea Importation Act are available for inspection at the offices of the Food and Drug Administration where issued, except those that are designated for good

cause to be confidential and not cited as precedents.

2. Final orders and opinions of the Secretary issued under section 505 (d), (e), and (f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (d), (e), and (f)) involving new-drug matters are available for inspection at the Office of the Commissioner of Food and Drugs, except those that are designated for good cause to be confidential and not cited as precedents.

E. *General information.* General information pertaining to the functions of the Food and Drug Administration may be obtained from any of the offices listed in I-C. Responses to letters directed to inspection stations are likely to be delayed, since inspectors assigned to such stations are frequently absent on official travel. Earlier responses to inquiries concerning the legality of new products or processes or to suggestions involving change in policy are ordinarily obtained by directing such requests and suggestions to the Commissioner of Food and Drugs.

Dated: December 31, 1958.

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

[F.R. Doc. 59-458; Filed, Jan. 16, 1959;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12586; FCC 59M-41]

M.V.W. RADIO CORP. ET AL.

Order Continuing Prehearing Conference and Hearing

In re applications of M.V.W. Radio Corporation, San Fernando, California, Docket No. 12586, File No. BP-10888; KGB, Incorporated (KGB), San Diego, California, Docket No. 12587, File No. BP-11103; Robert S. Marshall, Newhall, California, Docket No. 12588, File No. BP-11705; William H. Wilson and Shirley Ann Wilson, d/b as Wilson Broadcasting Company, Oxnard, California, Docket No. 12589, File No. BP-11911; for construction permits.

Pursuant to a motion filed by KGB, Incorporated, on January 5, 1959, entitled Motion for Postponement of Dates for Exchange of Engineering Exhibits, Informal Engineering Conference, Future Pre-Hearing Conference and Hearing, which contains allegations of fact concerning illness of engineering associates sufficient to demonstrate good cause for the relief requested, and with the consent of all other parties to grant of the requested continuances; *It is ordered*, This 12th day of January, 1959, that the following changes will be effected in the dates governing future steps to be taken in this proceeding:

Exchange of Engineering Exhibits, changed from January 5, 1959, to January 19, 1959;

Engineering Conference, changed from January 15, 1959, to January 29, 1959;

Further Pre-Hearing Conference, changed from February 2, 1959, to February 19, 1959;

NOTICES

Hearing, changed from February 5, 1959, to February 24, 1959.

Released: January 13, 1959.

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

[F.R. Doc. 59-466; Filed, Jan. 16, 1959; 8:49 a.m.]

[Docket Nos. 12694, 12695; FCC 59M-46]

TRI-COUNTY BROADCASTING CO. AND RADIO MISSOURI CORP. (WAMV)

Order Continuing Prehearing Conference

In re-applications of Sidney E. Simpson & Wilbur J. Meyer, d/b as Tri-County Broadcasting Company, Jerseyville, Illinois, Docket No. 12694, File No. BP-11423; Radio Missouri Corporation (WAMV), East St. Louis, Illinois, Docket No. 12695, File No. BP-12193; for construction permits.

The Hearing Examiner having under consideration informal request of counsel for Tri-County Broadcasting Company for continuance of the prehearing conference herein;

It appearing that counsel for all other participating parties have informally consented to immediate consideration and grant of the request;

It is ordered, This 12th day of January 1959, that the above request is granted; and the prehearing conference now scheduled for January 16, 1959 is continued until January 21, 1959, at 2:00 p.m.

Released: January 13, 1959.

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

[F.R. Doc. 59-467; Filed, Jan. 16, 1959; 8:49 a.m.]

[Docket No. 12708; FCC 59M-48]

DIAMOND TAXI OF SCHENECTADY, INC.

Order Scheduling Hearing

In the matter of Diamond Taxi of Schenectady, Inc., 110 Wall Street, Schenectady, New York, Docket No. 12708; order to show cause why there should not be revoked the License of Taxicab Radio Station KED-456.

It is ordered, This 13th day of January 1959 that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 27, 1959, in Washington, D.C.

Released: January 14, 1959.

