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Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

UBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Exchanges and Assignments of Consolidated Bonds

Existing regulations of the Farm Credit Administration (6 CFR 10.120a) provide that consolidated bonds issued by the 12 Federal land banks may be exchanged for bonds of the same issue, and that assignments of registered consolidated bonds of all issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds. Thereunder, denominational exchanges of consolidated coupon bonds have been made at all Federal Reserve banks and the Division of Loans and Currency, Treasury Department, Washington, D.C. Exchanges as between coupon and registered bonds and changes of registration have been effected at the Division of Loans and Currency or through any Federal Reserve Bank.

It is now deemed advisable to reduce the number of agencies involved in handling the foregoing exchanges as to issues dated after 1958. As to such issues, denominational exchanges of coupon bonds will be effected at the Federal Reserve Bank of New York only, and exchanges as between coupon bonds and registered bonds and changes of registration will be effected at the Division of Loans and Currency, Treasury Department, Washington, D.C., or through the Federal Reserve Bank of New York. Such changes in procedure become effective for transactions originating in Federal Reserve banks on and after April 27, 1959. There will be no change in procedure as to issues dated before 1959.

In order to reflect the foregoing, § 10.120a of Title 6 of the Code of Federal Regulations is amended to read as follows:

§ 10.120a Exchanges and assignments of consolidated bonds.

(a) Consolidated bonds issued by the 12 Federal land banks dated before 1959 may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all such issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds.

(b) Consolidated bonds issued by the 12 Federal land banks dated after 1958 may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all such issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds, with the following exceptions: Denominational exchanges of coupon bonds may be effected at the Federal Reserve Bank of New York only. Exchanges as between coupon bonds and registered bonds and changes of registration may be effected at the Division of Loans and Currency, Treasury Department, Washington, D.C., or through the Federal Reserve Bank of New York. (Sec. 20, 39 Stat. 377; 12 U.S.C. 862, 864)

[SEAL]

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 59-3240; Filed, Apr. 16, 1959; 8:52 a.m.]

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

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 421—GRAINS AND RELATED COMMODITIES

Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities

Section 421.3803 of the regulations issued by the Commodity Credit Corporation

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

- Titles 10-13, Rev. Jan. 1, 1959 (\$5.50)
- Title 14, Parts 40-399 (\$0.55)
- Title 18 (\$0.25)
- Title 26, Part 300 to end, Title 27 (\$0.30)
- Title 32, Parts 700-799 (\$0.70)
Part 1100 to end (\$0.35)
- Title 39 (\$0.70)
- Title 43 (\$1.00)
- Title 46, Parts 1-145 (\$1.00)
- Title 49, Parts 1-70 (\$0.25)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Title 32A (\$0.40); Titles 35-37 (\$1.25); Title 38 (\$0.55); Titles 40-42 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

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C.C.C. Grain Price Support Bulletin 1 (23 F.R. 9651), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1959 is supplemented as follows:

- Sec.
- 421.4276 Purpose.
 - 421.4277 Availability of price support.
 - 421.4278 Eligible oats.
 - 421.4279 Warehouse receipts.
 - 421.4280 Determination of quantity.
 - 421.4281 Determination of quality.
 - 421.4282 Maturity of loans.
 - 421.4283 Determination of support rates.
 - 421.4284 Warehouse charges.
 - 421.4285 Inspection of oats under purchase agreement.
 - 421.4286 Settlement.

AUTHORITY: §§ 421.4276 to 421.4286 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051 as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442.

§ 421.4276 Purpose.

Sections 421.4276 to 521.4286 state additional specific requirements which, together with the general regulations contained in the C.C.C. Grain Price Support Bulletin 1, applicable to 1959 and subsequent crop year (§§ 421.4001 to 421.4021), apply to loans and purchase agreements under the 1959-Crop Oats Price Support Program.

§ 421.4277 Availability of price support.

(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever oats are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that oats cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1960, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing oats in 1959 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by

them are legally valid. Two or more eligible producers may obtain a joint loan on eligible oats harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.4278 Eligible oats.

Oats, to be eligible for price support, must meet all of the applicable requirements set forth in this section:

(a) The oats must have been produced in the continental United States in 1959 by an eligible producer.

(b) At the time the oats are placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the oats must be in the eligible producer tendering the oats for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the oats were harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interests of the former producer with respect to the farming unit on which the oats were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Oats, at the time they are placed under loan, and oats under purchase agreements which are in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The oats must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better under the Revised Official Grain Standards of the United States for oats effective June 1, 1959. Oats meeting the above eligibility requirements which grade garlicky will also be eligible.

(2) Oats grading Tough, Weevily, Smutty, Ergoty, Bleached, or Thin, or containing mercurial compounds or other substances poisonous to man or animals, or oats otherwise of low

ration published in 23 F.R. 3913, containing the terms and conditions under which financial institutions may participate in pools of CCC price support loans on certain commodities, as amended by the miscellaneous amendments published in 23 F.R. 8383, is hereby further amended by deleting the first sentence and inserting in lieu thereof the following: "Certificates shall earn interest at the rates of 1¼ percent per annum through and including September 17, 1958, 2½ percent per annum from September 18, 1958 through and including April 30, 1959 and 2¾ percent per annum thereafter."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Issued this 14th day of April 1959.

[SEAL] **WALTER C. BERGER,**
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3232; Filed, Apr. 16, 1959; 8:50 a.m.]

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Oats Loan and Purchase Agreement Program

A price support program has been announced for 1959-crop oats. The

quality will not be eligible, except that oats represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On oats grading Tough, delivery will be made of the same country run quality, quantity and grade, not Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt."

(3) If offered as security for a farm-storage loan, the oats must have been stored in the granary at least 30 days prior to their inspection for measurement, sampling and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.4285(a), oats under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.4285(a) and the oats on the basis of the inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.4279 Warehouse receipts.

Warehouse receipts representing oats in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipts must show: (1) Gross weight and net bushels, (2) class, (3) grade, (4) test weight, and (5) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) A separate warehouse-receipt must be submitted for each grade of oats.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.4284.

(e) If the warehouseman has furnished a statement as provided in § 421.4278(c) (2), the supplemental certificate must show the numerical grade and the grading factors of the oats to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(f) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own oats is not valid under State law and the warehouseman elects to deliver oats to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(g) Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the oats are insured, in accordance with CCC Form 25, Uniform Grain Storage Agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern Common Carriers and representing oats to be placed under loan shall indicate that the oats are insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado.

§ 421.4280 Determination of quantity.

(a) The quantity of oats placed under farm-storage loan may be determined either by weight or by measurement. The quantity of oats placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) (1) To determine the quantity of oats in a bin by measurement, divide the cubic feet of oats by 1.25. The quantity so determined shall be adjusted for test weight by applying the applicable percentage as shown in the following table.

| For oats testing: | Percent |
|--|---------|
| 40 pounds or over | 125 |
| 39 pounds or over, but less than 40 pounds | 121 |
| 38 pounds or over, but less than 39 pounds | 118 |
| 37 pounds or over, but less than 38 pounds | 115 |
| 36 pounds or over, but less than 37 pounds | 112 |
| 35 pounds or over, but less than 36 pounds | 109 |
| 34 pounds or over, but less than 35 pounds | 106 |
| 33 pounds or over, but less than 34 pounds | 103 |
| 32 pounds or over, but less than 33 pounds | 100 |
| 31 pounds or over, but less than 32 pounds | 96 |
| 30 pounds or over, but less than 31 pounds | 93 |
| 29 pounds or over, but less than 30 pounds | 90 |
| 28 pounds or over, but less than 29 pounds | 87 |
| 27 pounds or over, but less than 28 pounds | 84 |

(2) If the State committee determines that a pack factor should be used to arrive at the quantity of oats eligible for loan, the following shall be applicable: (i) Multiply the quantity of oats as provided above by a pack factor of 1.15 if the quantity adjusted for test weight is 4,000 bushels or less, and by a pack factor of 1.25 if the quantity adjusted for test weight exceeds 4,000 bushels.

(ii) Multiply the quantity of oats by the pack factor of 1.15 regardless of the number of bushels in the bin if the minimum height of the oats in the bin is five feet or less.

(d) Since the percentage of dockage is not a grade factor in the case of oats, the quantity of oats will be determined without reference to dockage.

§ 421.4281 Determination of quality.

The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Oats (effective June 1, 1959), whether or not such determinations are made on the basis of an official inspection.

§ 421.4282 Maturity of loans.

Loans mature on demand but not later than February 29, 1960, on oats stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1960, on oats stored in all other States.

§ 421.4283 Determination of support rates.

(a) Basic county support rates, and the schedule of premiums and discounts, for oats will be set forth in C.C.C. Grain Price Support Bulletin 1, 1959 Supplement 2, Oats. Both warehouse-storage and farm-storage loans and purchases under purchase agreements will be made on the basis of the rate established for the county in which the oats are produced.

(b) Where the State committee determines that State, district or county weed control laws, as administered, affect the oats crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the oats comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the oats are stored determines that State, district or county weed control laws, as administered, affect oats stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the oats comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. _____ issued to _____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

§ 421.4284 Warehouse charges.

(a) Warehouse receipts and oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage: *Provided*, That, the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing oats stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 29, 1960, or April 30, 1960, the applicable date to be determined in accordance with § 421.4282, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 29, 1960, or April 30, 1960, the applicable date to be determined in accordance with § 421.4282.

| Amount of deduction (cents per bushel) | For States having a maturity date not later than Apr. 30, 1960, date of deposit (all dates inclusive) | For States having a maturity date not later than Feb. 29, 1960, date of deposit (all dates inclusive) |
|--|---|---|
| 12----- | Prior to May 10, 1959... | Prior to Apr. 10, 1959. |
| 11----- | May 10-June 9, 1959... | Apr. 10-May 10, 1959. |
| 10----- | June 10-July 10, 1959... | Apr. 10-May 10, 1959. |
| 9----- | July 11-Aug. 10, 1959... | May 11-June 10, 1959. |
| 8----- | Aug. 11-Sept. 10, 1959... | June 11-July 11, 1959. |
| 7----- | Sept. 11-Oct. 11, 1959... | July 12-Aug. 11, 1959. |
| 6----- | Oct. 12-Nov. 11, 1959... | Aug. 12-Sept. 11, 1959. |
| 5----- | Nov. 12-Dec. 12, 1959... | Sept. 12-Oct. 12, 1959. |
| 4----- | Dec. 13, 1959-Jan. 12, 1960. | Oct. 13-Nov. 12, 1959. |
| 3----- | Jan. 13-Feb. 12, 1960... | Nov. 13-Dec. 13, 1959. |
| 2----- | Feb. 13-Mar. 15, 1960... | Dec. 14, 1959-Jan. 13, 1960. |
| 1----- | Mar. 16-Apr. 30, 1960... | Jan. 14-Feb. 29, 1960. |

(b) Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That, the warehouseman shall not be entitled to satisfy the lien by sale

of the commodity if CCC is holder of the warehouse receipt. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 29, or April 30, 1960, whichever date is applicable as determined in accordance with § 421.4282, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.4285 Inspection of oats under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his oats stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the oats and obtain a sample of the oats and submit it for grade analysis within the 30-day period or as soon as possible thereafter but prior to delivery of the oats. If the oats on the basis of the predelivery inspection are of a quality which meet the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the final date of the 30-day period or the date of inspection whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issued delivery instructions unless the county office determines that more time is needed for delivery. The producer whose oats are stored in other than an approved warehouse and whose oats are not of a quality eligible for a loan at the time of the predelivery inspection, shall be notified in writing by the county office that his oats are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the oats or otherwise take action to make the oats eligible and insists upon delivery of the oats, the county office shall issue delivery instructions. In such cases the producer shall be further informed that if such oats, upon delivery and before purchase, do not meet the eligibility requirements of § 421.4278(c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the oats will not be accepted for purchase by CCC. A predelivery inspection shall not be made on oats stored commingled in warehouses not approved for storage or on oats in an unapproved warehouse which are stored so that the identity of the producer's oats are maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such oats at the time of delivery must meet the eligibility requirements of § 421.4278(c) (1) and (2).

(b) *Inspection of oats stored by producer, after maturity date.* The pro-

ducer may be required to retain the oats stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the oats covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for oats which were determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the oats are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the oats are going out of condition or are in danger of going out of condition and that the oats cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.4286 Settlement.

(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible oats delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate for the county in which the oats were produced. The support rate shall be for the grade and quality of the total quantity of oats eligible for delivery. If, upon delivery, the oats under farm storage are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the basic support rate, adjusted for premiums or discounts, if any, applicable to the grade and quality of the oats placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the oats delivered, as determined by CCC: *Provided, however*, That if such oats are sold by CCC in order to determine their market price, the settlement value shall not be less than such sales price: *Provided, further*, That if upon delivery, the oats contain mercurial compounds or other substances poisonous to man or animals, the oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price: *Provided, further*, That if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible oats under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the oats were produced.

(3) *Purchase agreements—(i) Delivery from farm storage.* Settlement for oats delivered to CCC from farm storage meeting the eligibility requirements of § 421.4278(c) (1) and (2) as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the location where produced and for the grade and quality of the quantity eligible for delivery on the basis of such inspection. If oats which were determined to be eligible at the time of the predelivery inspection are, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible oats as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the oats determined by the predelivery inspection and the market price of the oats delivered, as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price: *And provided, further,* That if, upon delivery, the oats contain mercurial compounds or other substances poisonous to man or animals, such oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible oats stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of oats he elects to sell to CCC. Settlement for eligible oats delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the oats were produced.

(iii) *Delivery from unapproved warehouse storage.* The county office will issue instructions on or after the loan maturity date for delivery of oats in an

unapproved warehouse which are stored commingled, or which are stored so that the identity of the producer's oats is maintained but a predelivery inspection is not possible, where the producer has properly given the county office written notice of his intent to sell such oats to CCC. Settlement for such oats delivered to CCC which meet the eligibility requirements of § 421.4278(c) (1) and (2), shall be made at the applicable support rate for the grade and quantity eligible for delivery for the county in which the oats were produced. If a predelivery inspection of the producer's oats can be made, the settlement will be the same as for oats delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Oats ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of oats ineligible for delivery which are inadvertently accepted by CCC and which CCC determines that it is not in a position to reject: (a) Oats which were of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection: (b) Oats of an ineligible grade or quality which are delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (c) oats in other than approved warehouse storage on which a predelivery inspection was not performed and which, at the time of delivery, do not meet the eligibility requirements of § 421.4278(c) (1) and (2). The settlement value shall be the market price for the grade, quality and quantity of such ineligible oats delivered as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine their market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the oats contain mercurial compounds or other substances poisonous to man or animals, the oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery. If oats delivered are of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such oats are inadvertently accepted by CCC, the settlement value shall be the sales price if the oats are immediately sold. If the oats are not immediately sold, the settlement value shall be the applicable support rate or the market price as determined by CCC, whichever is lower.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored oats under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary

to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.4284.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on oats under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the oats to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of oats stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain oats stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such oats within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the oats to CCC: *Provided, however,* That a storage payment shall be paid a producer whose oats are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the oats to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of \$0.00032 per bushel per day for the oats accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on oats delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his oats to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the oats any distance greater than the distance from the point where the oats are stored by the producer to the customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When de-

livery of oats under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Issued this 14th day of April 1959.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3235; Filed, Apr. 16, 1959;
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[C.C.C. Grain Price Support Bulletin 1,
1959 Supp. 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Rye Loan and Purchase Agreement Program

A price support program has been announced for the 1959-crop of rye. The C.C.C. Grain Price Support Bulletin 1 (23 F.R. 9651), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and related commodities produced in 1959 and subsequent years is supplemented as follows:

| | |
|----------|---|
| Sec. | |
| 421.4376 | Purpose. |
| 421.4377 | Availability of price support. |
| 421.4378 | Eligible rye. |
| 421.4379 | Warehouse receipts. |
| 421.4380 | Determination of quantity. |
| 421.4381 | Determination of quality. |
| 421.4382 | Maturity of loans. |
| 421.4383 | Determination of support rates. |
| 421.4384 | Warehouse charges. |
| 421.4385 | Inspection of rye under purchase agreement. |
| 421.4386 | Settlement. |

AUTHORITY: §§ 421.4376 to 421.4386 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 421.4376 Purpose.

Sections 421.4376 to 421.4386 state additional specific requirements which, together with the general regulations contained in the C.C.C. Grain Price Support Bulletin 1, applicable to 1959 and subsequent crop years (§§ 421.4001 to 421.4021), apply to loans and purchase agreements under the 1959-crop rye price support program.

§ 421.4377 Availability of price support.

(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that rye cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1960, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof, producing rye in 1959 as landowner, landlord, tenant, or sharecropper. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. Two or more eligible producers may obtain a joint loan on eligible rye harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Warehouse-storage loans may be made to a warehouseman who tenders to CCC warehouse receipts issued by him on grain produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.4378 Eligible rye.

Rye to be eligible for price support must meet all of the applicable requirements set forth in this section.

(a) The rye must have been produced in the continental United States in 1959 by an eligible producer.

(b) At the time the rye is placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the rye must be in the eligible producer tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rye was produced shall

have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Rye, at the time it is placed under loan, and rye under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better.

(2) Rye grading Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, or Weevily, or containing in excess of 1 percent ergot or containing mercurial compounds or other substances poisonous to man or animals, shall not be eligible, except that rye represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt substantially as follows: "On rye grading 'Tough' delivery will be made of the same country-run quality, quantity, and grade, not tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) If offered as security for a farm-storage loan, the rye must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.4385(a), rye under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if it does not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.4385(a) and the rye on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.4379 Warehouse receipts.

Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt, or the warehouseman's supplemental certificate

(in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight and net bushels, (ii) grade (including special grades), (iii) percentage of ergot for rye containing in excess of $\frac{3}{10}$ of 1 percent of ergot, (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade and (vii) whether the rye arrived by rail, truck or barge. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has furnished a statement as provided in § 421.4378(c) (2), the supplemental certificate must show the numerical grade and the grading factors of the rye to be delivered. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade of rye.

(d) The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 421.4384.

(e) Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

(f) If the receipt is issued for rye of which the warehouseman is the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own rye is not valid under State law and the warehouseman elects to deliver rye to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(g) Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the rye is insured, in accordance with CCC Form 25, Uniform Grain Storage Agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by Eastern common carriers and representing rye to be placed under loan shall indicate that the rye is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado.

§ 421.4380 Determination of quantity.

(a) The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rye placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase-agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of $\frac{3}{4}$ of a pound for each sack shall be made.

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

| For rye testing: | Percent |
|---|---------|
| 56 pounds or over..... | 100 |
| 55 pounds or over, but less than 56 pounds..... | 98 |
| 54 pounds or over, but less than 55 pounds..... | 96 |
| 53 pounds or over, but less than 54 pounds..... | 95 |
| 52 pounds or over, but less than 53 pounds..... | 92 |

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 421.4381 Determination of quality.

(a) The grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

(b) The quantity of ergot shall be stated in terms of tenths of one percent and where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 421.4382 Maturity of loans.

Loans mature on demand but not later than February 29, 1960, in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1960, in all other States. The maturity date for a loan shall be the maturity date for the State where the rye is stored.

§ 421.4383 Determination of support rates.

Basic support rates for rye will be set forth in C.C.C. Grain Price Support Bulletin 1, 1959 Supplement 2, Rye. Support rates will be established for rye stored in approved warehouse storage at designated terminal markets, and for rye stored in approved country warehouses and in approved farm storage. The support rate for the quality of rye placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section

and C.C.C. Grain Price Support Bulletin 1, 1959 Supplement 2, Rye.

(a) *Support rates at designated terminal markets.* (1) (i) In order for rye to be eligible for loan or purchase at the support rates established for designated terminal markets the rye must have been shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market on any rye shipped at other than the domestic interstate freight rate shall be reduced by the difference between the rate of freight paid and the domestic interstate freight rate.

(ii) The support rates established for designated terminal markets apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate if any, from the terminal market to a recognized market as determined by CCC, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2) (i) Notwithstanding the foregoing provisions of this paragraph, the support rate for rye which is shipped by rail or water and stored at any designated terminal market, and for which neither registered freight bills nor registered freight certificates are presented shall be equal to the applicable terminal rate minus 12 cents per bushel.

(ii) The support rate for rye received by truck and stored at any designated terminal market shall be determined by making a deduction from the applicable terminal rate as follows:

| Terminal located in: | Amount of deduction (cents per bushel) |
|---|--|
| Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington..... | 16½ |
| Area II: Minnesota, Montana, North Dakota, South Dakota..... | 16½ |
| Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin..... | 17 |
| Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia..... | 18 |
| Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee..... | 18 |

(3) (i) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph the support rate for rye shipped by rail or water and stored at any of the following terminal markets for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic

interstate freight rate shall be equal to the applicable terminal rate:

- Los Angeles, Stockton and San Francisco, Calif.
- Baltimore, Md.
- Duluth, Minn.
- Portland and Astoria, Ore.
- Albany and New York, N.Y.
- Philadelphia, Pa.
- Galveston, Houston and Port Arthur, Tex.
- Norfolk, Va.
- Seattle, Longview, Tacoma, and Vancouver, Wash.
- Superior, Wis.

(ii) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph the support rate for rye received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph shall be determined by making a deduction from the terminal rate as follows:

| Terminal: | Amount of deduction (cents per bushel) |
|--|--|
| Los Angeles, Stockton, and San Francisco, California; Duluth, Minnesota; Portland and Astoria, Oregon; Seattle, Longview, Tacoma, and Vancouver, Washington; Superior, Wisconsin | 4½ |
| Baltimore, Maryland; Philadelphia, Pennsylvania; Galveston, Houston, and Port Arthur, Texas; Norfolk, Virginia; Albany and New York, New York | 6 |

(b) Support rates for rye in approved warehouse storage at other than designated terminal markets. (1) The support rate for rye, which is shipped by rail or water, and which is stored in approved warehouses (other than those situated in the designated terminal markets) shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any, of the through-freight, as determined by CCC, from the point of origin for such rye to such terminal market: *Provided*, That on any rye shipped at other than the domestic interstate freight rate, the support rate shall

be further reduced by the difference between the rate of freight paid and the domestic interstate freight rate from the point of origin of such rye to the point of storage: *And provided further*, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(c) *Discounts*. The basic support rates shall be adjusted by all applicable discounts listed in C.C.C. Grain Price Support Bulletin 1, 1959 Supplement 2, Rye. The basic support rates will also be subject to the following provisions applicable to rye affected by State, district, or county weed control laws: Where the State committee determines that State, district, or county weed control laws, as administered, affect the rye crop, the support rate in the case of farm storage shall be 10 cents per bushel below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the rye complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the rye is stored determines that State, district or county weed control laws as administered affect rye stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the rye complies with the weed control laws and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. _____ issued to

_____ is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

§ 421.4384 Warehouse charges.

(a) Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 29, or April 30, 1960, the applicable date to be determined in accordance with § 421.4382, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 29 or April 30, 1960, the applicable maturity date to be determined in accordance with § 421.4382.

| Amount of deduction (cents per bushel) | Area I ¹ | Area II ² and Area III ³ | Area IV ⁴ | | Area V ⁵ |
|--|---------------------------------------|--|---|--|---------------------------------------|
| | Date of deposit (all dates inclusive) | Date of deposit (all dates inclusive) | For States having maturity dates not later than April 30, 1960; date of deposit (all dates inclusive) | For States having maturity dates not later than February 29, 1960; date of deposit (all dates inclusive) | Date of deposit (all dates inclusive) |
| 16 | Prior to May 10, 1959 | Prior to May 26, 1959 | Prior to June 10, 1959 | Prior to May 1, 1959 | Prior to May 15, 1959 |
| 15 | May 10-June 1, 1959 | May 26-June 16, 1959 | June 10-June 30, 1959 | May 1-May 21, 1959 | May 15-June 3, 1959 |
| 14 | June 2-June 24, 1959 | June 17-July 8, 1959 | July 1-July 21, 1959 | May 22-June 11, 1959 | June 4-June 23, 1959 |
| 13 | June 25-July 17, 1959 | July 9-July 30, 1959 | July 22-Aug. 11, 1959 | June 12-July 2, 1959 | June 24-July 13, 1959 |
| 12 | July 18-Aug. 9, 1959 | July 31-Aug. 21, 1959 | Aug. 12-Sept. 1, 1959 | July 3-July 23, 1959 | July 14-Aug. 2, 1959 |
| 11 | Aug. 10-Sept. 1, 1959 | Aug. 22-Sept. 12, 1959 | Sept. 2-Sept. 22, 1959 | July 24-Aug. 13, 1959 | Aug. 3-Aug. 22, 1959 |
| 10 | Sept. 2-Sept. 24, 1959 | Sept. 13-Oct. 4, 1959 | Sept. 23-Oct. 13, 1959 | Aug. 14-Sept. 3, 1959 | Aug. 23-Sept. 11, 1959 |
| 9 | Sept. 25-Oct. 17, 1959 | Oct. 5-Oct. 26, 1959 | Oct. 14-Nov. 3, 1959 | Sept. 4-Sept. 24, 1959 | Sept. 12-Oct. 1, 1959 |
| 8 | Oct. 18-Nov. 9, 1959 | Oct. 27-Nov. 17, 1959 | Nov. 4-Nov. 24, 1959 | Sept. 25-Oct. 15, 1959 | Oct. 2-Oct. 21, 1959 |
| 7 | Nov. 10-Dec. 2, 1959 | Nov. 18-Dec. 9, 1959 | Nov. 25-Dec. 15, 1959 | Oct. 16-Nov. 5, 1959 | Oct. 22-Nov. 10, 1959 |
| 6 | Dec. 3-Dec. 25, 1959 | Dec. 10-Dec. 31, 1959 | Dec. 16, 1959-Jan. 5, 1960 | Nov. 6-Nov. 26, 1959 | Nov. 11-Nov. 30, 1959 |
| 5 | Dec. 26, 1959-Jan. 17, 1960 | Jan. 1, 1959-Jan. 22, 1960 | Jan. 6-Jan. 26, 1960 | Nov. 27-Dec. 17, 1959 | Dec. 1-Dec. 20, 1959 |
| 4 | Jan. 18-Feb. 9, 1960 | Jan. 23-Feb. 13, 1960 | Feb. 17-Mar. 8, 1960 | Dec. 18, 1959-Jan. 7, 1960 | Dec. 21, 1959-Jan. 9, 1960 |
| 3 | Feb. 10-Mar. 3, 1960 | Feb. 14-Mar. 6, 1960 | Mar. 9-Mar. 29, 1960 | Jan. 8-Jan. 28, 1960 | Jan. 10-Jan. 29, 1960 |
| 2 | Mar. 4-Mar. 26, 1960 | Mar. 7-Mar. 28, 1960 | Mar. 30-Apr. 30, 1960 | Jan. 29-Feb. 29, 1960 | Jan. 30-Feb. 29, 1960 |
| 1 | Mar. 27-Apr. 30, 1960 | Mar. 29-Apr. 30, 1960 | | | |

¹ Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
² Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).
³ Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).
⁴ Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisi-

ana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.
⁵ Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the rye represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 29 or April 30, 1960, whichever date is applicable as determined in accordance with § 421.4382, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.4385 Inspection of rye under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his rye stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the rye and submit it for grade analysis within the 30-day period or as soon as possible thereafter but prior to delivery of the rye. If the rye on the basis of the predelivery inspection is of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or before the final date of the 30-day period or the date of inspection whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions unless the county office determines that more time is needed for delivery. The producer whose rye is stored in other than an approved warehouse and whose rye is not of a quality eligible for a loan at the time of the predelivery inspection shall be notified in writing by the county office that his rye is not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the rye, or otherwise take action to make the rye eligible and insists upon delivery of the rye, the county office shall issue delivery instructions. In such case the producer shall be further informed that if such rye, upon delivery and before purchase, does not meet the eligibility requirements of § 421.4378(c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the rye will not be accepted for purchase by CCC. A predelivery inspection shall not be made on rye stored commingled in warehouses not approved for storage or

on rye in an unapproved warehouse which is stored so that the identity of the producer's rye is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made such rye at the time of delivery must meet the eligibility requirements of § 421.4378(c) (1) and (2).

(b) *Inspection of rye stored by producer after maturity date.* The producer may be required to retain the rye stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the rye covered by a purchase agreement occurring prior to delivery to CCC except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for rye which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the rye is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the rye is going out of condition or is in danger of going out of condition and that the rye cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.4386 Settlement.

(a) *Settlement value*—(1) *Farm-storage loans.* In the case of eligible rye delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with paragraph (b) of this section. The support rate shall be for the grade and quality of the total quantity of rye eligible for delivery. If, upon delivery, the rye under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the rye delivered as determined by CCC: *Provided, however*, That if such rye is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further*, That if upon delivery the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where

the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Warehouse-storage loans.* Settlement for eligible rye under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for rye delivered to CCC from farm storage meeting the eligibility requirements of § 421.4378(c) (1) and (2), as determined by a reinspection at the time of delivery, shall be made at the applicable support rate for the grade and quality of the quantity eligible for delivery on the basis of such inspection. Such support rate shall be determined in accordance with paragraph (b) of this section. If rye, which was determined to be eligible at the time of the predelivery inspection is upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible rye as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the rye, determined by the predelivery inspection, and the market price of the rye delivered, as determined by CCC: *Provided, however*, That if such rye is sold by CCC in order to determine the market price, the settlement value shall not be less than such sales price: *And provided further*, That, if upon delivery, the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further*, That if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse storage.* In the case of eligible rye stored commingled in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of rye he elects to sell to CCC. Settlement for eligible rye delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on

the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate determined in accordance with paragraph (b) of this section.

(iii) *Delivery from unapproved warehouse storage.* The county office will issue instructions on or after the loan maturity date for delivery of rye in a warehouse not approved for storage which is stored commingled or which is stored so that the identity of the producer's rye is maintained but a predelivery inspection is not possible where the producer has properly given the county office written notice of his intent to sell such rye to CCC. Settlement for such rye delivered to CCC which meets the eligibility requirements of § 421.4378(c) (1) and (2) shall be made at the applicable support rate for the grade and quantity eligible for delivery. Such support rate shall be determined in accordance with paragraph (b) of this section. If a predelivery inspection of the producer's rye can be made, the provisions of § 421.4385 shall apply and settlement will be the same as for rye delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Rye ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of rye ineligible for delivery which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (a) Rye which was of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (b) rye of an ineligible grade or quality which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (c) rye in other than approved warehouse storage on which a predelivery inspection was not performed, and which at the time of delivery does not meet the eligibility requirements of § 421.4378(c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible rye delivered as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery, the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery. If rye delivered is of an eligible grade and quality but in excess of the maximum quantity stated in the purchase agreement and such rye is inadvertently accepted by CCC, the settlement value shall be the sales price if the rye is immediately sold.

If the rye is not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(b) *Applicable support rate for settlement of loans and purchase agreements.* (1) In the case of rye stored in an approved warehouse, settlement shall be made at the applicable support rate specified in § 421.4383 for the location in which the warehouse is located, except as otherwise provided in subparagraph (4) of this paragraph.

(2) In the case of rye delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If the producer is directed to deliver his rye to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market.

(4) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(c) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored rye under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.4384.

(d) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(e) *Storage payment where CCC is unable to take delivery of rye stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rye stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such

rye within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rye to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rye is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rye to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the following rates per bushel per day for the rye accepted for delivery or sale to CCC:

Area I, \$0.00043; Area II, \$0.00045; Area III, \$0.00046; Area IV, \$0.00047; Area V, \$0.00049.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on rye delivered to CCC on track at a country point.

(g) *Compensation for hauling.* If the producer is directed by the county office to deliver his rye to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the rye any distance greater than the distance from the point where the rye is stored by the producer to the customary shipping point: *Provided,* That if the producer is directed to deliver his rye to a terminal market for which a support rate is established, no compensation shall be allowed for hauling.

(h) *Method of payment under purchase agreement settlements.* When delivery of rye under purchase agreement is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued this 14th day of April 1959.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3234; Filed, Apr. 16, 1959;
8:51 a.m.]

SUBCHAPTER D—REGULATIONS UNDER SOIL
BANK ACT
[Amdt. 33]

PART 485—SOIL BANK

Subpart—Conservation Reserve
Program

AWARDING CONSERVATION RESERVE CON-
TRACTS IN 1959 AND SUBSEQUENT YEARS

Section 485.185 of the regulations governing the conservation reserve part of the Soil Bank Program, 23 F.R. 6781, as amended, is amended by adding the fol-

RULES AND REGULATIONS

PART 485—SOIL BANK

Subpart—Violations Procedure

MISCELLANEOUS AMENDMENTS

The Soil Bank regulations applicable to violations, 22 F.R. 2411, as amended, are hereby further amended as follows:

§ 485.293 [Amendment]

1. Section 485.293(a) is amended by changing the period at the end to a colon and adding the following: "Provided, That if the county committee determines that (1) no producer signatory to the contract caused, aided in, or benefited from the exceeding of such permitted acreage, or (2) that the exceeding of such acreage was unintentional, there shall be refunded or forfeited in lieu of the refund or forfeiture provided above an amount equal to the product of the highest regular annual payment in effect under the contract (or if no land is included in the contract at the regular rate, the highest regular rate which would have been in effect had land been included at the regular rate in all years in which land was placed under contract) times the number of acres by which the acreage devoted to such crops exceeds the permitted acreage of such crops. In case of a refund or forfeiture under the proviso of the preceding sentence, the refund or forfeiture shall first be taken from the annual payment computed for the farm for such year and then to the extent necessary from the cost-share payment for the farm for such year prorated among the producers in the proportion in which they share in such payment."

§ 485.294j [Amendment]

2. Section 485.294j is amended by deleting "§§ 485.293, 485.294" in the first sentence and substituting therefor "§ 485.293 (except a violation determined under the proviso of paragraph (a) of that section), § 485.294 (except a violation determined under the proviso of paragraph (a) of that section)".

3. Section 485.294m is amended to read as follows:

§ 485.294m Computing refund or forfeiture of cost-sharing payments.

Where the regulations in this subpart provide for the forfeiture or refund of cost-sharing payments whether or not the cost-sharing was for the year in which the violation occurred, such provisions shall apply only to those practices or components of practices for which, prior to the date of the commission of the violation, performance has been completed or conservation materials or services have been advanced. Where the regulations in this subpart provide for the forfeiture or refund of cost-sharing payments during the period a violation continues, such provisions shall apply only to those practices or components of practices for which, during the period the violation continues, performance is completed or conservation materials or services are advanced. Where the regulations in this subpart provide for the forfeiture or refund of cost-sharing payments for the year in which the violation occurred, such provisions shall apply only to those practices or components of prac-

tices for which, during such year and prior to the date of the commission of the violation, performance has been completed or conservation materials or services have been advanced.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

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

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-3236; Filed, Apr. 16, 1959; 8:51 a.m.]

PART 485—SOIL BANK

Subpart—Violations Procedure

MISCELLANEOUS AMENDMENTS

The Soil Bank regulations applicable to violations, 22 F.R. 2411, as amended, are hereby further amended as follows:

1. Section 485.293 is amended by inserting "(a)" after the heading and adding a new paragraph (b) as follows:

(b) If the State committee determines that the amount of refund or forfeiture provided in paragraph (a) of this section is excessive in view of extenuating circumstances in the case, the State committee may reduce the refund or forfeiture to an amount which it deems appropriate under all circumstances in the case but not less than three times the product of the highest regular annual payment rate in effect for the contract (or if no land is included in the contract at the regular rate, the highest regular rate which would have been in effect had land been included at the regular rate in all years in which land was placed under contract) times the number of acres by which the acreage devoted to Soil Bank base crops exceeds the acreage permitted under the contract.