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

[F.R. Doc. 59-468; Filed, Jan. 16, 1959; 8:49 a.m.]

[Docket No. 12724; FCC 59M-50]

LODRIGUESS, KIFFE

Order Scheduling Hearing

In the matter of Lodriguess Kiffe, P. O. Box 241, Cut Off, Louisiana, Docket No. 12724; order to show cause why there should not be revoked the License for Radio Station WE-8429 aboard the vessel "Captain Rickey."

It is ordered, This 13th day of January 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 18, 1959, in Washington, D.C.

Released: January 14, 1959.

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

[F.R. Doc. 59-469; Filed, Jan. 16, 1959; 8:49 a.m.]

[Docket No. 12725; FCC 59M-49]

JOHN G. MURLEY

Order Scheduling Hearing

In the matter of John G. Murley, 107 North William Street, Fairhaven, Massachusetts, Docket No. 12725; order to show cause why there should not be revoked the License for Radio Station WB-3638 aboard the vessel "Teresa and Jean".

It is ordered, This 13th day of January 1959, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 19, 1959, in Washington, D.C.

Released: January 14, 1959.

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

[F.R. Doc. 59-470; Filed, Jan. 16, 1959; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 167-36]

[CGFR 58-56]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, and by 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions vested in the Secretary of the Treasury by:

1. 10 U.S.C. 2571 as amended by Clause 49 of section 1 of Public Law 85-861, pertaining to the interchange of property and services between the armed forces.

2. Executive Order No. 10789 pertaining to contracts to facilitate the national defense, but only for actions obligating \$50,000 or less.

The Commandant may make provisions for the performance by subor-

dinates in the Coast Guard of the functions delegated herein.

Dated: January 13, 1959.

[SEAL] A. GILMORE FLUES,
Acting Secretary
of the Treasury.

[F.R. Doc. 59-457; Filed, Jan. 13, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9554 etc.]

HASSIE HUNT TRUST

Order Severing Proceedings and Terminating Proceedings

JANUARY 12, 1959.

In the matters of Hassie Hunt Trust, Docket Nos. G-9554, G-11123, G-11906, G-13472 and G-13529.

These proceedings involving certain increased rates and charges proposed by Hassie Hunt Trust (Hassie Hunt) were consolidated for hearing by Commission order issued April 28, 1958. Involved in this proceeding are Hassie Hunt's FPC Gas Rate Schedule No. 4 in Docket Nos. G-9554, G-11123 and G-13529, Hassie Hunt's FPC Gas Rate Schedule No. 20 in Docket No. G-11906, and Hassie Hunt's FPC Gas Rate Schedule No. 14 in Docket No. G-13472. Hassie Hunt sells the gas to Texas Eastern Transmission Corporation under its FPC Gas Rate Schedule Nos. 4 and 20 and to Louisiana Nevada Transit Company under its FPC Gas Rate Schedule No. 14. Hassie Hunt had proposed a rate of 17.0 cents per Mcf for Rate Schedule No. 20 and 13.8456 cents per Mcf for Rate Schedule No. 4, both exclusive of Louisiana State severance and production taxes.

On June 10, 1958, Louisiana Nevada Transit Company (Louisiana Nevada) filed a motion for severance of Docket No. G-13472 from these consolidated proceedings and for consolidation of that docket in the matter of Midstates Oil Corporation, et al., Docket No. G-4932, et al. The latter consolidated proceedings involve the sale of gas, produced in the Cotton Valley Field in Louisiana, to Louisiana Nevada, and include, among numerous other dockets, the proceedings in Docket No. G-8618 involving Hassie Hunt Trust's FPC Gas Rate Schedule No. 14. The proceedings in Docket No. G-13472 also involves a proposed change in rate contained in the said Rate Schedule No. 14. This motion for severance was denied by Commission order of August 15, 1958. However, this order, was stayed and rehearing was granted by order issued October 10, 1958. Because of the order granting rehearing Hassie Hunt's Rate Schedule No. 14 was not considered in these instant proceedings and Docket No. G-13472 should be severed from this consolidation.

Pursuant to Commission order, this matter came on for public hearing on June 30, 1958, at which time Hassie Hunt presented its case. This presentation was made on a company-wide basis and both field price and cost evidence were introduced. Hassie Hunt made two cost of service presentations; one employing

a Btu content allocation and the other using reservoir space and relative value allocations. No allowances were included for Federal income taxes. After Hassie Hunt presented its case, the matter was continued until September 30, 1958, and then further continued until November 5, 1958.

Upon resumption of the hearing on November 5, 1958, cross-examination of Hassie Hunt's witnesses was conducted by the staff. One such witness, who was not then available, remains subject to cross-examination.

On December 8, 1958, when hearings were resumed the staff submitted six exhibits for the record. This presentation was made on a company-wide basis including allocation of non-productive exploration and development costs on the basis of company-wide revenues, allocation of joint production costs on the basis of the relative value method, and allowance of return on net investment at the rate of ten percent. The exhibits included a cost of service without any allowance for Federal income tax. In addition, in order that the computations would be available to the Examiner and the Commission, a supplemental cost of service was presented, for illustrative purposes only, which contained an allowance to show the effect of including Federal income taxes at the corporate rate of 52 percent.

Counsel for Hassie Hunt waived the requirement that the exhibits proposed by the staff be sponsored by a witness and waived cross-examination with respect thereto. Staff counsel stated that the exhibits as presented were for purposes of settlement only and were not necessarily the same exhibits that the staff would have presented if the proceedings ran the full usual procedure to a decision. After presentation of this evidence staff counsel moved for dismissal of these proceedings on the basis that existing rates under Hassie Hunt Trust's FPC Gas Rate Schedules Nos. 4 and 20 have not been shown to be unjust and unreasonable. Staff counsel also moved for the omission of the intermediate decision procedure, under § 1.30 (c) of the Commission's rules of practice and procedure, and also waived oral argument, the filing of briefs and the presentation of prepared findings and conclusions. All parties present at the hearing concurred in such motion. The Commission not having denied the motion to omit the intermediate decision procedure, it is deemed to be granted and the consolidated proceedings are before us on staff counsel's motion to dismiss.

Upon consideration of the total evidence presented in these proceedings, and without reaching any conclusions as to the procedures and methods used in the preparation thereof, we find that the proposed rates and charges of Hassie Hunt of 17.0¢ per Mcf¹ for its sale to Texas Eastern Transmission Corporation under Rate Schedule No. 20 and 13.8456¢ per Mcf¹ for its sale of natural gas to Texas Eastern Transmission Corporation under Rate Schedule No. 4 have not been shown to be unjust or un-

reasonable and should be allowed to become fully effective, and that the proceedings in Docket Nos. G-9554, G-11123, G-11906 and G-13529 should be terminated.

The Commission finds:

(1) Hassie Hunt Trust is an "independent producer" as defined in the Commission's Regulations under the Natural Gas Act, and a natural-gas company within the meaning of the Act.

(2) The proceeding in Docket No. G-13472 pertaining to Supplement No. 4 to Hassie Hunt's FPC Gas Rate Schedule No. 14 should be severed from these consolidated proceedings.

(3) The proposed rates and charges set forth in Supplements Nos. 7, 8 and 9 to Hassie Hunt's FPC Gas Rate Schedule No. 4 and Hassie Hunt's FPC Gas Rate Schedule No. 20 and Supplement No. 1 thereto have not been shown to be unjust, unreasonable, unduly discriminatory or preferential and should be allowed to become fully effective, and the proceedings in Docket Nos. G-9554, G-11123, G-11906 and G-13529 should be terminated.

The Commission orders:

(A) The proceeding in Docket No. G-13472 is hereby severed from these consolidated proceedings.

(B) The proceedings in Dockets Nos. G-9554, G-11123, G-11906 and G-13529 are hereby terminated.

(C) The increased rates and charges which are the subjects of the proceedings in Docket Nos. G-9554, G-11123, G-11906, and G-13529 shall be fully effective and Hassie Hunt Trust is relieved of the several undertakings filed in these proceedings to assure refunds of any amounts that may be required by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-439; Filed, Jan. 16, 1959;
8:45 a.m.]