2. Section 485.294 is amended by adding a new paragraph (c) as follows:

(c) If the State committee determines that the amount of refund or forfeiture provided in paragraph (a) of this section is excessive in view of extenuating circumstances in the case, the State committee may reduce the amount of refund or forfeiture to an amount which it deems appropriate under all circumstances in the case, but, in the case of harvesting, not less than three times the product of the highest regular annual payment rate in effect for the contract (or if no land is included in the contract at the regular rate, the highest regular rate which would have been in effect had land been included at the regular rate in all years in which land was placed under contract) times the number of acres harvested, and, in the case of unauthorized grazing, not less than three times the value of the grazing to the producer as determined by the State committee.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

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

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-3238; Filed, Apr. 16, 1959; 8:52 a.m.]

lowing new paragraph (f) at the end thereof:

(f) (1) Where an application for a contract has been made with respect to land not constituting a farm as defined in the regulations governing determination of acreage and performance and where a reconstitution would result in an increase in the number of eligible acres of the farm covered by the application, a contract may be approved for the land covered by the application, provided it is determined that (i) a reasonable effort was made to determine that the land covered by the application constituted a farm, (ii) both the county committee and the applicant have treated the land as constituting a farm, and (iii) the application was filed in good faith without knowledge on the part of the applicant or the county committee that the land did not constitute a farm.

(2) Where an application for a contract has been made with respect to land not constituting a farm as defined in the regulations governing determination of acreage and performance and where a reconstitution will result in a decrease in the number of eligible acres of the farm covered by the application, the reconstitution must be made before a contract may be approved. In such a case, maximum annual per acre payment rates must be established for the farm as reconstituted, taking into account any change in the productivity index. Where a producer's offer is in excess of the applicable maximum annual per acre payment rate established for the reconstituted farm, the producer's application shall be treated as an offer of the land at the applicable maximum annual per acre payment rate established for the reconstituted farm. If only a part of the farm was offered in the application for a contract, the land designated as conservation reserve in the contract must consist of land that was designated as conservation reserve in the application.

(3) Where an application for a contract has been made with respect to a properly constituted farm and there is a later increase or decrease by purchase, sale, or otherwise in the number of eligible acres of the farm prior to the approval of a contract which will require a reconstitution, the reconstitution must be made before a contract may be approved. Maximum annual per acre payment rates must be established for the farm as reconstituted, taking into account any change in the productivity index. A new priority rating shall be computed for the application and shall be used if it is lower than the priority rating originally established for the farm. Where a producer's offer is in excess of the applicable maximum annual per acre payment rate established for the reconstituted farm, the producer's application will be ineligible, and a contract may not be approved.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

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

[SEAL]

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-3237; Filed, Apr. 16, 1959; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Revision of Official Grain Standards of United States for Mixed Grain

On February 25, 1959, there was published in the FEDERAL REGISTER (24 F.R. 1375) notice of a proposal to revise the Official Grain Standards of the United States for Mixed Grain (7 CFR 26.451 et seq.) promulgated under the authority of section 2 of the United States Grain Standards Act (39 Stat. 482), as amended (7 U.S.C. 74). No public hearings were held but interested persons were afforded an opportunity to submit written data, view, or arguments on the proposal.

Consideration has been given to information received in writing and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information, the Official Grain Standards of the United States for Mixed Grain (7 CFR 26.451 et seq.) are hereby revised to read as follows:

Official Grain Standards of the United States for Mixed Grain.¹

Sec.

26.451 Terms defined.

26.452 Principles governing the application of the standards.

26.453 Grades, grade requirements, and grade designations.

AUTHORITY: §§ 26.451 to 26.453 issued under sec. 8, 39 Stat. 485; 7 U.S.C. 84.

§ 26.451 Terms defined.

For the purposes of the Official Grain Standards of the United States for Mixed Grain:

(a) *Mixed grain.* Mixed grain shall be any mixture of grains for which standards have been established under the United States Grain Standards Act, or any mixture of such grains and wild oats, or wild oats, providing that any of the mixtures do not come within the requirements of any of the standards for such grains, and that any of the mixtures or wild oats do not contain more than 50 percent of foreign material.

(b) *Grades.* Grades shall be "Mixed Grain," "Sample grade Mixed Grain" and special grades provided for in § 26.453.

(c) *Wild oats.* Wild oats shall be the seeds of *Avena fatua* and *A. sterilis*.

(d) *Foreign material.* Foreign material shall be all matter except wild oats and grains for which standards have been established under the United States Grain Standards Act.

(e) *Damaged kernels.* Damaged kernels shall be all kernels and pieces of kernels of wild oats and grains for which standards have been established under

the United States Grain Standards Act, which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(f) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of wild oats and grains for which standards have been established under the United States Grain Standards Act, which have been materially discolored and damaged by heat.

(g) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

§ 26.452 Principles governing application of standards.

The following principles shall apply in the determination of the grades for mixed grain.

(a) *Basis of determination.* All determinations shall be on the basis of the grain as a whole.

(b) *Percentages.* All percentages shall be determined upon the basis of weight. The percentage of each kind of grain, including wild oats, and foreign material shall be stated in terms of whole percents. A fraction of a percent shall be disregarded.

(c) *Moisture.* Moisture shall be determined by the air-oven method prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 revision) issued by the Agricultural Marketing Service for the kind of grain which predominates in the mixture or determined by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture as described in Circular No. 921, issued June 1953, or as determined by any method which gives equivalent results.

§ 26.453 Grades, grade requirements, and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for Mixed Grain.* (See also paragraph (c) of this section.)

(1) *Mixed Grain (Grade).* The grade "Mixed Grain" shall be mixed grain with not more than 15.0 percent of damaged kernels, but not more than 3.0 percent of heat-damaged kernels, and which otherwise does not come within the specifications for "Sample grade Mixed Grain."

(2) *Sample grade Mixed Grain.* The grade "Sample grade Mixed Grain" shall be mixed grain which does not meet the requirements of the grade "Mixed Grain"; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which is otherwise of distinctly low quality.

(b) *Grade designations for mixed grain.* The grade designation for mixed

grain shall include in the order named, (1) the words "Mixed Grain" or the words "Sample grade Mixed Grain," as the case may be; (2) the name and approximate percentage of each kind of grain, including wild oats, which constitutes 10 percent or more of the mixture in the order of predominance; (3) when applicable, the words "other grains" followed by a statement of the percentage of the combined quantity of those kinds of grains, including wild oats, each of which is present in a quantity less than 10 percent; (4) the words "Foreign Material" together with a statement of the percentage thereof; and (5) the name of each applicable special grade.

(c) *Special grades, special grade requirements and special grade designations for mixed grain—(1) Tough mixed grain—(i) Requirements.* Tough mixed grain shall be mixed grain which contains more than 14.5 percent but not more than 16.0 percent of moisture.

(ii) *Grade designation.* Tough mixed grain shall be graded according to the grade requirements of the standards applicable to such mixed grain if it were not tough, and there shall be added to and made a part of the grade designation the word "Tough."

(2) *Smutty mixed grain—(i) Requirements.* Smutty mixed grain shall be (a) mixed grain in which wheat or rye predominates, and which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 14 balls of average size in 250 grams of mixed grain, or (b) any other mixed grain which has the kernels covered with smut spores, or which contains smut masses and/or smut balls in excess of 0.2 percent.

(ii) *Grade designation.* Smutty mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not smutty, and there shall be added to and made a part of the grade designation, the word "Smutty."

(3) *Ergoty mixed grain—(i) Requirements.* Ergoty mixed grain shall be mixed grain which contains ergot in excess of 0.3 percent.

(ii) *Grade designation.* Ergoty mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not ergoty, and there shall be added to and made a part of the grade designation, the word "Ergoty."

(4) *Garlicky mixed grain—(i) Requirements.* Garlicky mixed grain shall be (a) mixed grain in which wheat or rye predominates, and which contains 2 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of mixed grain; or (b) mixed grain in which grains other than wheat and rye predominate, and which contains 4 or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 500 grams of mixed grain.

(ii) *Grade designation.* Garlicky mixed grain shall be graded and designated according to the grade requirements of the standards applicable to

¹The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

such mixed grain if it were not garlicky, and there shall be added to and made a part of the grade designation, the word "Garlicky."

(5) *Weevily mixed grain*—(i) *Requirements.* Weevily mixed grain shall be mixed grain which is infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not weevily, and there shall be added to and made a part of the grade designation, the word "Weevily."

(6) *Blighted mixed grain*—(i) *Requirements.* Blighted mixed grain shall be all mixed grain in which barley predominates and which, as a whole, contains more than 4 percent of barley damaged or materially discolored by blight and/or mold.

(ii) *Grade designation.* Blighted mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not blighted, and there shall be added to and made a part of the grade designation, the word "Blighted."

(7) *Treated mixed grain*—(i) *Requirements.* Treated mixed grain shall be mixed grain which has been scoured, limed, washed, sulphured, or treated in such a manner that its true quality is not reflected by either the grade "Mixed Grain" or "Sample grade Mixed Grain."

(ii) *Grade designation.* Treated mixed grain shall be graded and designated according to the grade requirements of the standards applicable to such mixed grain if it were not treated, and there shall be added to and made a part of the grade designation, a statement indicating the kind of treatment.

The foregoing standards supersede the present Official United States Standards for Mixed Grain and shall become effective August 1, 1959.

Done at Washington, D.C., this 14th day of April 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-3229; Filed, Apr. 16, 1959;
8:50 a.m.]

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

PART 729—PEANUTS

Determination With Respect to Supply of Valencia Type Peanuts for 1959-60 Marketing Year

The purpose of this proclamation is to establish that the supply of Valencia type peanuts for the marketing year beginning August 1, 1959, will be insufficient to meet the estimated demand for cleaning and shelling purposes, to establish the extent of increase in State allotments for States producing peanuts of such

type required to meet such demand, and to apportion such increase to such States. These determinations are made pursuant to section 358(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)), which reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Section 729.1004(a) of this proclamation defines each of the four commonly known basic types of peanuts—Runner, Spanish, Valencia, and Virginia—by describing the outstanding physical characteristics of each type and the areas of the United States in which each is most commonly grown.

Section 729.1004(b) establishes that the supply of Valencia type peanuts for the marketing year beginning August 1, 1959, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it. Section 729.1004(b) also establishes the total increase in State allotments required to meet the prescribed demand for Valencia type peanuts.

Section 729.1004(c) apportions the increase determined under § 729.1004(b) to States producing Valencia type peanuts. Such increase is prorated to such States on the basis of the average acreage of Valencia type (excluding acreage in excess of farm allotments) grown in each State in the three years 1956-58, but the allotment for no State is increased above the 1947 harvested acreage of peanuts for the State. For the purpose of this proclamation "farm allotments" mean the allotments established for the farms prior to any increase from released acreage or from the additional acreage allotted to farms under section 358(c) (2) of the Agricultural Adjustment Act of 1938, as amended. The 1956-58 average acreage used for the purposes of the aforementioned apportionment was determined by the State and county com-

mittees, in accordance with instructions issued by the Deputy Administrator, on the basis of data reported by the farm operators and county office records of peanut acreages and production. The same data will be used as the basis for apportioning the State acreage to farms in accordance with the provisions of § 729.1026 of the marketing quota regulations for the 1959 and subsequent crops of peanuts (23 F.R. 8515).

Section 729.1004(d) specifies that the increase in acreage allotted to States under § 729.1004(c) shall not be considered in establishing future State, county, or farm acreage allotments.

Public notice of the proposed determination with respect to the supply of Valencia type peanuts for the 1959-60 marketing year was given (24 F.R. 1475) in accordance with the Administrative Procedure Act (5 U.S.C. 1003). This proclamation is made after due consideration of recommendations submitted in response to such notice. Peanut farmers are now making plans for the production of peanuts in 1959. In order that the State and county Agricultural Stabilization and Conservation committees may establish farm acreage allotments including the apportionment of the additional acreage provided herein for Valencia type peanuts, and issue allotment notices to farm operators at the earliest possible date, it is essential that this proclamation be made effective as soon as possible. Accordingly, it is hereby determined and found that notice and public procedure thereon and compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations and additional acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 729.1004 Determination with respect to supply of Valencia type peanuts for 1959-60 marketing year.

(a) *Definition of types of peanuts.* For the 1959 crop of peanuts, the generally known types of peanuts are defined as follows:

(1) Runner type peanuts mean peanuts commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner, produced principally in the Southeastern peanut-producing area of the United States and identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; and seeds crowded in pod with adjacent ends sharply shouldered. Runner type peanuts will also include lots or loads of peanuts having Virginia type characteristics but not meeting size requirements specified in subparagraph (4) of this paragraph for Virginia type peanuts.

(2) Spanish type peanuts means peanuts commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut-

producing areas of the United States and identified by the following general characteristics: Typically two-seeded pods, which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep; and seeds globular to oval and practically smooth.

(3) Valencia type peanuts means peanuts commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia, produced principally in Tennessee and New Mexico, and identified by the following general characteristics: Typically three- or four- and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation; and seeds globular to oval.

(4) Virginia type peanuts mean peanuts commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia, produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type; pods are roughly cylindrical, with veining and corrugation deep; and seeds cylindrical with pointed

ends, length two or three times diameter, and practically smooth. Any lot or load of peanuts containing less than 30 percent "Fancy" size (peanuts riding a 3/4" x 3" slotted screen) will be considered Runner type peanuts.

(b) *Designation of type for which increase is needed and determination of total increase.* The State acreage allotments for peanuts of the 1959 crop for States which produced Valencia type peanuts during any one or more of the years 1956, 1957 and 1958 shall be increased by a total of 1,931 acres. This increase is determined to be the additional acreage required to meet the demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of increase to States.* The acreages established in paragraph (b) of this section, less reserves of one-sixth of one percent of such acreage which shall be used for adjusting increases in State allotments determined on the basis of incomplete or inaccurate data are hereby apportioned to States on the basis of the average acreage (excluding acreage in excess of farm allotments) of Valencia type peanuts in each State in 1956, 1957 and 1958;

402(c), 52 Stat. 1047, as amended 70 Stat. 512, 73 Stat. 3, 4; 21 U.S.C. 342(c), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045; 23 F.R. 9500), the regulations for the certification of coal-tar colors (21 CFR Part 9) are amended by adding thereto the following new section:

§ 9.16 Citrus Red No. 2; certification and tolerance for use on mature oranges.

(a) A batch of the straight color Citrus Red No. 2 listed in paragraph (b) of this section may be certified, in accordance with the provisions of the regulations in this part, for use at any time prior to September 1, 1961, only in coloring the skins of oranges that are not intended or used for processing (or, if so used, are oranges designated in the trade as "packing-house elimination"), and that meet minimum maturity standards established by or under the laws of the States in which the oranges are grown.

(b)
**CITRUS RED NO. 2
SPECIFICATIONS**

- 1-(2-5, Dimethoxyphenylazo)-2-naphthol. Volatile matter (at 100° C.), not more than 0.5 percent.
- Sulfated ash, not more than 0.3 percent.
- Water-soluble matter, not more than 0.3 percent.
- Matter insoluble in carbon tetrachloride, not more than 0.5 percent.
- Uncombined intermediates, not more than 0.05 percent.
- Subsidiary dyes, not more than 2.0 percent.
- Pure dye, not less than 98 percent.

The general specifications for straight colors in § 9.2 (a) and (b) (1) shall also apply.

(c) (1) Batches of Citrus Red No. 2 shall be certified under the regulations in this section for use only for coloring the skins of oranges that are not intended or used for processing (or, if so used, are designated in the trade as "packing-house elimination"), and that meet minimum maturity standards established by or under the laws of the States in which the oranges are grown.

(2) Oranges colored with Citrus Red No. 2 shall bear not more than 2.0 parts per million of such color, calculated on the basis of the weight of the whole fruit.

(d) A batch of a mixture that contains Citrus Red No. 2 may be certified for use only for coloring the skins of oranges in accordance with the regulations in this section if:

(1) Each coal-tar color used as an ingredient in mixing such batch is from a previously certified batch, and such color has not changed in composition in any manner whatever since such previous certification, except by mixing into such batch of mixtures; and

(2) Each diluent in such batch of mixture is harmless and suitable for use therein.

(e) The label on each package of Citrus Red No. 2 certified in accordance with the regulations in this part shall bear, in addition to other words, statements, and information required by § 9.11, statements prescribing the limita-

| State | 1947 harvested acreage of peanuts | 1956-58 average acreage Valencia type peanuts | Increase in State allotment for Valencia type peanuts | Previous State allotment ¹ | Revised State allotment |
|-------------------|-----------------------------------|---|---|---------------------------------------|-------------------------|
| Alabama | 463,000 | 266 | 87 | 218,546.2 | 218,633.2 |
| Arizona | 0 | | | 718.0 | 718.0 |
| Arkansas | 8,000 | | | 4,227.0 | 4,227.0 |
| California | 0 | | | 941.0 | 941.0 |
| Florida | 105,000 | 230 | 75 | 55,261.4 | 55,336.4 |
| Georgia | 1,124,000 | 140 | 46 | 528,457.9 | 528,503.9 |
| Louisiana | 5,000 | | | 1,966.0 | 1,966.0 |
| Mississippi | 15,000 | | | 7,568.0 | 7,568.0 |
| Missouri | 0 | | | 247.0 | 247.0 |
| New Mexico | 14,000 | 4,422 | 1,446 | 5,001.7 | 6,447.7 |
| N. Carolina | 292,000 | | | 169,145.0 | 169,145.0 |
| Oklahoma | 325,000 | | | 138,268.6 | 138,268.6 |
| S. Carolina | 26,000 | 157 | 52 | 13,838.5 | 13,890.5 |
| Tennessee | 5,000 | 591 | 193 | 3,610.2 | 3,803.2 |
| Texas | 836,000 | 91 | 29 | 356,453.5 | 356,482.5 |
| Virginia | 162,000 | | | 105,750.0 | 105,750.0 |
| Reserve | | | | 3 | 3.0 |
| U.S. total | 3,380,000 | 5,897 | 1,931 | 1,610,000.0 | 1,611,931.0 |

¹ Including the acreage apportioned to each State from the reserve for new farm allotments.

The above increase does not result in increasing the State allotment for any State above the 1947 harvested acreage of peanuts for such State.

(d) *No credit for future allotments.* The increase in acreage allotted to States and farms pursuant to § 729.1003(c) shall not be considered in establishing future State, county, or farm acreage allotments.

(e) *Definitions and miscellaneous provisions.* The applicable definitions and provisions in §§ 729.1010 to 729.1065 of the marketing quota regulations for the 1959 and subsequent crops of peanuts (23 F.R. 8515) shall apply to paragraphs (a) to (e) of this section.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 358(c) (2), 55 Stat. 89, as amended, 65 Stat. 29; 7 U.S.C. 1358(c))

Issued at Washington, D.C., this 14th day of April 1959. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-3239; Filed, Apr. 16, 1959; 8:52 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 9—COLOR CERTIFICATION

Temporary Listing for Certification of Citrus Red No. 2 for Coloring Mature Oranges

Pursuant to section 402(c) of the Federal Food, Drug, and Cosmetic Act (sec.

tions of use set forth in paragraph (c) (1) and (2) of this section.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, since it was the stated intent of the Congress in enacting Public Law 86-2 (73 Stat. 3, 4) that regulations under this law be "promptly established."

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 402(c), 52 Stat. 1047, as amended, 70 Stat. 512, 73 Stat. 3, 4; 21 U.S.C. 342(c))

Dated: April 13, 1959.

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

[F.R. Doc. 59-3208; Filed, Apr. 16, 1959; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Admt. P.L. 10¹]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Miscellaneous Amendments

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

a. The following commodities are deleted from the Positive List:

| Dept. of Commerce Schedule B No. | Commodity description |
|----------------------------------|---|
| 70877 | Electronic equipment, n.e.c., and parts: Video tape recorders, and specially fabricated parts and accessories, n.e.c. ¹ |
| 70789 | Radio direction-finders, ground type, designed to operate at frequencies greater than 5 megacycles, and specially fabricated parts and accessories, n.e.c. ¹ |
| 70832 | Electronic tubes and parts: Color television picture tubes (cathode-ray) with three or more electron guns. ¹ |
| 70922 | Twenty-four volt electrical systems with circuits shielded against radio interference, fungus decay, and water; and specially fabricated parts and accessories, n.e.c. ¹ |
| 74077 | Turbine blade profiling and duplicating milling machines. ¹ |
| 74079 | Turbine blade milling machines, n.e.c. ¹ |
| 79021 | Gasoline motor trucks and truck chassis, including truck tractors, new, n.e.c. (G.V.W., or gross vehicle weight is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees vehicle to accommodate with safety under normal conditions of operation.): 10,001 to 14,000 pounds G.V.W., gasoline, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79025 | 14,001 to 16,000 pounds G.V.W., gasoline, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79029 | 16,001 to 19,500 pounds G.V.W., gasoline, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79037 | 19,501 pounds G.V.W. and over, gasoline, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79041 | Diesel and semi-diesel motor trucks and truck chassis, including truck tractors, new, n.e.c. (G.V.W., or gross vehicle weight is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees the vehicle to accommodate under normal conditions of operation.): 19,500 pounds G.V.W., and under, diesel and semi-diesel, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79045 | 19,501 pounds G.V.W., and over, diesel and semi-diesel, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79114 | Special-purpose vehicles, new, n.e.c.: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79133 | Used motor trucks, buses, and chassis, including truck tractors, and used special purpose vehicles: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79142 | Commercial trailers, n.e.c., and parts: Jacketed tanks designed as parts of commercial trailers, for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 70867 | Parts and accessories for commercial automobiles, trucks and buses: Parts and accessories, n.e.c., specially fabricated for assembly: |
| 72002 | Jacketed tanks for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 72006 | Parts, n.e.c. (except accessories), specially fabricated for spares, replacement, or manufacture into larger components: Jacketed tanks for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79262 | Jacketed tanks for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 79277 | Jacketed tanks for military trucks and trailers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ |
| 82740 | Cementing preparations, n.e.c., for repairing, sealing and adhesive use: Teflon paste. ^{1,2} |
| 91980 | Research laboratory apparatus and equipment, n.e.c., and specially fabricated parts and accessories, n.e.c.: Helium cryostat equipment, and specially fabricated parts and accessories, n.e.c. |

¹ This amendment was published in Current Export Bulletin 813, dated April 1, 1959.

This part of the amendment shall become effective as of April 1, 1959.
b. The following commodities are added to the Positive List:

| Dept. of Commerce Schedule B No. | Commodity description | Unit | Processing code and related commodity group | GLV dollar value limits | Valldated license required | Commodity lists |
|----------------------------------|---|------|---|-------------------------|----------------------------|-----------------|
| 70776 | Electronic equipment, n.e.c., and parts: Video tape recorders, and specially fabricated parts and accessories, n.e.c. ¹ | | RARA 50 | 100 | RO | A |
| 70789 | Radio direction-finders, ground type, designed to operate at frequencies greater than 5 megacycles, and specially fabricated parts and accessories, n.e.c. ¹ | | RARA 50 | 100 | RO | A |
| 70832 | Electronic tubes and parts: Color television picture tubes (cathode-ray) with three or more electron guns. ¹ | No. | RARA 51 | 50 | RO | A |
| 70922 | Twenty-four volt electrical systems with circuits shielded against radio interference, fungus decay, and water; and specially fabricated parts and accessories, n.e.c. ¹ | | TRAN 1 | None | RO | A |
| 74077 | Turbine blade profiling and duplicating milling machines. ¹ | No. | TOOL | None | RO | A |
| 74079 | Turbine blade milling machines, n.e.c. ¹ | No. | TOOL | None | RO | A |
| 79021 | Gasoline motor trucks and truck chassis, including truck tractors, new, n.e.c. (G.V.W., or gross vehicle weight is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees vehicle to accommodate with safety under normal conditions of operation.): 10,001 to 14,000 pounds G.V.W., gasoline, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79025 | 14,001 to 16,000 pounds G.V.W., gasoline, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79029 | 16,001 to 19,500 pounds G.V.W., gasoline, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79037 | 19,501 pounds G.V.W. and over, gasoline, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79041 | Diesel and semi-diesel motor trucks and truck chassis, including truck tractors, new, n.e.c. (G.V.W., or gross vehicle weight is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees the vehicle to accommodate under normal conditions of operation.): 19,500 pounds G.V.W., and under, diesel and semi-diesel, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79045 | 19,501 pounds G.V.W., and over, diesel and semi-diesel, new: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79114 | Special-purpose vehicles, new, n.e.c.: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79133 | Used motor trucks, buses, and chassis, including truck tractors, and used special purpose vehicles: Military, equipped with jacketed containers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79142 | Commercial trailers, n.e.c., and parts: Jacketed tanks designed as parts of commercial trailers, for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 70867 | Parts and accessories for commercial automobiles, trucks and buses: Parts and accessories, n.e.c., specially fabricated for assembly: | | | | | |
| 72002 | Jacketed tanks for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 72006 | Parts, n.e.c. (except accessories), specially fabricated for spares, replacement, or manufacture into larger components: Jacketed tanks for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79262 | Jacketed tanks for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 79277 | Jacketed tanks for military trucks and trailers for the storage or transportation of liquefied gases, of 500 gallons capacity or over. ¹ | No. | TRAN 1 | None | RO | A |
| 82740 | Cementing preparations, n.e.c., for repairing, sealing and adhesive use: Teflon paste. ^{1,2} | Lb. | RESN 2 | 25 | RO | AG |

¹ On or after May 16, 1959, an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exports of this commodity to the countries specified in § 373.2.
² For exports to Group "O" destinations under General License GLV, the GLV dollar-value limit is the same as that specified on the Positive List for Group "R" destinations.

This part of the amendment shall become effective as of April 8, 1959.

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

| Dept. of Com. merce Schedule B No. | Commodity description | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required |
|------------------------------------|---|------|---|-------------------------|----------------------------|
| 20801 | Molded braided silicone hose. 1 | Lb. | RUBR | 500 | R |
| 70741 | Electric industrial melting and refining furnaces: (Specify by name and characteristics.) (1) 2 | No. | ELAME 7 | None | RO |
| 70741 | Vacuum furnaces designed to operate at pressures lower than 0.1 millimeter of mercury and at temperatures higher than 1,100° C. (2012° F.). (Specify by name and characteristics.) (2) 2 | No. | ELAME 7 | None | RO |
| 70741 | Other electric industrial melting and refining furnaces. (Specify by name and characteristics.) (3) 2 | No. | ELAME 7 | None | RO |
| 70744 | Electric industrial metal heat-treating furnaces: (Specify by name and characteristics.) (1) 2 | No. | ELAME 7 | None | RO |
| 70744 | Vacuum furnaces designed to operate at pressures lower than 0.1 millimeter of mercury and at temperatures higher than 1,100° C. (2012° F.). (Specify by name and characteristics.) (2) 2 | No. | ELAME 7 | None | RO |
| 70744 | Other electric industrial metal heat-treating furnaces. (Specify by name and characteristics.) (3) 2 | No. | ELAME 7 | None | RO |
| 72000 | Excavator-type power cranes and shovels, new. (Specify whether military or nonmilitary.) (Report used in 72019); Crawler mounted, revolving, built to Military specification and specially designed for airborne transport, 2½-cubic yards dipper capacity and under, or 50 tons crane capacity and under. 1 2 Loaders, wheel or crawler mounted, self-propelled, new. (If unit consists of a standard tractor to which a shovel attachment is added, report the tractor under the appropriate tractor number and the attachment under 72230); Military type shovel loaders. (1 and 2) 1 2 Non-military type shovel loaders, 135 net brake horsepower and over. (Specify type, whether wheel or tracklaying mounted, and net brake horsepower.) (3) 1 2 | No. | CONNS | None | RO |
| 72015 | Used or rebuilt power excavators and loading machines: Military type used and rebuilt power excavators, trenchers, ditchers, and loaders included on the Positive List under Schedule B Nos. 72000 through 72016. (Specify as military, and give type, capacity, and/or net brake horsepower.) (1) 1 2 3 | No. | CONNS | None | RO |
| 72018 | Non-military type used and rebuilt power excavators and loaders included on the Positive List under Schedule B Nos. 72062 through 72016. (Specify as non-military, and give type, capacity, and/or net brake horsepower.) (2) 1 2 3 | No. | CONNS 1 | None | R |
| 72021 | Parts, accessories, and attachments, n.e.c., specially fabricated for military type power excavators, trenchers, ditchers, and loaders included on the Positive List under Schedule B Nos. 72000 through 72016. (Specify as military.) (1) 1 2 3 Parts, accessories and attachments, n.e.c., specially fabricated for non-military type power excavators included on the Positive List under Schedule B Nos. 72017, 72018, 72019, 72041, 72044, 72045, 72046, 72047, 72048, 72049, 72050, 72051, 72052, 72053, 72054, 72055, 72056, 72057, 72058, 72059, 72060, 72061, 72062, 72063, 72064, 72065, 72066, 72067, 72068, 72069, 72070, 72071, 72072, 72073, 72074, 72075, 72076, 72077, 72078, 72079, 72080, 72081, 72082, 72083, 72084, 72085, 72086, 72087, 72088, 72089, 72090, 72091, 72092, 72093, 72094, 72095, 72096, 72097, 72098, 72099, 72100, 72101, 72102, 72103, 72104, 72105, 72106, 72107, 72108, 72109, 72110, 72111, 72112, 72113, 72114, 72115, 72116, 72117, 72118, 72119, 72120, 72121, 72122, 72123, 72124, 72125, 72126, 72127, 72128, 72129, 72130, 72131, 72132, 72133, 72134, 72135, 72136, 72137, 72138, 72139, 72140, 72141, 72142, 72143, 72144, 72145, 72146, 72147, 72148, 72149, 72150, 72151, 72152, 72153, 72154, 72155, 72156, 72157, 72158, 72159, 72160, 72161, 72162, 72163, 72164, 72165, 72166, 72167, 72168, 72169, 72170, 72171, 72172, 72173, 72174, 72175, 72176, 72177, 72178, 72179, 72180, 72181, 72182, 72183, 72184, 72185, 72186, 72187, 72188, 72189, 72190, 72191, 72192, 72193, 72194, 72195, 72196, 72197, 72198, 72199, 72200, 72201, 72202, 72203, 72204, 72205, 72206, 72207, 72208, 72209, 72210, 72211, 72212, 72213, 72214, 72215, 72216, 72217, 72218, 72219, 72220, 72221, 72222, 72223, 72224, 72225, 72226, 72227, 72228, 72229, 72230, 72231, 72232, 72233, 72234, 72235, 72236, 72237, 72238, 72239, 72240, 72241, 72242, 72243, 72244, 72245, 72246, 72247, 72248, 72249, 72250, 72251, 72252, 72253, 72254, 72255, 72256, 72257, 72258, 72259, 72260, 72261, 72262, 72263, 72264, 72265, 72266, 72267, 72268, 72269, 72270, 72271, 72272, 72273, 72274, 72275, 72276, 72277, 72278, 72279, 72280, 72281, 72282, 72283, 72284, 72285, 72286, 72287, 72288, 72289, 72290, 72291, 72292, 72293, 72294, 72295, 72296, 72297, 72298, 72299, 72300, 72301, 72302, 72303, 72304, 72305, 72306, 72307, 72308, 72309, 72310, 72311, 72312, 72313, 72314, 72315, 72316, 72317, 72318, 72319, 72320, 72321, 72322, 72323, 72324, 72325, 72326, 72327, 72328, 72329, 72330, 72331, 72332, 72333, 72334, 72335, 72336, 72337, 72338, 72339, 72340, 72341, 72342, 72343, 72344, 72345, 72346, 72347, 72348, 72349, 72350, 72351, 72352, 72353, 72354, 72355, 72356, 72357, 72358, 72359, 72360, 72361, 72362, 72363, 72364, 72365, 72366, 72367, 72368, 72369, 72370, 72371, 72372, 72373, 72374, 72375, 72376, 72377, 72378, 72379, 72380, 72381, 72382, 72383, 72384, 72385, 72386, 72387, 72388, 72389, 72390, 72391, 72392, 72393, 72394, 72395, 72396, 72397, 72398, 72399, 72400, 72401, 72402, 72403, 72404, 72405, 72406, 72407, 72408, 72409, 72410, 72411, 72412, 72413, 72414, 72415, 72416, 72417, 72418, 72419, 72420, 72421, 72422, 72423, 72424, 72425, 72426, 72427, 72428, 72429, 72430, 72431, 72432, 72433, 72434, 72435, 72436, 72437, 72438, 72439, 72440, 72441, 72442, 72443, 72444, 72445, 72446, 72447, 72448, 72449, 72450, 72451, 72452, 72453, 72454, 72455, 72456, 72457, 72458, 72459, 72460, 72461, 72462, 72463, 72464, 72465, 72466, 72467, 72468, 72469, 72470, 72471, 72472, 72473, 72474, 72475, 72476, 72477, 72478, 72479, 72480, 72481, 72482, 72483, 72484, 72485, 72486, 72487, 72488, 72489, 72490, 72491, 72492, 72493, 72494, 72495, 72496, 72497, 72498, 72499, 72500, 72501, 72502, 72503, 72504, 72505, 72506, 72507, 72508, 72509, 72510, 72511, 72512, 72513, 72514, 72515, 72516, 72517, 72518, 72519, 72520, 72521, 72522, 72523, 72524, 72525, 72526, 72527, 72528, 72529, 72530, 72531, 72532, 72533, 72534, 72535, 72536, 72537, 72538, 72539, 72540, 72541, 72542, 72543, 72544, 72545, 72546, 72547, 72548, 72549, 72550, 72551, 72552, 72553, 72554, 72555, 72556, 72557, 72558, 72559, 72560, 72561, 72562, 72563, 72564, 72565, 72566, 72567, 72568, 72569, 72570, 72571, 72572, 72573, 72574, 72575, 72576, 72577, 72578, 72579, 72580, 72581, 72582, 72583, 72584, 72585, 72586, 72587, 72588, 72589, 72590, 72591, 72592, 72593, 72594, 72595, 72596, 72597, 72598, 72599, 72600, 72601, 72602, 72603, 72604, 72605, 72606, 72607, 72608, 72609, 72610, 72611, 72612, 72613, 72614, 72615, 72616, 72617, 72618, 72619, 72620, 72621, 72622, 72623, 72624, 72625, 72626, 72627, 72628, 72629, 72630, 72631, 72632, 72633, 72634, 72635, 72636, 72637, 72638, 72639, 72640, 72641, 72642, 72643, 72644, 72645, 72646, 72647, 72648, 72649, 72650, 72651, 72652, 72653, 72654, 72655, 72656, 72657, 72658, 72659, 72660, 72661, 72662, 72663, 72664, 72665, 72666, 72667, 72668, 72669, 72670, 72671, 72672, 72673, 72674, 72675, 72676, 72677, 72678, 72679, 72680, 72681, 72682, 72683, 72684, 72685, 72686, 72687, 72688, 72689, 72690, 72691, 72692, 72693, 72694, 72695, 72696, 72697, 72698, 72699, 72700, 72701, 72702, 72703, 72704, 72705, 72706, 72707, 72708, 72709, 72710, 72711, 72712, 72713, 72714, 72715, 72716, 72717, 72718, 72719, 72720, 72721, 72722, 72723, 72724, 72725, 72726, 72727, 72728, 72729, 72730, 72731, 72732, 72733, 72734, 72735, 72736, 72737, 72738, 72739, 72740, 72741, 72742, 72743, 72744, 72745, 72746, 72747, 72748, 72749, 72750, 72751, 72752, 72753, 72754, 72755, 72756, 72757, 72758, 72759, 72760, 72761, 72762, 72763, 72764, 72765, 72766, 72767, 72768, 72769, 72770, 72771, 72772, 72773, 72774, 72775, 72776, 72777, 72778, 72779, 72780, 72781, 72782, 72783, 72784, 72785, 72786, 72787, 72788, 72789, 72790, 72791, 72792, 72793, 72794, 72795, 72796, 72797, 72798, 72799, 72800, 72801, 72802, 72803, 72804, 72805, 72806, 72807, 72808, 72809, 72810, 72811, 72812, 72813, 72814, 72815, 72816, 72817, 72818, 72819, 72820, 72821, 72822, 72823, 72824, 72825, 72826, 72827, 72828, 72829, 72830, 72831, 72832, 72833, 72834, 72835, 72836, 72837, 72838, 72839, 72840, 72841, 72842, 72843, 72844, 72845, 72846, 72847, 72848, 72849, 72850, 72851, 72852, 72853, 72854, 72855, 72856, 72857, 72858, 72859, 72860, 72861, 72862, 72863, 72864, 72865, 72866, 72867, 72868, 72869, 72870, 72871, 72872, 72873, 72874, 72875, 72876, 72877, 72878, 72879, 72880, 72881, 72882, 72883, 72884, 72885, 72886, 72887, 72888, 72889, 72890, 72891, 72892, 72893, 72894, 72895, 72896, 72897, 72898, 72899, 72900, 72901, 72902, 72903, 72904, 72905, 72906, 72907, 72908, 72909, 72910, 72911, 72912, 72913, 72914, 72915, 72916, 72917, 72918, 72919, 72920, 72921, 72922, 72923, 72924, 72925, 72926, 72927, 72928, 72929, 72930, 72931, 72932, 72933, 72934, 72935, 72936, 72937, 72938, 72939, 72940, 72941, 72942, 72943, 72944, 72945, 72946, 72947, 72948, 72949, 72950, 72951, 72952, 72953, 72954, 72955, 72956, 72957, 72958, 72959, 72960, 72961, 72962, 72963, 72964, 72965, 72966, 72967, 72968, 72969, 72970, 72971, 72972, 72973, 72974, 72975, 72976, 72977, 72978, 72979, 72980, 72981, 72982, 72983, 72984, 72985, 72986, 72987, 72988, 72989, 72990, 72991, 72992, 72993, 72994, 72995, 72996, 72997, 72998, 72999, 73000, 73001, 73002, 73003, 73004, 73005, 73006, 73007, 73008, 73009, 73010, 73011, 73012, 73013, 73014, 73015, 73016, 73017, 73018, 73019, 73020, 73021, 73022, 73023, 73024, 73025, 73026, 73027, 73028, 73029, 73030, 73031, 73032, 73033, 73034, 73035, 73036, 73037, 73038, 73039, 73040, 73041, 73042, 73043, 73044, 73045, 73046, 73047, 73048, 73049, 73050, 73051, 73052, 73053, 73054, 73055, 73056, 73057, 73058, 73059, 73060, 73061, 73062, 73063, 73064, 73065, 73066, 73067, 73068, 73069, 73070, 73071, 73072, 73073, 73074, 73075, 73076, 73077, 73078, 73079, 73080, 73081, 73082, 73083, 73084, 73085, 73086, 73087, 73088, 73089, 73090, 73091, 73092, 73093, 73094, 73095, 73096, 73097, 73098, 73099, 73100, 73101, 73102, 73103, 73104, 73105, 73106, 73107, 73108, 73109, 73110, 73111, 73112, 73113, 73114, 73115, 73116, 73117, 73118, 73119, 73120, 73121, 73122, 73123, 73124, 73125, 73126, 73127, 73128, 73129, 73130, 73131, 73132, 73133, 73134, 73135, 73136, 73137, 73138, 73139, 73140, 73141, 73142, 73143, 73144, 73145, 73146, 73147, 73148, 73149, 73150, 73151, 73152, 73153, 73154, 73155, 73156, 73157, 73158, 73159, 73160, 73161, 73162, 73163, 73164, 73165, 73166, 73167, 73168, 73169, 73170, 73171, 73172, 73173, 73174, 73175, 73176, 73177, 73178, 73179, 73180, 73181, 73182, 73183, 73184, 73185, 73186, 73187, 73188, 73189, 73190, 73191, 73192, 73193, 73194, 73195, 73196, 73197, 73198, 73199, 73200, 73201, 73202, 73203, 73204, 73205, 73206, 73207, 73208, 73209, 73210, 73211, 73212, 73213, 73214, 73215, 73216, 73217, 73218, 73219, 73220, 73221, 73222, 73223, 73224, 73225, 73226, 73227, 73228, 73229, 73230, 73231, 73232, 73233, 73234, 73235, 73236, 73237, 73238, 73239, 73240, 73241, 73242, 73243, 73244, 73245, 73246, 73247, 73248, 73249, 73250, 73251, 73252, 73253, 73254, 73255, 73256, 73257, 73258, 73259, 73260, 73261, 73262, 73263, 73264, 73265, 73266, 73267, 73268, 73269, 73270, 73271, 73272, 73273, 73274, 73275, 73276, 73277, 73278, 73279, 73280, 73281, 73282, 73283, 73284, 73285, 73286, 73287, 73288, 73289, 73290, 73291, 73292, 73293, 73294, 73295, 73296, 73297, 73298, 73299, 73300, 73301, 73302, 73303, 73304, 73305, 73306, 73307, 73308, 73309, 73310, 73311, 73312, 73313, 73314, 73315, 73316, 73317, 73318, 73319, 73320, 73321, 73322, 73323, 73324, 73325, 73326, 73327, 73328, 73329, 73330, 73331, 73332, 73333, 73334, 73335, 73336, 73337, 73338, 73339, 73340, 73341, 73342, 73343, 73344, 73345, 73346, 73347, 73348, 73349, 73350, 73351, 73352, 73353, 73354, 73355, 73356, 73357, 73358, 73359, 73360, 73361, 73362, 73363, 73364, 73365, 73366, 73367, 73368, 73369, 73370, 73371, 73372, 73373, 73374, 73375, 73376, 73377, 73378, 73379, 73380, 73381, 73382, 73383, 73384, 73385, 73386, 73387, 73388, 73389, 73390, 73391, 73392, 73393, 73394, 73395, 73396, 73397, 73398, 73399, 73400, 73401, 73402, 73403, 73404, 73405, 73406, 73407, 73408, 73409, 73410, 73411, 73412, 73413, 73414, 73415, 73416, 73417, 73418, 73419, 73420, 73421, 73422, 73423, 73424, 73425, 73426, 73427, 73428, 73429, 73430, 73431, 73432, 73433, 73434, 73435, 73436, 73437, 73438, 73439, 73440, 73441, 73442, 73443, 73444, 73445, 73446, 73447, 73448, 73449, 73450, 73451, 73452, 73453, 73454, 73455, 73456, 73457, 73458, 73459, 73460, 73461, 73462, 73463, 73464, 73465, 73466, 73467, 73468, 73469, 73470, 73471, 73472, 73473, 73474, 73475, 73476, 73477, 73478, 73479, 73480, 73481, 73482, 73483, 73484, 73485, 73486, 73487, 73488, 73489, 73490, 73491, 73492, 73493, 73494, 73495, 73496, 73497, 73498, 73499, 73500, 73501, 73502, 73503, 73504, 73505, 73506, 73507, 73508, 73509, 73510, 73511, 73512, 73513, 73514, 73515, 73516, 73517, 73518, 73519, 73520, 73521, 73522, 73523, 73524, 73525, 73526, 73527, 73528, 73529, 73530, 73531, 73532, 73533, 73534, 73535, 73536, 73537, 73538, 73539, 73540, 73541, 73542, 73543, 73544, 73545, 73546, 73547, 73548, 73549, 73550, 73551, 73552, 73553, 73554, 73555, 73556, 73557, 73558, 73559, 73560, 73561, 73562, 73563, 73564, 73565, 73566, 73567, 73568, 73569, 73570, 73571, 73572, 73573, 73574, 73575, 73576, 73577, 73578, 73579, 73580, 73581, 73582, 73583, 73584, 73585, 73586, 73587, 73588, 73589, 73590, 73591, 735 | | | | |