[Docket No. G-8246]

APPELL DRILLING CO.

Notice of Application and Date of Hearing

JANUARY 12, 1959.

Take notice that Appell Drilling Company (Applicant), an independent producer with its principal place of business in Alice, Texas, filed, on December 20, 1954, as amended March 14, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, as amended, which is on file with the Commission and open to public inspection.

Applicant sells natural gas to The Altex Corporation from production in the Tom Graham West Field, Jim Wells County, Texas, for resale in interstate commerce, pursuant to a contract dated

July 8, 1952, which is on file with the Commission as Appell Drilling Company's FPC Gas Rate Schedule No. 1. This sale commenced prior to June 7, 1954.

Applicant filed a motion on July 1, 1955, to withdraw this application because Applicant allegedly did not sell gas in interstate commerce. By letter dated July 22, 1955, the Commission rejected Applicant's motion to withdraw application and treated the filing of July 1, 1955, as a request for status determination. This determination will be made at the hearing hereinafter scheduled.

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 February 12, 1959, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented by the application, as amended, and the filing of July 1, 1955, in Docket No. G-8246.

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 February 2, 1959.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-440; Filed, Jan. 16, 1959;
8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

CERTAIN OFFICIALS

Delegation of Authority With Respect to Publication in Newspapers of Advertisements, Notices, or Proposals

1. The Director, Division of General Services, the Director, Property Management Branch, and the Executive Officer, Division of General Services, Office of the Administrator, each is hereby empowered to authorize the publication in newspapers of necessary advertisements, notices, or proposals.

2. Each Regional Administrator, Regional Engineer, and Director, Administrative Management, HHFA Regional Office, and the Director for Northwest Operations, Region VI, is hereby empowered to authorize the publication in newspapers of necessary advertisements, notices, or proposals with respect to program activities within his jurisdiction.

3. The exercise of the authority delegated herein is subject to the provisions of 7 GAO 5200.

This delegation of authority supercedes the delegation respecting the same subjects effective August 10, 1957 (22 F.R. 6451), as amended effective March 5, 1958 (23 F.R. 1612, March 6, 1958).

(Rev. Stat. 3823, 44 U.S.C. 324; sec. 12 of Pub. Law 600, 79th Cong., 5 U.S.C. 22a)

¹Both excluding Louisiana State Tax.

Effective as of the 14th day of January 1959.

[SEAL] ALBERT M. COLE,
*Housing and Home Finance
Administrator.*

[F.R. Doc. 59-459; Filed, Jan. 16, 1959;
8:48 a.m.]

DIRECTOR, DIVISION OF GENERAL SERVICES; DIRECTOR, PROPERTY MANAGEMENT BRANCH; AND EXECUTIVE OFFICER, DIVISION OF GENERAL SERVICES

Delegation of Authority With Respect to Execution of Certain Leases and Contracts

The Director, Division of General Services, the Director, Property Management Branch, and the Executive Officer, Division of General Services, Office of the Administrator, Housing and Home Finance Agency, each is hereby authorized to execute leases and contracts (except for purely personal services).

This delegation of authority supercedes the delegation to the Director, General Services Branch, and to the Assistant to the Director, General Services Branch, effective July 14, 1955 (20 F.R. 5030).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U.S.C. 1701c)

Effective as of the 14th day of January 1959.

[SEAL] ALBERT M. COLE,
*Housing and Home Finance
Administrator.*

[F.R. Doc. 59-460; Filed, Jan. 16, 1959;
8:48 a.m.]

TARIFF COMMISSION

TARTARIC ACID AND CREAM OF TARTAR

"Escape Clause" Report

JANUARY 14, 1959.

The Tariff Commission today submitted a report to the President in connection with "escape clause" investigations No. 69 and 70 under section 7 of the Trade Agreements Extension Act of 1951, as amended. These investigations covered, respectively, tartaric acid, dutiable under paragraph 1 and cream of tartar, dutiable under paragraph 9 of the Tariff Act of 1930. Tartaric acid was originally dutiable under the act of 1930 at 8 cents per pound and cream of tartar at 5 cents per pound. Tartaric acid is now subject to a duty of 6 cents per pound, and cream of tartar to a duty of 3.125 cents per pound, pursuant to concessions granted in the General Agreement on Tariffs and Trade.