| Dept. of Commerce Schedule B No. | Commodity description | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required |
|----------------------------------|---|--------------|---|---|----------------------------|
| 81398 | Medicinal chemicals, n.e.c., organic and inorganic, bulk (cyclic included) for which export controls on other grades are indicated elsewhere on the Positive List (specify by name). (These commodities include but are not limited to diphenylamine, lithium salts, boric acid, sodium borate, and magnesium oxide.) (Report dosage forms in 81395 and 81500-81800.) ¹² | ----- | DRUG | Export controls and commodity list designations applicable to each chemical under this classification are the same as for other grades of the same chemical indicated elsewhere on the Positive List. | |
| 82598 82986 | Polyvinyl butyral ¹³ Radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof, except radioisotopes having an atomic number 3 through 83, and compounds and preparations thereof. (Convert all isotopes to quantity of radioactive emissions expressed in curie.) ¹⁴ | Lb. Curie | RESN 1 DRUG | 100 None | R RO |
| 82996 | Hydraulic fluids, synthetic, formulated wholly or in part with silicones, organosilicates, silanes and fluorinated alcohol esters. (Specify by name.) (1) ¹⁵ | Gal. | ORGN 1 | 100 | RO |
| 82996 | Hydraulic fluids, synthetic, diester types. (Specify by name.) (2) ¹⁶ | Gal. | ORGN 1 | 100 | RO |
| 94745 | Other parts and components (except barrels and breech mechanisms) specially designed for rifles (except fully automatic), carbines, pistols, and revolvers using other than calibre .22 rim fire ammunition. (2) ¹⁴ | ----- | FNFP | 50 | RO |

¹ The GLV dollar-value limit is increased.
² The GLV dollar-value limit is decreased, effective Apr. 8, 1959.
³ The processing code is changed or related commodity group number is changed (see § 372.5(f)).
⁴ The symbol "A" is added in the column headed "Commodity List," indicating that an Import Certificate (or a Hong Kong Import License) will be required in support of a license application covering exportation of these commodities to the countries specified in § 373.2.
⁵ The symbol "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2).
⁶ The symbol "E" is added in the column headed "Commodity Lists," indicating that the commodity may now be exported under the Periodic Requirements Licensing procedure (see part 376).
⁷ The symbol "E" is deleted in the column headed "Commodity List," indicating that the commodity may no longer be exported under the Periodic Requirements licensing procedure (see part 376), effective May 1, 1959.
⁸ The symbol "G" is added in the column headed "Commodity List," indicating that the commodity may be exported under General License GLV to R and O destinations only within the dollar-value limit specified on the Positive List (see § 371.10(d)).
⁹ The symbol "G" is deleted in the column headed "Commodity Lists," indicating that the commodity may be exported to Group O destinations under General License GLV within the \$500 dollar-value limit provisions (see § 371.10(d)).
¹⁰ The destination control is changed from R to RO.
¹¹ The destination control is changed from RO to R.
¹² The commodity description is revised without substantive change.
¹³ The unit of quantity is changed.
¹⁴ The commodity coverage is decreased.
¹⁵ For the most part the commodity coverage is decreased; however, the revised entry also reflects some minor increase in commodity coverage.
¹⁶ The commodity coverage is increased, effective Apr. 8, 1959.
¹⁷ Military automotive vehicles under this entry, for purposes of export control, are interpreted to include only those possessing or built to current military specifications differing materially from normal commercial specifications.
¹⁸ Possessing or built to current military specifications differing materially from commercial specifications.
¹⁹ For purposes of export control, the reported drawbar horsepower of tracklaying tractors which are equipped with a torque converter, or which have not been subjected to the standard Nebraska test, is to be calculated as 83 percent of the net engine flywheel (net brake) horsepower.
²⁰ A reporting requirement is added.
²¹ Two entries are substituted for one presently on the Positive List.

This part of the amendment shall become effective as of April 1, 1959, except as otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in parts b and c above which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., April 8, 1959, may be exported under the previous general license provisions up to and including May 1, 1959. Any such shipment not laden aboard the exporting carrier on or before May 1, 1959 requires a validated license for export.

2. Section 399.2 Appendix B—Commodity Interpretations, Interpretation 18: Transistors is amended to read as follows:

Interpretation 18: Transistors.
 The transistors listed below, including any variation of these types denoted by a letter following the type number (e.g. GT 760R or V10/15A) are excepted from the entry on the Positive List under Schedule B No. 70848.

| | | | |
|----------|--------|--------|--------|
| CK 13 | GT 229 | V6/R4 | 2N 137 |
| CK 14 | GT 269 | V6/R8 | 2N 139 |
| CK 16 | GT 758 | V10/15 | 2N 140 |
| CK 17 | GT 759 | V10/30 | 2N 145 |
| CK 22 | GT 760 | V10/50 | 2N 146 |
| CK 25 | GT 761 | V15/10 | 2N 147 |
| CK 26 | GT 762 | V15/20 | 2N 155 |
| CK 27 | GT 763 | V15/30 | 2N 156 |
| CK 28 | GT 792 | V30/10 | 2N 164 |
| CK 66 | GT 903 | V30/20 | 2N 165 |
| CK 67 | GT 904 | V30/30 | 2N 166 |
| CK 782 | GT 905 | XA 101 | 2N 167 |
| CK 891 | GT 947 | XA 102 | 2N 168 |
| CK 892 | GT 948 | XB 102 | 2N 169 |
| CTP 1104 | MN 48 | XB 103 | 2N 170 |
| CTP 1108 | OC 16 | 2N 34 | 2N 175 |
| CTP 1109 | OC 30 | 2N 35 | 2N 176 |
| CTP 1117 | OC 44 | 2N 68 | 2N 178 |
| GA 52829 | OC 45 | 2N 78 | 2N 185 |
| GA 53270 | OC 65 | 2N 94 | 2N 189 |
| GFT 20 | OC 66 | 2N 95 | 2N 190 |
| GFT 21 | OC 70 | 2N 97 | 2N 191 |
| GFT 26 | OC 71 | 2N 101 | 2N 192 |
| GFT 32 | OC 72 | 2N 102 | 2N 193 |
| GFT 44 | OC 73 | 2N 103 | 2N 194 |
| GFT 45 | OC 76 | 2N 105 | 2N 206 |
| GT 35 | T 1164 | 2N 107 | 2N 207 |
| GT 83 | TS 1 | 2N 109 | 2N 211 |
| GT 87 | TS 2 | 2N 115 | 2N 212 |
| GT 123 | TS 3 | 2N 123 | 2N 213 |
| GT 153 | TS 637 | 2N 135 | 2N 215 |
| GT 167 | V6/R2 | 2N 136 | 2N 216 |

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| 2N 217 | 2N 283 | 2N 369 | 2N 522 |
| 2N 218 | 2N 284 | 2N 376 | 2N 529 |
| 2N 219 | 2N 291 | 2N 378 | 2N 530 |
| 2N 220 | 2N 292 | 2N 399 | 2N 531 |
| 2N 226 | 2N 293 | 2N 401 | 2N 532 |
| 2N 227 | 2N 311 | 2N 409 | 2N 533 |
| 2N 228 | 2N 312 | 2N 410 | 2N 535 |
| 2N 229 | 2N 315 | 2N 411 | 2N 536 |
| 2N 233 | 2N 316 | 2N 412 | 2N 554 |
| 2N 235 | 2N 317 | 2N 438 | 2N 555 |
| 2N 238 | 2N 318 | 2N 439 | 2N 556 |
| 2N 241 | 2N 323 | 2N 440 | 2N 557 |
| 2N 250 | 2N 324 | 2N 444 | 2N 558 |
| 2N 253 | 2N 325 | 2N 445 | 2N 581 |
| 2N 254 | 2N 326 | 2N 446 | 2N 583 |
| 2N 255 | 2N 350 | 2N 447 | 2N 592 |
| 2N 256 | 2N 351 | 2N 469 | 2N 594 |
| 2N 257 | 2N 352 | 2N 515 | 2N 595 |
| 2N 265 | 2N 353 | 2N 516 | 2N 596 |
| 2N 279 | 2N 356 | 2N 517 | 2N 626 |
| 2N 280 | 2N 357 | 2N 519 | |
| 2N 281 | 2N 358 | 2N 520 | |
| 2N 282 | 2N 368 | 2N 521 | |

This part of the amendment shall become effective as of April 1, 1959.

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

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

[F.R. Doc. 59-3138; Filed, Apr. 16, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND OTHERS

[Docket 7260]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Associated Dry Goods Corp.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: Comparative; Usual as reduced, special, etc. 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; § 13.1865 Manufacture or preparation: 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, Associated Dry Goods Corporation, New York, N.Y., Docket 7260, March 20, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in New York City with violating the Fur Products Labeling Act by failing to comply with labeling and invoicing requirements, and by advertising in newspapers which failed to disclose that certain fur products contained artificially colored fur and which used comparative prices

and purportedly reduced prices without maintaining adequate records as a basis for such pricing claims.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Associated Dry Goods Corporation, a corporation, and its officers, and representatives, agents, and employees trading as J. N. Adam & Company, 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:

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;

(7) The item number or mark assigned to a fur product.

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

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

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

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in proper sequence.

D. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

2. Falsely or 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 products 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 a substantial part of paws, tails, bellies, or waste fur, when such is the fact;

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

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

(7) The item number or mark assigned to a fur product.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the term "Persian Lamb" in the manner required.

D. Failing to set forth the term "Dyed Mouton Processed Lamb" in the manner required.

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: That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact.

4. Making price claims and representations respecting prices or reduced prices unless respondent maintains full and adequate records disclosing the facts upon which such claims and representations are based.

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

It is ordered, That respondent Associated Dry Goods Corporation, a corporation, and its officers, and representatives, agents, and employees trading as J. N. Adams & Company 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: March 20, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-3203; Filed, Apr. 16, 1959;
8:46 a.m.]

[Docket 7287]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

L. Thaler & Co., Inc. et al.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Fictitious Marketing; § 13.170 *Qualities or properties of product or service*. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception*: § 13.1056 *Preticketing merchandise misleadingly*. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing*.

(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, L. Thaler & Co., Inc., et al., New York, N.Y., Docket 7287, March 20, 1959]

In the Matter of L. Thaler & Co., Inc., a Corporation, and Louis Thaler, Charles Weiss, Leo Lederman and Morris Lederman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in New York City with representing falsely—by means of fliers or inserts enclosed in the plastic covers or otherwise—that bed comforters which they sold to retailers and to the premium trade were "allergy resistant", "moth resistant", and worth "\$24.95."

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That L. Thaler & Co., Inc., a corporation and its officers, and Louis Thaler, Charles Weiss, Leo Lederman and Morris Lederman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of bed comforters or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from directly or indirectly:

1. Representing that their bed comforters or other products are "allergy resistant," when such is not the fact;

2. Representing that their bed comforters or other products are "moth resistant," when such is not the fact;

3. Representing in any manner that certain amounts are the regular and usual retail prices of their products, when such amounts are in excess of

the prices at which such products are usually and customarily sold at retail.

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

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

Issued: March 20, 1959.

By the Commission.

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-3204; Filed, Apr. 16, 1959;
8:46 a.m.]

[Docket 5724]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

American Motor Specialties Co., Inc. et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—* Knowingly inducing or receiving discriminating price under 2(f): § 13.850 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, American Motor Specialties Co., Inc. (Newark, N.J.), et al., Docket 5724, March 12, 1959]

In the Matter of American Motor Specialties Co., Inc., a Corporation; Bronx Gear & Bearing Co., Inc., a Corporation; Clinton Square Auto Parts Corp., a Corporation; Eveready Automotive Company, a Partnership; Green's Auto Gear & Parts Co., Inc., a Corporation; Howell Treiber, Inc., a Corporation; M & G Auto Supplies, Inc., a Corporation; Miller Auto Supply & Equipment Co., Inc., a Corporation; North Shore Auto Parts Co. of Flushing, Inc., a Corporation; S & R Auto Parts, Inc., a Corporation; Sanders & Ruskin, Inc., a Corporation; South Shore Motor Parts Co., Inc., a Corporation; Cypress Auto Parts Company, a Proprietorship; A. Jacoby & Sons, Inc., a Corporation; K & G Auto Parts, Inc., a Corporation; Norwood Distributors, Inc., a Corporation; Republic Auto Parts, a Partnership; Automotive Group Buyers, Inc., a Corporation; Metropolitan Automotive Wholesalers Cooperative, Inc., a Corporation, and Said Corporations' and Firms' Officers, Directors, Proprietors, and Partnership Members; and Alfred Epstein; Isadore Strulson; Abraham Lonoff; Julius N. Cohen; Benjamin Green; Peter J. Treiber; Meyer Gladstein; Joseph Finkelstein; Max Leifer; Morris Garber; Herman Sanders; George G. Korshin; Arthur Schwartz; Joseph Jacoby; Max Granoff; Benjamin Peskoe; Chester Klein; Individually, and in Such Respective Capacities as Aforedesignated

This proceeding was heard by a hearing examiner on the complaint of the

Commission charging 17 jobbers in the New York City area with maintaining a buying association as the medium through which they exerted the combined influence of their buying power and demanded discriminations in price on their individual purchases, such as rebates up to 19 percent higher than those received by their competitors.

Following trial of the issues, the hearing examiner made his initial decision and order to cease and desist which became on March 12—after denial of respondents' appeal therefrom—the decision of the Commission.

The order to cease and desist is as follows:

It is ordered. That American Motor Specialties Co., Inc., a corporation; Bronx Gear & Bearing Co., Inc., a corporation; Clinton Square Auto Parts Corp., a corporation; George Boelger, Mrs. Anna Marian Boelger, Julius N. Cohen, and Mrs. Cherrie Cohen, copartners trading as Eveready Automotive Company; Green's Auto Gear & Parts Co., Inc., a corporation; Howell Treiber, Inc., a corporation; M & G Auto Supplies, Inc., a corporation; Miller Auto Supply & Equipment Co., Inc., a corporation; North Shore Auto Parts Co. of Flushing, Inc., a corporation; S & R Auto Parts, Inc., a corporation; Sanders & Ruskin, Inc., a corporation; South Shore Motor Parts Co., Inc., a corporation; Arthur Schwartz, doing business as Cypress Auto Parts Company, A Jacoby & Sons, Inc., a corporation; K & G Auto Parts, Inc., a corporation; Norwood Distributors, Inc., a corporation; and Chester Klein, and Mrs. Isabell Klein, copartners trading as Republic Auto Parts, and their respective officers, agents, representatives and employees, in connection with the offering to purchase or purchase of any automotive parts, accessories or supplies or other similar products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Knowingly inducing, or knowingly receiving or accepting, any discrimination in the price of such products by directly or indirectly inducing, receiving or accepting from any seller a net price known by respondents to be below the net price at which said products of like grade and quality are being sold by such seller to other customers where the seller is competing with any other seller for respondents' business or where respondents are competing with other customers of the seller.

(2) Maintaining, managing, controlling or operating respondent Automotive Group Buyers, Inc., and Metropolitan Automotive Wholesalers Cooperative, Inc., or any other organization of like character, as a means or instrumentality to knowingly induce, or knowingly receive or accept, any discrimination in the price of automotive parts, accessories or supplies, by directly or indirectly inducing, receiving or accepting from any seller a net price known by respondents to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers where the seller is competing with any other seller for respondents' business or where respondents are

competing with other customers of the seller.

It is further ordered. That respondents Automotive Group Buyers, Inc., a corporation, and Metropolitan Automotive Wholesalers Cooperative, Inc., a corporation, and their respective members, officers, agents, representatives and employees, in connection with the offering to purchase, or purchase, of any automotive parts, accessories or supplies or other similar products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Knowingly inducing, or knowingly receiving or accepting, any discrimination in price of such products by directly or indirectly inducing, receiving or accepting from any seller a net price known by respondents to be below the net price at which said products and supplies of like grade and quality are being sold by such seller to other customers where the seller is competing with any other seller for respondents' business or where respondents are competing with other customers of the seller.

It is further ordered. That the complaint be dismissed as to the following individual respondents: Alfred Epstein, Isadore Strulson, Abraham Lonoff, Benjamin Green, Peter J. Treiber, Meyer Gladstein, Joseph Finkelstein, Max Leifer, Morris Garber, Herman Sanders, George G. Korshin, Joseph Jacoby, Max Granoff, and Benjamin Peskoe.

For the purpose of determining the "net price" under the terms of this order, there should be taken into account discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are effected.

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

It is ordered. That the respondents, except those against whom the complaint has been dismissed, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the initial decision.

Issued: March 12, 1959.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F.R. Doc. 59-3205; Filed, Apr. 16, 1959;
8:46 a.m.]

[Docket 7115]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Cannon Mills, Inc.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.*

(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, Cannon Mills, Inc., New York, N.Y., Docket 7115, March 12, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller of textile products with main office in New York City with advertising falsely that its "X-ron" blankets, containing 65 percent rayon and 25 percent cotton, were composed predominantly of orlon and nylon, and with failing to disclose that the silk-appearing bindings were composed of acetate.

After trial of the issues, the hearing examiner made his initial decision including findings as to the facts, conclusion, and order, from which respondent appealed. The Commission, after hearing the matter, granted the appeal to the extent of adding to the order a proviso to eliminate possibility of conflict between its requirements and those of the Textile Fiber Products Identification Act, to become effective March 3, 1960. As thus modified, the initial decision became on March 12 the decision of the Commission.

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

It is ordered, That respondent Cannon Mills, Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of blankets, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, in advertising of any kind, by setting forth fiber content other than in the order of predominance, or by any means, that respondent's blankets, or other merchandise, contain a greater proportion of particular fibers, or of a particular fiber, than is actually the fact;

2. Failing to disclose in a clear and conspicuous manner, on labeling attached to blankets or other merchandise, or by other means, and in advertising of any kind, that said merchandise contains acetate, when such is the fact.

Provided, however, That nothing herein shall relieve the respondent from its obligation to comply with the requirements of the Textile Fiber Products Identification Act after the effective date thereof or forbid the respondent thereafter from labeling and otherwise offering products subject to that Act in the manner prescribed thereby and rules and regulations promulgated thereunder by the Commission.

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

It is further ordered, That the respondent 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.

It is further ordered, That the initial decision, as modified herein, be, and it hereby is, adopted as the decision of the Commission.

Issued: March 12, 1959.

By the Commission.

[SEAL]

JOHN R. HEIM,
Acting Secretary.

[F.R. Doc. 59-3206; Filed, Apr. 16, 1959;
8:46 a.m.]

SUBCHAPTER B—TRADE PRACTICE CONFERENCE RULES

[File No. 21-363]

PART 202—SUN GLASS INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of April 17, 1959.

Statement by the Commission. Trade practice rules for the Sun Glass Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute revision and extension of the trade practice rules for the Sun Glass Industry promulgated by the Commission October 31, 1951, and supersede the 1951 rules.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, assembly, sale, or distribution of sun glasses and sun glass lenses and other glasses and lenses which are used to provide protection for the eyes from sun glare, strong light, or other similar conditions, and frames and other parts for such glasses. Eye-corrective glasses and lenses are not included.

Proceedings to amend the 1951 trade practice rules for this industry were instituted upon application of an industry group. Proposed amended rules for the industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in New York, N.Y., on September 9, 1958, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster

and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

| Sec. | Definitions. |
|--------|--|
| 202.0 | Deception (general). |
| 202.1 | Misuse of the terms "ground," "polished," and "ground and polished." |
| 202.2 | Misrepresenting products as conforming to a standard or specification. |
| 202.3 | Misuse of the word "crookes." |
| 202.4 | Deceptive price representations. |
| 202.5 | Misrepresentation as to origin and disclosure of foreign origin. |
| 202.6 | Misuse of the term "certified," etc. |
| 202.7 | Misrepresentation as to gold content. |
| 202.8 | Guarantees, warranties, etc. |
| 202.9 | Defamation of competitors or false disparagement of their products. |
| 202.10 | Consignment distribution. |
| 202.11 | Prohibited discrimination. |
| 202.12 | Prohibited sales below cost. |
| 202.13 | Prohibited forms of trade restraints (unlawful price fixing, etc.). |
| 202.14 | |

AUTHORITY: §§ 202.0 to 202.14 issued under 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.

§ 202.0 Definitions.

(a) "Industry Products" consist of sun glasses and sun glass lenses and other glasses and lenses which are used to provide protection for the eyes from sun glare, strong light, or other similar conditions, and frames and other parts for such glasses. The glasses and lenses covered are eye-protective, not eye-corrective, devices.

(b) "Industry Members" are persons, firms, corporations, and organizations engaged in the manufacture, assembly, sale, or distribution in commerce of industry products as defined above.

NOTE: Nothing in this part shall be construed as relieving any member of the industry of the necessity of complying with requirements of State laws or regulations or other laws or regulations applicable to the products of this industry.

§ 202.1 Deception (general).

(a) It is an unfair trade practice for any member of the industry to sell, offer for sale, or distribute any industry product under any representation or circumstance having the capacity and tendency or effect of misleading or deceiving pur-

chasers or prospective purchasers of such product in any material respect.

(b) The inhibitions of this section are to be understood as applicable to, but not limited to, misleading claims and representations concerning:

(1) The protection afforded users of the product from eye injury resulting from exposure to sun glare, strong light, or other similar conditions;

(2) The efficacy of the product to improve, or to prevent material reduction of, vision on the part of users when worn under continuous or intermittent exposure to strong light;

(3) The kind, grade, quality, value, durability,¹ composition, construction and finish of the product, or its immunity or resistance to tarnish.²

(c) Other practices to be regarded as among those inhibited by the section are the following:

(1) Representing or implying that industry products are surplus goods of any of the armed services of the United States, or that such products were acquired, directly or indirectly, from the United States Government, or any branch or agency thereof, when such is not the fact;

(2) Representing or implying by use of such expressions as "Air Corps Type," "Air Force Type," "Aviation Type," "Type Worn by Air Force Pilots," or by use of any other terms or expressions of similar import, that industry products are of the same type, quality, and efficacy as those worn by aircraft pilots of the armed forces of the United States, when such is not the fact. [Rule 1]

§ 202.2 Misuse of the terms "ground," "polished," and "ground and polished."

In connection with the sale, offering for sale, or distribution of sun glasses or sun glass lenses, it is an unfair trade practice to use the terms "ground," "polished," or "ground and polished," or any other words or terms of similar import, as descriptive of sun glass lenses unless the entire surfaces thereof have been ground with an abrasive and thereafter polished to eliminate form and surface imperfections and to produce an optical finish which is free from visible surface defects such as scratches, waves, and greyness: *Provided, however*, The terms "ground," "polished," or "ground and polished," or any other words or terms of similar import, may be used as descriptive of sun glass lenses produced from plate glass which has been so ground and polished, and thereafter thermally curved, bent, or dropped, if, in immediate conjunction with any of such representations, it is plainly disclosed that such plate glass was thermally

¹An industry product should not be unqualifiedly represented as being immune to breakage. When of such composition, construction, and design as to assure of non-breakage under normal conditions of use for a substantial period of time it may properly be represented as being "break-resistant."

²An industry product may properly be represented as being "tarnish resistant" when it will not tarnish for a substantial period of time under normal conditions of use.

curved after being ground and polished; as for example: "Made from plate glass ground and polished and thereafter thermally curved." [Rule 2]

§ 202.3 Misrepresenting products as conforming to a standard or specification.

In the sale, offering for sale, or distribution of any industry product, it is an unfair trade practice:

(a) To falsely represent or imply that any such product conforms to the requirements of any standard or specification, whether established or recognized by a department or unit of a city or state government, or of the Federal Government, or otherwise;

(b) To represent or imply that such product conforms to the requirements of any standard or specification without clearly disclosing the identity of the standard or specification to which reference is made. Such disclosure shall be by number, if any, of the standard or specification referred to, and the type of glass covered thereby, on all labels, invoices, sales literature, display cards, containers, and other advertising, except that when available space on labels is insufficient for the full statement in legible type, the identification may be made by number only;

(c) For any member of the industry to represent or imply that the product conforms to any standard or specification which is inapplicable or which has been rescinded, revised, superseded, or amended, and thereby mislead or deceive purchasers or prospective purchasers. [Rule 3]

§ 202.4 Misuse of the word "Crookes."

(a) It is an unfair trade practice, in the sale or distribution of sun glasses or sun glass lenses, to mark, stamp, brand, label, advertise, describe, or otherwise represent, such sun glasses or lenses as being "Crookes" when such is not true in fact; or to use the word "Crookes" or other words or representations in any manner as to import or imply that the lenses to which such marks, words, or representations are applied are "Crookes" lenses when such is not true in fact.

(b) Definition: For purposes of this part a "Crookes" lens is defined as a nearly neutral colored ultra-violet absorption glass which contains sufficient crude cerium and/or other rare earths to reduce the ultra-violet transmission at a thickness of 2.0 mm. to not more than 1 percent at 334 millimicrons, and also at this thickness to have prominent didymium absorption bands in the yellow region of the spectrum. For sun glasses the visual transmission shall be not more than 67 percent, but may vary within this limitation according to the desired shade. [Rule 4]

§ 202.5 Deceptive price representations.

In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for an industry member to make any representation concerning the price at which an industry product is, or will be, offered for sale which has the capacity and tendency or

effect of deceiving purchasers of prospective purchasers in any material respect; or to furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representations.

NOTE: On October 2, 1958, the Commission adopted "Guides Against Deceptive Pricing" which appear in the October 15, 1958, issue of the FEDERAL REGISTER as a notice at pages 7965-7966 and which constitute an appendix to these rules. They supply specific guidance respecting pricing representations and are to be considered as supplementing the section.

[Rule 5]

§ 202.6 Misrepresentation as to origin and disclosure of foreign origin.

(a) It is an unfair trade practice to misrepresent the place of manufacture or processing of industry products or their components.

(b) It is also an unfair trade practice to offer for sale, sell or distribute any industry product manufactured or processed in a foreign country, or any industry product containing a substantial or material part or parts manufactured or processed in a foreign country, without clear and adequate disclosure of such fact, when the failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the origin of the product, or part or parts thereof, as the case may be.

Disclosure of foreign origin, as and when required under this paragraph, may be in the form of a stamping or marking on the product itself, or on a tag or label securely attached to the product. Such disclosure shall clearly identify the foreign country in which the product, or part or parts thereof, were manufactured or processed, and shall be of such conspicuousness as to be noticeable and readable on casual inspection, and of such permanence as to remain thereon until the consummation of consumer sale.

NOTE 1: Paragraph (b) of this section is not to be construed as requiring disclosure as to foreign manufacture or processing when, by reason of further manufacturing or processing operations in this country, or merger with another part or other parts, the imported product or part does not retain the appearance and essential characteristics which it possessed at the time of its importation. In this connection it is to be understood that when lenses imported from a foreign country are installed in frames of domestic or foreign manufacture, such lenses are not to be regarded as having lost their identity either in appearance or essential characteristics by reason of installation in the frames.

NOTE 2: Nothing in this section shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the customs laws or regulations, or other applicable provisions of law or regulation, relating to the marking of imported articles.

[Rule 6]

§ 202.7 Misuse of the term "certified," etc.

It is an unfair trade practice for an industry member to describe, identify, or refer to an industry product as "Certified," or to use respecting such product

any other word or words of similar meaning or import, unless:

(a) The identity of the certifier and the specific matters or qualities certified are clearly disclosed in conjunction therewith; and

(b) The certifier has examined such product, has made certification, and is qualified to certify as to such matters and qualities; and

(c) There is available to the purchaser a certificate setting forth clearly and nondeceptively the name of the certifier and the matters and qualities certified. [Rule 7]

§ 202.3 Misrepresentation as to gold content.