The Commission found that both tartaric acid and cream of tartar are being imported into the United States in such increased quantities, both actual and relative (to domestic production), as to

cause serious injury to the respective domestic industries producing like or directly competitive products. The Commission also found that in order to remedy the serious injury, it is necessary to increase the duty on tartaric acid to 12 cents per pound and to increase the duty on cream of tartar to 7½ cents per pound.

The Commission was unanimous in the findings with respect to tartaric acid but the Commission was divided three to two (Commissioners Talbot and Jones dissenting) in the finding of injury with respect to cream of tartar.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, 8th and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 59-473; Filed, Jan. 16, 1959;
8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LEAH OKUN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location.
Leah Okun, Toronto, Ontario, Canada; Claim No. 38237; \$486.20 in the Treasury of the United States. Voluntary Turnover.

Executed at Washington, D.C., on January 12, 1959.

For the Attorney General,

[SEAL] PAUL V. MYRON,
*Deputy Director,
Office of Alien Property.*

[F.R. Doc. 59-453; Filed, Jan. 16, 1959;
8:47 a.m.]

CORNELIS VETH

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location.
Cornelis Veth, Noordhoek 78, Papendrecht, Holland; Claim No. 61480; \$776.02 in the

Treasury of the United States. Vesting Order No. 17896.

Executed at Washington, D. C., on January 12, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,
Office of Alien Property.*

[F.R. Doc. 59-454; Filed, Jan. 16, 1959;
8:47 a.m.]

THEODOR SCHMID-ENZMANN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mr. Theodor Schmid-Enzmann, Schüpfheim, Switzerland; Claim No. 61780; \$633.68 in the Treasury of the United States. Vesting Orders Nos. 17829 and 17903.

Executed at Washington, D. C., on January 12, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,
Office of Alien Property.*

[F.R. Doc. 59-455; Filed, Jan. 16, 1959;
8:47 a.m.]

LJUBICA NOVAKOVIĆ ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended (50 U.S.C. App. 32(f)), notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following amounts now in the Treasury of the United States, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Address, and Amount.

Ljubica Novakovic; Vlahovica, Yugoslavia; \$327.46.

Peter Vladoic; Drenovac, Yugoslavia; \$327.46.

Ana Loncarevic; Vlahovica, Yugoslavia; \$327.46.

Ljubica Vladoic; Belgrade, Yugoslavia; \$109.15.

Miljka Vladoic; Belgrade, Yugoslavia; \$109.15.

Dragica Vladoic; Belgrade, Yugoslavia; \$109.15.

Julika Relic; Klasnica, Yugoslavia; \$654.91.

Simo Demic; Petrinje, Yugoslavia; \$654.91.

Darinka Jovicic; Sisak, Yugoslavia; \$327.46.

Dragan Jovicic; Sremska, Yugoslavia; \$327.46.

Dusan Jovicic; Zemun, Yugoslavia; \$327.46.

Milena Tomasevic; Sisak, Yugoslavia; \$327.46.
 Mile Jovicic; Drenovac, Yugoslavia; \$261.97.
 Pajo Jovicic; Zagreb, Yugoslavia; \$261.97.
 Vladimir Jovicic; Belgrade, Yugoslavia; \$261.97.
 Janko Demic; B. Voda, Yugoslavia; \$65.49.
 Zivko Demic; B. Voda, Yugoslavia; \$65.49.
 Draginja Jelic; B. Voda, Yugoslavia; \$65.49.
 Dragan Demic; B. Voda, Yugoslavia; \$65.49.
 Mico Jekic; B. Grabovac, Yugoslavia; \$130.98.
 Dusan Jekic; B. Grabovac, Yugoslavia; \$130.98.
 Milka Jovicic; Sisak, Yugoslavia; \$1,309.82.
 Mara Badric; Rovska, Yugoslavia; \$1,309.82.
 Draginja Rogulja; Bacuge, Yugoslavia; \$261.96.
 Mile Djukic; Bacuge, Yugoslavia; \$261.97.
 Djuro Djukic; Kosovska, Yugoslavia; \$261.97.
 Rade Djukic; Belgrade, Yugoslavia; \$261.97.
 Nada Djukic; Bacuge, Yugoslavia; \$130.98.
 Djuro Djukic; Bacuge, Yugoslavia; \$130.98.
 Claim No. 42825. Voluntary Turnover.