(a) It is an unfair trade practice to sell or offer for sale any industry product under any trade or product name or designation or other representation having the capacity and tendency or effect of deceiving purchasers or prospective purchasers thereof as to the presence of gold or gold alloy in the product, or as to the quantity or fineness of gold alloy contained in the product, or as to the fineness, thickness, weight ratio, or manner of application of any gold or gold alloy plating, covering, or coating on any surface of any industry product or part thereof.

(b) The following practices are among those to be regarded as inhibited by paragraph (a) of this section:

(1) Use of the unqualified word "Gold," or any abbreviation thereof, as descriptive of any industry product, or part thereof, which is not composed throughout of fine (24 karat) gold.

(2) Use of the word "Gold," or any abbreviation thereof, as descriptive of any industry product, or part thereof, which is composed throughout of an alloy of gold, unless a correct designation of the karat fineness of the alloy immediately precedes the word "Gold," or abbreviation thereof, and such fineness designation is of at least equal conspicuousness therewith.

(3) Use of the word "Gold," or any abbreviation thereof, as descriptive of any industry product, or part thereof, which is not composed throughout of gold or gold alloy, but is surface-plated or coated with gold alloy, unless the word "Gold," or abbreviation thereof, is so qualified as adequately and nondeceptively to disclose that the product or part is but surface-plated or coated with an alloy of gold; and, when such plating has been mechanically applied, unless such word "Gold," or abbreviation thereof, is immediately preceded by a correct designation of the karat fineness of the alloy and such fineness designation is of at least equal conspicuousness therewith.

NOTE: See acceptable forms of markings and descriptions for such products set out in paragraph (c) (2) of this section.

(4) Use of the terms "Gold Filled," "Rolled Gold Plate," "Rolled Gold Plated," "Gold Overlay," "Gold Plated," or "Gold Plate," as descriptive of an industry product or part thereof, unless such product or part contains a surface-plating of gold alloy applied by a mechanical process which is of such thickness and extent of surface coverage that

use of the term as descriptive of the product or part will not have the capacity and tendency of deceiving purchasers or prospective purchasers, and unless the term is immediately preceded by a correct designation of the karat fineness of the alloy and such designation is of at least equal conspicuousness as the term used.

NOTE: See acceptable forms of markings and descriptions for such products set out in paragraph (c) (2) of this section.

(5) Use of the term "Gold Electroplate," or "Gold Electroplated," as descriptive of any industry product or part thereof, unless such product or part is plated or coated with gold or a gold alloy and such plating or coating is of such karat fineness, thickness, and extent of surface coverage that the use of the term will not have the capacity and tendency of deceiving purchasers or prospective purchasers.

NOTE: See acceptable forms of markings and descriptions for such products set out in paragraph (c) (3) of this section.

(6) Representing, directly or by implication, by use of any name, terminology, or otherwise, that an industry product is equal or superior to, or different than, a known and established type of industry product with reference to its gold content or method of manufacture, unless the representation is true in fact (namely, that it is equal or superior to or different than the established type in the respects represented or implied.)

NOTE: Requirements for use of the word "Gold," or any abbreviation thereof, as above set forth, are applicable to "Duragold," "Diragold," "Noblegold," "Goldine," or any words or terms of similar import.

(c) Markings and descriptions of industry products or parts thereof will be considered as meeting the requirements of this section when in conformity with the following:

(1) An industry product or part thereof composed throughout of an alloy of gold of not less than 10 karat fineness may be marked and described as "Gold" when such word "Gold," wherever appearing, is immediately preceded by a correct designation of the karat fineness of the alloy and such karat designation is of equal conspicuousness as the word "Gold" (as, for example, "14 Karat Gold," "14 K. Gold," and "14 Kt. Gold"). Such a product may also be marked and described by a designation of the karat fineness of the gold alloy unaccompanied by the word "Gold" (as, for example, "14 Karat," "14 Kt.," and "14 K.").

NOTE: When the term "Gold," or any abbreviation thereof, is used as descriptive of any product or part of a product which is composed throughout of gold alloy but contains a concealed hollow center or interior, the term or its abbreviation shall also be immediately accompanied by a disclosure of the fact that the product or part contains a hollow center or interior (as, for example, "14 Karat Gold-Hollow Center" and "14 K. Gold Tubing," when of a gold alloy tubing of such a karat fineness), when the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers. Such products must not be marked or described as "solid" or as being solidly of gold or of a gold alloy. For example, though the composition of such a

product is 14 karat gold alloy, it shall not be described or marked as either "14 Kt. Solid Gold" or as "Solid 14 Kt. Gold."

(2) An industry product or part thereof on which there has been affixed on all significant surfaces, by soldering, brazing, welding, or other mechanical means, a plating of gold alloy of not less than 10 karat fineness which is of substantial thickness³, may be marked or described as "Gold Filled," "Gold Plate," "Gold Plated," "Gold Overlay," "Rolled Gold Plate," or adequate abbreviations thereof, when such plating constitutes at least 1/20th of the weight of the metal in the entire article, and when the term is immediately preceded by a designation of the karat fineness of the plating which is of equal conspicuousness as the term used (as, for example, "14 Kt. Gold Filled," "14 Kt. G.F.," "14 Kt. Gold Plated," "14 Kt. G.P.," and "14 Kt. Gold Overlay"). When conforming to all such requirements except the specified minimum of 1/20th of the weight of the metal in the entire article, the terms "Gold Plate," "Gold Plated," "Rolled Gold Plate," and "Gold Overlay" may be used when the karat fineness designation is immediately preceded by a fraction which accurately discloses the portion of the weight of the metal in the entire article accounted for by the plating, and when such fraction is of equal conspicuousness as the term used (as, for example, "1/40 12 Kt. Rolled Gold Plate," and "1/40 12 Kt. R.G.P.").

(3) An industry product or part thereof, all significant surfaces on which there has been affixed by an electrolytic process a coating or plating of gold, or of a gold alloy of not less than 10 karat fineness, the minimum thickness throughout of which is equivalent to 7/1,000,000ths of an inch of fine gold, may be marked or described as "Gold Electroplate" or "Gold Electroplated." When the coating or plating meets the minimum fineness, but not the minimum thickness, above specified, the marking or description may be "Gold Flashed" or "Gold Washed," and when of the minimum fineness above specified and of a minimum thickness throughout which is equivalent to 100/1,000,000ths of an inch of fine gold, the marking or description may be "Heavy Gold Electroplate" or "Heavy Gold Electroplated." When coatings or platings qualify for the term "Gold Electroplate" (or "Gold Electroplated"), or the term "Heavy Gold Electroplate" (or "Heavy Gold Electroplated"), and have been applied by use of a special kind of an electrolytic process, the designation for which the coating or plating is qualified may be accompanied by an identification of the process used, as for example, "Gold Electroplated (X Process)"; "Heavy Gold Electroplated (Y Process)."

NOTE: When a quality mark has proper application but to one or more parts of an industry product and not to another part or parts thereof which are of similar surface appearance, it shall be accompanied by iden-

³ As here used, the term "substantial thickness" is to be construed as requiring that all areas of the plating be of such thickness as to assure of a durable coverage of the base metal to which it has been affixed.

tification of the part or parts to which it is applicable. No quality mark shall be used in which words or letters appear in greater size than other words or letters of the marking, e.g., the marking "gold electroplated," "gold flashed," or "gold washed" shall not be used with the word "electroplated," "flashed," or "washed" in small type and the word "gold" in larger type. As used in this section, the term "quality mark" means any letter, figure, numeral, symbol, sign, word, or term, or any combination thereof, which has been stamped, embossed, inscribed, or otherwise placed, on any industry product and which indicates or suggests that such product is composed throughout of gold or gold alloy, or has a surface or surfaces on which there has been plated or deposited any gold or gold alloy. Included are the words "gold," "karat," "carat," or any abbreviation thereof, whether used alone or in conjunction with the word "filled," "plated," "overlay," "electroplated," "flashed," or "washed."

(d) The requirements of this section relating to markings and descriptions of industry products and parts thereof are subject to the tolerances applicable thereto under the National Stamping Act (15 U.S. Code, Sections 294, et seq.). Such requirements are also subject to exemptions applicable thereto under section 10(a) of Commercial Standard CS 67-38, relating to articles made of karat gold, and under section 12(a) of Commercial Standard CS 47-34, relating to articles having mechanically-applied surface platings of gold alloy. [Rule 8]

§ 202.9 Guarantees, warranties, etc.

(a) It is an unfair trade practice to represent, in advertising or otherwise, that any industry product is "guaranteed" unless the nature and extent of such guarantee is conjunctively disclosed and without deceptively minimizing the terms and conditions relating to the obligations of the guarantor.

(b) It is also an unfair trade practice to use, or cause to be used, any guarantee in which the obligations of the guarantor are impracticable of fulfillment, or in respect to which the guarantor fails or refuses to observe his liabilities thereunder.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 9]

§ 202.10 Defamation of competitors or false disparagement of their products.

The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 10]

§ 202.11 Consignment distribution.

(a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) It is an unfair trade practice for any member of the industry to employ

the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 11]

§ 202.12 Prohibited discrimination.⁴

NOTE: This section is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use:

NOTE: Purchases by U.S. Government: In an opinion submitted to the Secretary of War under date of December 26, 1936, the U.S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.)

⁴ As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this section. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows:

Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the

industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: Paragraph (e) of this section is a restatement of section 2(f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2(a) of said Act and not justified under subparagraph (2), (4), or (5), of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and

quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing where there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices, knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

[Rule 12]

§ 202.13 Prohibited sales below cost.

(a) The practice of selling industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were (a) of seasonal goods near the conclusion of the season; (b) of perishable goods in respect to which deterioration is imminent; (c) of obsolescent goods; (d) made under judicial process; or (e) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery, of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 13]

§ 202.14 Prohibited forms of trade restraints (unlawful price fixing, etc.)⁶

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 14]

Issued: April 14, 1959.

[SEAL] ROBERT M. PARRISH,
Secretary.

[P.R. Doc. 59-3216; Filed, Apr. 16, 1959; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

DIVISION DIRECTORS ET AL.

Section 200.101 is amended to read as follows:

§ 200.101 Division Directors and their Superiors, the General Counsel, Field Office Directors and Assistants, and others.

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Assistant to the Commissioner, Executive Officer for Regional Liaison, General Counsel,

⁶The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

Division Director and Deputy Division Director, Zone Operations Commissioner and Deputy Zone Operations Commissioner, Field Office Director and Assistant Field Office Director, and to each of them, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 Stat. 738).

(Sec. 2, 48 Stat. 1246, as amended; 12 U.S.C. 1703. Interprets or applies sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 907, 65 Stat. 301; sec. 807, 63 Stat. 570, as amended; 12 U.S.C. 1715b, 1742, 1748f, 1750f)

Issued at Washington, D.C., April 14, 1959.

[SEAL] JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-3227; Filed, Apr. 16, 1959;
8:50 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT

Part 5—Harry S. Truman Library

Effective May 1, 1959, Part 5 of Title 44, Code of Federal Regulations, is revised to read as follows:

- Sec.
5.0 Scope.
5.1 Definitions.
5.2 Legal custody.
5.3 General conduct.
5.4 Photography by visitors.
- AVAILABILITY AND USE OF HISTORICAL MATERIALS
- 5.10 Application for permission to use historical materials.
5.11 Admission card.
5.12 Withdrawal of admission card.
5.13 Restricted materials.
5.14 Hours of admission.
- RESEARCH ROOM RULES
- 5.20 Requests for historical materials.
5.21 Researcher's responsibility for historical materials.
5.22 Prevention of damage to historical materials.
5.23 Limitation on quantity.
5.24 Removal prohibited.
5.25 Disturbance prohibited.
5.26 Eating and smoking prohibited.
- LOANS, REPRODUCTION FEES, AND PUBLICATION
- 5.30 Loans.
5.31 Reproduction fees.
5.32 Publication of historical materials.
5.33 Authentication and attestation of copies; costs.
- LEGAL DEMANDS
- 5.40 Service of subpoena or other legal demand; compliance.
- MUSEUM
- 5.50 Admission fee.
5.51 Free admissions.
5.52 Hours of admission.

AUDITORIUM

- Sec.
5.60 Primary uses.
5.61 Standards for assigned uses.
5.62 Application procedure.
5.63 General provision.

AUTHORITY: §§ 5.0 to 5.63 issued under sec. 205, 63 Stat. 389, as amended; 40 U.S.C. 486. Interpret or apply 69 Stat. 695, as amended; 44 U.S.C. 397 (e), (f), (i).

§ 5.0 Scope.

The provisions of this part apply to the Harry S. Truman Library.

§ 5.1 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "Library" means the Harry S. Truman Library, Independence, Missouri.

(b) The term "Administrator" means the Administrator of General Services.

(c) The term "Archivist" means the Archivist of the United States.

(d) The term "Director" means the Director of the Harry S. Truman Library.

(e) The term "historical materials" includes books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

§ 5.2 Legal custody.

The Administrator has legal custody of historical materials in the Library.

§ 5.3 General conduct.

All persons entering in or upon Library property are subject to general regulations covering public buildings and grounds issued by the Administrator (Subpart A, Part 100 of this chapter).

§ 5.4 Photography by visitors.

Visitors are permitted to take photographs in the Library without restriction if flash bulbs or other special photographing devices are not used, and the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photographing devices, tripods or other elaborate equipment, or for commercial purposes, must obtain special permission from the Director. Applications for such permission should be made to the Director.

AVAILABILITY AND USE OF HISTORICAL MATERIALS

§ 5.10 Application for permission to use historical materials.

Permission to use unrestricted historical materials may be obtained by making advance written application to the Director on a form provided for the purpose, stating clearly therein the specific subject of the applicant's interest and the purpose of his study. An applicant must satisfy the Director that he is qualified to do research, and that his proposed study has a serious and useful purpose.

§ 5.11 Admission card.

If the application is approved, a card will be issued permitting the applicant to use in the Research Room those unrestricted historical materials that bear on the subject of the applicant's interest as stated in his application. This card is valid for a period not in excess of one year, but may be renewed on application.

§ 5.12 Withdrawal of admission card.

The card of admission may be withdrawn by the Director for any violation of the provision of this part, or for disregarding the authority of the supervisor in charge.

§ 5.13 Restricted materials.

In accordance with the provisions of section 507(f) (3) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(f) (3)), materials on which restrictions on availability have been specified in writing by the donors or depositors will be made available subject to the restrictions specified. The following classes of materials will not be made available for examination or use:

(a) Materials on which the Archivist has imposed restrictions.

(b) Materials restricted by law or Executive order.

(c) Materials containing information the disclosure of which would be prejudicial to the national interest or security of the United States.

§ 5.14 Hours of admission.

The Research Room of the Library will be open from 8:45 a.m. to 4:45 p.m., Monday through Friday, and at such other times as the Director may authorize.

RESEARCH ROOM RULES

§ 5.20 Requests for historical materials.

Requests for historical materials must be made to the Research Room supervisor on a form provided for that purpose.

§ 5.21 Researcher's responsibility for historical materials.

When a researcher has completed his use of historical materials or leaves the Research Room other than for short periods of time, he must notify the supervisor. A researcher is responsible for all historical materials delivered to him until they have been returned by him to the supervisor.

§ 5.22 Prevention of damage to historical materials.

The researcher is required to exercise all possible care to prevent damage to historical materials, and to maintain papers in the order in which they are delivered to him. The use of ink at desks upon which there are historical materials is prohibited. Historical materials may not be leaned upon, written upon, folded anew, traced or handled in any way likely to damage them. The use of historical materials of exceptional value or in fragile condition is subject to such special restrictions as the supervisor may deem necessary.

RULES AND REGULATIONS

§ 5.23 Limitation on quantity.

The supervisor in charge of the Research Room may limit the quantity of historical materials to be delivered to a researcher at any one time.

§ 5.24 Removal prohibited.

Researchers may not take historical materials with them from the Research Room.

§ 5.25 Disturbance prohibited.

Loud talking and other activities likely to disturb researchers are prohibited. Persons wishing to use typewriters or sound recording devices may be requested to work in specially designated areas.

§ 5.26 Eating and smoking prohibited.

Eating in the Research Room is prohibited. Smoking is prohibited except in the designated smoking area at the end of the Research Room, to which historical materials may not be taken.

LOANS, REPRODUCTION FEES, AND PUBLICATION

§ 5.30 Loans.

Historical materials may not be borrowed for use outside the Library except upon authorization in each instance by the Archivist, with the exception that certain materials may be loaned through established interlibrary loan procedure.

§ 5.31 Reproduction fees.

The Library will, for a fee, furnish reproductions of unrestricted historical materials. Fees must be paid in advance except when payment on an "accounts receivable" basis is approved by the Director.

§ 5.32 Publication of historical materials.

Historical materials made available to researchers may not be published except upon the written authorization of the Director.

§ 5.33 Authentication and attestation of copies; costs.

The Director is authorized to authenticate and attest, for and in the name of the Archivist, copies or reproductions of unrestricted historical materials. Such copies or reproductions will be furnished upon the payment of costs.

LEGAL DEMANDS

§ 5.40 Service of subpoena or other legal demand; compliance.

When a subpoena duces tecum or other legal demand for the production of historical materials in the Library is served upon the Administrator, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such material, or the original material if necessary, unless he determines that disclosure of the information is contrary to law or Executive order, would violate restrictions authorized by law and specified in writing by the donors or depositors of the material, or would prejudice the national interest or security of the United States. When a subpoena or demand for historical materials is served upon any officer or em-

ployee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such material on the grounds that he does not have legal custody thereof, that he is without authority under this part to produce the same, and that the Administrator has not determined that production of the material is in accordance with the regulations in this part.

MUSEUM

§ 5.50 Admission fee.

A charge of 50 cents shall be collected from every person visiting and viewing the museum portion of the Library, except as provided in 5.51.

§ 5.51 Free admissions.

The following persons will be admitted to the museum free of charge: *Provided*, That the applicable tax, if any, will be collected from such persons unless exempt by law:

(a) *Without prior application.* (1) Children 12 years of age or under when accompanied by an adult assuming responsibility for their safety and orderly conduct.