Executed at Washington, D.C., on January 12, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
 Deputy Director,
 Office of Alien Property.

[F.R. Doc. 59-456; Filed, Jan. 16, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 72]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 14, 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 61533. By order of January 9, 1959, The Transfer Board approved the transfer to Ill-Mo Van & Storage Co., a Corporation, Cape Girardeau, Mo., of a portion of the operating rights in Certificate No. MC 22054, issued November 21, 1951, to Israel Ziev, authorizing the transportation of household goods, over regular routes, between Easton, Pa., and points in Pennsylvania within 15 miles of Easton, on the one hand, and, on the other, points in New York, New Jersey, Ohio, Massachusetts, Connecticut, Indiana, Illinois, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia. Robert Mar-

golis, Union Bank Building, Bethlehem, Pennsylvania, for applicants.

No. MC-FC 61603. By order of January 12, 1959, The Transfer Board approved the transfer to John I. Peterson, doing business as Pend Oreille Lines, P.O. Box 3A, Metaline Falls, Washington, of Certificates in Nos. MC 116415, MC 116415 Sub 1, and MC 116415 Sub 2, issued May 15, 1957, October 25, 1957, and February 11, 1958, respectively, to Eric H. Thunberg and John I. Peterson, a partnership, doing business as Pend Oreille Lines, P.O. Box 3A, Metaline Falls, Washington, authorizing the transportation of: Passengers, between specified points in Washington and Idaho.

No. MC-FC 61747. By order of January 9, 1959, The Transfer Board approved the transfer to Meighan Van Lines, Inc., Cohoes, N.Y., of Certificate No. MC 82138 issued October 21, 1942, to Francis J. Todd and Daniel J. Todd, a partnership, doing business as Paramount Highway Lines, Schenectady, N.Y., authorizing the transportation over irregular routes, of canned foods, from Albany, N.Y., to points in Albany, Schenectady, Rensselaer, Saratoga, Schoharie, Greene, Ulster, Montgomery, Fulton, Herkimer, Washington, Columbia, Dutchess, and Otsego Counties, N.Y.; such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, from Schenectady, N.Y., to points in the above-specified New York Counties; and return with no transportation for compensation, except as otherwise authorized, to Albany and Schenectady; malt beverages, from New York, N.Y., to Bennington and Brattleboro, Vt., and empty malt beverage containers, from Bennington and Brattleboro, Vt., to New York, N.Y.; and household goods as defined by the Commission, between Schenectady, N.Y., and points in New York within ten miles of Schenectady, on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Indiana, Michigan, Rhode Island, Maryland, and Illinois, traversing the State of Wisconsin for operating convenience only. Joseph J. Meighan, 93 Ontario St., Cohoes, N.Y., for applicants.

No. MC-FC 61749. By order of January 9, 1959, The Transfer Board approved the transfer to G & D Lumber Trucking Corp., Port Newark, N.J., of a portion of the operating rights in Permit No. MC 6999, issued April 12, 1949, to George Goldberg and Morris Goldberg, a partnership, doing business as G & G Lumber Haulage Co., and acquired by G & G Lumber Haulage Co., Inc., Port Newark, N.J., pursuant to MC-FC 60134, authorizing the transportation of: *Wooden boxes, crates, shooks, and lumber* from Newark, N.J., to points in New Jersey, New York, Pennsylvania, and Connecticut, and *Lumber, wooden boxes, and box making equipment and materials*, between points in Essex and Union Counties, N.J., on the one hand, and, on the other, points in New York and Pennsylvania within 100 miles of Newark, N.J. Transferee

was also substituted as an applicant in MC 6999 Sub. 2. Bowes & Millner, practitioners, 1060 Broad Street, Newark 2, N.J., for applicants.

No. MC-FC 61825. By order of January 9, 1959, The Transfer Board approved the transfer to Leonard P. O'Hanlon doing business as Saratoga Van Service, Saratoga Springs, N.Y., of Certificate No. MC 52830 issued April 8, 1959, to Meighan Van Lines, Inc., Cohoes, N.Y., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between Albany, N.Y., and points in New York within 35 miles of Albany, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Leonard P. O'Hanlon dba Saratoga Van Service, 4-6 Hamilton St., Saratoga Springs, N.Y., for transferee. Joseph J. Meighan, 93 Ontario Street, Cohoes, N.Y. for transferor.

No. MC-FC 61827. By order of January 12, 1959, The Transfer Board approved the transfer to William C. Henry doing business as W. C. Henry, Rushtown, Ohio of Permit No. MC 117021 issued by the Commission May 29, 1958 to Coy V. Dodds, Portsmouth, Ohio, authorizing the transportation, over irregular routes, of cinder blocks and concrete blocks, cinder and concrete pre-cast lintel, and cement, from the manufacturing plant of Richard F. Johnson and Harold E. Whitlatch, a partnership, doing business as Scioto Building Units, Portsmouth, Scioto County, Ohio, to points in Boyd, Greenup, Lewis and Carter Counties, Ky.; and from the manufacturing plant of the above-named partnership, located approximately two miles south of the corporate limits of Ashland, Ky., to points in Lawrence, Jackson, Gallia, Scioto and Adams Counties, Ohio; and empty containers for the above-described commodities, from points in Boyd, Greenup, Lewis and Carter Counties, Ky., to the manufacturing plant of Richard F. Johnson and Harold E. Whitlatch, a partnership, doing business as Scioto Building Units, Portsmouth, Scioto County, Ohio; and from points in Lawrence, Jackson, Gallia, Scioto and Adams Counties, to the manufacturing plant of the above-named partnership located approximately two miles south of the corporate limits of Ashland, Ky. H. J. Micklethwaite, 402 Masonic Temple Building, Portsmouth, Ohio, for applicants.

[SEAL] HAROLD D. MCCOY,
 Secretary.

[F.R. Doc. 59-451; Filed, Jan. 16, 1959; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 14, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15

days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35185: *Brick between points in official territory*. Filed by O. E. Schultz, Agent (ER No. 2476), for interested rail carriers. Rates on brick and related articles, carloads, between points in official and Illinois territory, including points adjacent thereto.

Grounds for relief: Short line distance formula, market, and truck competition.

Tariff: Supplement 23 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C-29 (T.P.O. H. R. Hinsch).

FSA No. 35186: *Trailer-on-flat-car service in the southwest*. Filed by Southwestern Freight Bureau, Agent (No. B-7456), for interested rail carriers.

Rates on various commodities loaded in highway trailers and transported on railroad flat cars between points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas; also Memphis, Tenn., and Natchez, Miss.

Grounds for relief: Motor truck competition.

Tariff: Supplement 41 to Southwestern Lines tariff I.C.C. 4285.

FSA No. 35187: *Commodity rates between points in Texas*. Filed by Texas-Louisiana Freight Bureau, Agent, (No. 342), for interested rail carriers. Rates on various commodities, as described in the application, carload and less-than-carloads between points in Texas.

Grounds for relief: Intrastate carrier competition.

Tariff: Supplement 76 to Texas-Louisiana Freight Bureau Tariff I.C.C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35188: *Commodity Rates Between Points in Texas*. Filed by Texas-Louisiana Freight Bureau, Agent, (No. 343), for interested rail carriers. Rates on various commodities, as described in the application, carload and less-than-carload, from, to, and between points in Texas.

Grounds for relief: Intrastate rail competition and to maintain through rates in excess of the aggregate-of-intermediate rates.

Tariff: Supplement 76 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-450; Filed, Jan. 16, 1959;
8:46 a.m.]