(2) Uniformed members of the Armed Forces of the United States.

(3) Persons in the support or care of charitable institutions and their attendants.

(b) *When prior application has been made.* Persons from educational institutions when such persons are accompanied by officers or instructors of such institutions.

(c) *Special cases.* Persons engaged in business affecting the Library and other persons when specifically authorized by the Director.

§ 5.52 Hours of admission.

The museum portion of the Library will be open from 9 a.m. to 4:30 p.m., Monday through Saturday, and from 2:00 p.m. to 5:00 p.m., Sunday, including Federal legal holidays except Thanksgiving Day, Christmas Day, and New Year's Day, and at such other times as the Director may authorize. From June 1 to September 15 the Museum will be open from 10:00 a.m. to 5:00 p.m. on Sundays.

AUDITORIUM

§ 5.60 Primary uses.

The auditorium is designed primarily to serve the purposes of the Library in the presentation or discussion of historical materials, through lectures, seminars, meetings of professional societies, projection of historical motion pictures, and the like.

§ 5.61 Standards for assigned uses.

(a) Assignments will be made when the auditorium, is not required for use by the Library, from time to time upon application, for the following uses:

(1) Meetings of Federal Government organizations or recognized Federal employee groups.

(2) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and

other similar societies or organizations) that are sponsored by or related to the activities of the Library or the Harry S. Truman Library Institute.

(3) For the presentation to the public of lectures, concerts and similar performances sponsored by the Library or in which its employees participate.

(4) For other uses at the discretion of the Director.

(b) Such meetings or performances shall not in any event include those sponsored by profit-making organizations, those promoting commercial enterprises or commodities, or those having political, sectarian, or similar nature or purpose.

(c) Assignment will not be made for Saturdays, Sundays, or holidays, unless specifically justified.

§ 5.62 Application procedure.

Each application for use of the auditorium will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the proposed use. Each application should be directed to the Director and should include the following information:

(a) The name of the organization requesting the assignment;

(b) The date on which assignment is requested, and the hours of contemplated use;

(c) A brief description of the scheduled meeting or performance;

(d) The approximate number of persons expected to attend (capacity of the auditorium is 250);

(e) A statement as to whether or not it is the intention to exhibit at the meeting or performance motion pictures or slides and, if so, the size of the film or slides and whether the film to be shown, if any, is on nitrate or safety base; and

(f) Samples or description of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

§ 5.63 General provision.

(a) No program will be permitted to continue beyond 10:00 p.m.

(b) No admission fee may be charged, except by the Library, no indirect assessment fee may be made for admission, and no collection may be taken. Commercial advertising or the sale of articles of any character is not permitted.

(c) The serving or consumption of food or beverages within the auditorium is prohibited.

(d) Smoking is prohibited within the auditorium.

(e) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying organization.

(f) If the projecting of motion pictures or slides is part of the program, a competent operator, if available, will be furnished by the Library for a fee. The using organization may provide its own operator with the approval of the Director.

(g) The posting of any material about the premises is subject to the approval of the General Services Administration's Building Manager.

(h) All persons attending meetings or performances are required to go directly to the auditorium. No one is admitted to other parts of the building closed to the general public.

FRANKLIN FLOETE,
Administrator.

APRIL 10, 1959.

[F.R. Doc. 59-3207; Filed, Apr. 16, 1959;
8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

INSTRUMENTS OF INTERNATIONAL TRAFFIC

Notice of Proposed Amendment of Customs Regulations To Provide for the Customs Clearance

Notice is hereby given that it is proposed to amend the Customs Regulations by inserting a new § 10.41a immediately after § 10.41.

The purpose of the proposed amendment is to permit the customs clearance without entry of certain lift vans, cargo vans, pallets, skids, caul boards, and similar articles assigned exclusively to use in transporting merchandise between the United States and a foreign country. The terms of the proposed amendment, in tentative form, are as follows:

§ 10.41a Lift vans, cargo vans, pallets, and similar instruments of international traffic.

(a) Lift vans, cargo vans, pallets, skids, caul boards, and similar articles assigned for use exclusively in transporting merchandise to and from the United States, whether loaded or empty upon arrival or departure, are "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended, and are admissible without entry or the payment of duty.

(b) Such instruments of international traffic may not be used in local traffic between two or more points in the United States or between two or more points in one or more countries abroad in picking up and delivering between such points merchandise which is not destined from the United States to a point abroad or from a point abroad to a point in the United States, as the case may be.

(c) Any instrument which is used in the local traffic described in paragraph (b) of this section within the United States is thereby withdrawn from its status as an instrument of international traffic and is subject to entry and the regular tariff treatment as of the time it is so withdrawn. The instrument is also withdrawn from its status as an instrument of international traffic and

is no longer entitled to the privileges of this section if it is used in the local traffic abroad described in paragraph (b) of this section.

(d) An instrument of international traffic, as defined in this section, which is sent abroad, empty or filled, for the purpose of being subjected to repairs or alterations, is subject to duty on the value of the repairs or alterations under the provisions of paragraph 1615(g) (1), Tariff Act of 1930, as amended, and § 10.8 of these regulations, on its first arrival in the United States after the repairs or alterations. An instrument of international traffic which is subjected to "running" repairs which became necessary for the immediate safety of transportation of the instrument and/or its contents, and which were incidental to the regular use of the instrument in the transporting of merchandise to and from the United States, was not sent abroad for such repairs within the meaning of this paragraph.

(Sec. 201 (paragraph 1615), 46 Stat. 674, as amended, sec. 14, 67 Stat. 516; 19 U.S.C. 1201 (paragraph 1615), 1322)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 10, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-3228; Filed, Apr. 16, 1959;
8:50 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 204, 205, 282, 299]

[CO 845-P]

INDIVIDUAL IMMIGRANT VISA PETITIONS

Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rule pertaining to the submission of an individual visa petition under sections 204 and 205 of the Immigration and Nationality Act. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 767, 119 D Street NE., Washington 25, D.C., written data, views, or arguments (in duplicate) relative to this proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20

days following the day of publication of this notice will be considered.

1. The headnote to Part 204 is amended to read "Petition for immigrant status as a highly skilled person or as a minister."

2. Part 204 is amended to read as follows:

§ 204.1 Petition.

The petition required by section 204 of the Act shall be filed on a separate Form I-130 for each beneficiary and shall be accompanied by a fee of \$10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

3. Section 205.1 is amended to read as follows:

§ 205.1 Petition.

The petition required by section 205 of the Act shall be filed on a separate Form I-130 for each beneficiary and shall be accompanied by a fee of \$10. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter.

4. Section 282.2 is amended to read as follows:

§ 282.2 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter B of this chapter: I-20, I-21, I-94, I-95, I-129B, I-130, I-131, I-131A, I-418, and I-539.

§ 299.1 [Amendment]

5. Section 299.1 *Prescribed forms* is amended in the following respects:

a. The following form and reference thereto is added to the list of forms in numerical sequence:

Form No., Title, and Description

I-130; Petition to classify status of alien for issuance of immigrant visa.

b. The following forms and references thereto are deleted from the list of forms:

Form No., Title, and Description

I-129; Petition for Classification of Quota Immigrant for Alien Whose Services are needed Urgently in the United States.

I-129A; Petition for Classification as Non-quota Immigrant for Minister of a Religious Denomination.

I-133; Petition by United States Citizen for Issuance of Immigrant Visa.

I-133A; Petition by Permanent Resident Alien for Issuance of Immigrant Visa.

§ 299.2 [Amendment]

6. The first sentence of § 299.2 *Forms available from the Superintendent of Documents* is amended to read as follows: "The following forms required for compliance with the provisions of Subchapter B of this chapter may be obtained, upon prepayment, from the

Superintendent of Documents, Government Printing Office, Washington, D.C.: I-20, I-21, I-94, I-95, I-129B, I-130, I-131, I-131A, I-418, and I-539."

Dated: April 13, 1959.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

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

[F.R. Doc. 59-3211; Filed, Apr. 16, 1959;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922 I

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Notice of Proposed Amendment of Rules and Regulations

Notice is hereby given that the Department is considering the approval of a proposed amendment, hereinafter set forth, to the rules and regulations (7 CFR 922.100 et seq.; Subpart—Rules and Regulations) of the Valencia Orange Administrative Committee, currently in effect pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The proposed amendment would (1) prescribe conversion factors which are to be used in converting to carton equivalents, for reporting purposes, the volume of oranges handled in bulk or in specified containers other than cartons, and (2) change for purposes of clarification: (i) The provisions of §§ 922.120(e), 922.131(d), and 922.132 with respect to retention of copies of exemption certificates, orange diversion reports, and Mexican export certificates; and (ii) the words "standard packed box, or its equivalent" to "carton" in § 922.141 *Manifest reports*.

The proposed amendment is as follows:

1. Revise the fifth and sixth sentences of § 922.120(e) to read as follows: "The grower shall endorse and turn over to the packinghouse, through which the oranges are to be handled, two copies. The packinghouse shall sign and immediately mail one copy to the committee."

2. Revise the last sentence of § 922.131(d) to read as follows: "One copy signed by the handler shall be submitted to the committee promptly upon the diversion or elimination of the oranges covered thereby. One copy may be retained by the handler, and two copies shall be forwarded by the handler to the by-product manufacturer or charitable organization with the understanding that the by-product manufacturer or charitable organization will

record, on one copy thereof, the actual net weight or number of cartons of oranges received, and forward such copy to the committee."

3. Revise the last sentence of § 922.132 to read as follows: "The quadruplicate may be retained by the handler."

4. Delete from the second sentence of § 922.141 the words "standard packed box, or its equivalent" and insert, in lieu thereof, the word "carton".

5. Add a new section reading as follows:

§ 922.139 Conversion factors.

Unless otherwise specified in the particular report form, information with respect to volume of oranges required to be submitted under this part shall be reported in terms of cartons. For shipments of oranges, other than in cartons, the volume of such oranges shall be converted to cartons on the basis of 37½ pounds net weight per carton: *Provided*, That the following conversion factors may be used:

(a) One standard 2-compartment California wood box, loose packed, equals 1.6 cartons.

(b) Five 7-pound bags equal 1 carton.

(c) Seven 5-pound bags equal 1 carton.

(d) Nine 4-pound bags equal 1 carton.

All persons who desire to submit written data, views, or arguments for consideration in connection with the said proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Dated: April 13, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable
Division, Agricultural
Marketing Service.

[F.R. Doc. 59-3189; Filed, Apr. 16, 1959;
8:45 a.m.]

[7 CFR Part 1021 I

TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Rule Making With Respect to Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments as hereinafter set forth, which was recommended by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 121 (7 CFR Part 1021; 24 F.R. 2425), regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United

States Department of Agriculture, Washington 25, D.C., not later than five days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 1021.301 Limitation of shipment.

Except as otherwise provided in this section, during the period May 4, 1959, through July 4, 1959, the following regulations shall be effective with respect to all varieties of tomatoes handled, as defined in § 1021.7, and no person shall handle such tomatoes or cause such tomatoes to be handled unless they are inspected and certified as required by paragraph (b), and meet the requirements of paragraph (a).

(a) *Requirements*—(1) *Minimum grade*. U.S. No. 2, or better, grade.

(2) *Minimum size*. 2½ inches in diameter or larger. Not more than ten percent, by count, of tomatoes in any lot of size 7 x 7 (2½ inches minimum diameter to 2¾ inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Sizing arrangements*. (i) Mature green tomatoes shall be packed in one of the following ranges of diameter applicable thereto:

| Size arrangements | | Diameter (inches) |
|-------------------|---------------------------|-------------------|
| Mature green: | | |
| 7 x 7 | 2½ to 2¾, inclusive. | |
| 6 x 7 | Over 2¾ to 2⅞, inclusive. | |
| 6 x 6 | Over 2⅞. | |

(ii) All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that size 6 x 6 and larger sizes may be commingled.

(iii) To allow for variations incident to proper sizing and handling, for mature green tomatoes, not more than a total of ten percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter. Tomatoes of turning or greater degree of maturity shall not be subject to size arrangements.

(b) *Inspection*. (1) All tomatoes handled pursuant to this part, other than those specifically excepted therefrom pursuant to paragraph (c) *Excepted varieties*, or exempted pursuant to paragraphs (d) *Repacked tomatoes* and (e) *Minimum quantity*, shall be inspected and certified pursuant to the provisions of § 1021.60; and

(2) No handler shall transport or cause the transportation of any shipment of tomatoes by motor vehicle unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(c) *Excepted varieties*. Elongated types of tomatoes, commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes commonly referred to as cherry tomatoes, are not subject to the requirements of this section.

(d) *Repacked tomatoes*. A handler who is a repacker within the production area may register with the committee, as a repacker, in accordance with applicable rules and regulations, and thereafter may handle repacked tomatoes

without reinspection thereon after repacking, if such tomatoes were previously inspected prior to repacking and met the grade and size requirements of this section.

(e) *Minimum quantity.* For purposes of these regulations, each person subject thereto may handle, pursuant to § 1021.53, up to, but not to exceed, 120 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 120 pounds of tomatoes.

(f) *Special purpose shipments.* The limitations set forth in this section shall not be applicable to shipments of tomatoes for the following purposes: (1) Relief or charity; (2) processing; and (3) for experimental purposes.

(g) *Safeguards.* Each handler making shipments of tomatoes pursuant to paragraph (f) for relief or charity, for processing, or for experimental purposes, shall apply for and obtain an approved Certificate of Privilege from the committee applicable to shipments for such purposes.

(h) *Definitions*—(1) *Tomato classifications.* For purposes of this section (i) mature green shall apply to all tomatoes generally showing a slight break in the ground color to a whitish green color over the shoulders; the contents of two or more seed cavities will have developed a jelly like consistency and the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; (ii) turning or of a greater degree of maturity shall apply to all tomatoes where there is at least a definite break in color to pink or red at the blossom end and all higher degrees of color as used and defined under Color Classification in the United States Standards for Fresh Tomatoes (§ 51.1864 of this title); (iii) incident to proper classification, any lot of tomatoes containing more than ten percent, by count, of mature green tomatoes shall be classified as mature green tomatoes; and for any lot of tomatoes to be classified as turning or of a greater degree of maturity, not more than a total of ten percent, by count, of such tomatoes may fail to meet the minimum color requirements;

(2) *Grade.* The term "U.S. No. 2" means the U.S. No. 2 grade, as set forth in the United States Standards for Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title; 22 F.R. 4528), including the tolerances set forth therein.

(3) *Other terms.* All other terms used in this section shall have the same meaning as when used in Marketing Order No. 121 (Part 1021 of this title).

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

Dated: April 15, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-3291; Filed, Apr. 16, 1959; 10:24 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

ELECTRON TUBES AND RELATED PRODUCTS INDUSTRY

Notice of Hearing To Determine Prevailing Minimum Wages

Pursuant to the provisions of section 1(b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.) and section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that a public hearing to determine the prevailing minimum wages in the Electron Tubes and Related Products Industry will be held before a duly assigned Hearing Examiner on May 4, 1959, beginning at 10:00 a.m. in Room 2203, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

For the purpose of this hearing the Electron Tubes and Related Products Industry is defined as that industry which manufactures or furnishes electron tubes and related products including the following products and/or parts specially designed for incorporation therein: Radio and television receiving type tubes, including cathode ray tubes manufactured from reworked glass envelopes; transmitting, industrial, and special-purpose tubes, including high vacuum and vapor rectifier modulated tubes, thyratrons, magnetrons, klystrons, velocity modulated tubes, photo tubes, cathode ray tubes, and geiger-mueller tubes; and solid-state semiconductor devices.

The following products are specifically excluded: (1) Gas-filled tubes used for illumination, such as glow lamps and stroboscopes; (2) X-ray tubes and rectifier tubes specially designed for use in X-ray equipment; and (3) the following types of parts: metal stampings, getters, lead wires, and any part made exclusively of glass, plastics, germanium, silicon, ceramics, mica, graphite, or rubber.

Any interested persons may appear at the time and place specified herein and submit evidence, views, and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; and (4) whether there should be included in any determination for this industry provision for the employment of beginners or probationary workers at wages lower than the prevailing minimum wages and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data in this industry for the payroll period ending

nearest June 15, 1958, and supplementary data for September of 1958 has been gathered by the Department of Labor. Data relating to the competition in this industry for Government contracts has also been collected. This information will be submitted for consideration at the hearing and is now available to interested persons on request.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statement shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and the sworn or affirmed statements of persons who cannot appear personally, should permit evaluation on a plant-by-plant basis, and state: (1) (a) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (b) the number of workers in each such establishment, (c) the minimum rates paid to covered workers, the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, (d) the minimum wages paid to beginners or probationary workers in each such establishment, the scale of wages paid during probationary periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included; (3) the geographic area or areas of competition for Government contracts within this industry; and (4) the changes in the minimum wages paid since September 1958, for persons employed in this industry.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act codified in 41 CFR, Part 203.

Signed at Washington, D.C., this 14th day of April 1959.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 59-3268; Filed, Apr. 16, 1959; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 406]

CERTIFICATION PROCEDURES

Class III Medical Examinations and Certificates by Medical Examiners

Pursuant to the authority delegated to me by the Administrator, notice is hereby given that the Federal Aviation

Agency has under consideration a proposal to amend Part 406 to reestablish the previous practice that only designated medical examiners may give required airman medical examinations and issue medical certificates of any class.

At present, only designated medical examiners may give the examinations for and issue Class I and II medical certificates. However, examinations for Class III airman medical certificates may be given, and the certificates issued, by any "competent licensed physician", whether or not he has been designated by the Administrator as a medical examiner. This relaxation of the examination procedure for Class III medical certificates was brought about because of the shortage of physicians during World War II and immediately thereafter which prevented the designation of sufficient medical examiners at locations convenient to all areas of aviation activity.

Although the adoption of the present procedure alleviated the then-existing condition, experience has shown that the procedure has produced some undesirable results. Under this blanket delegation of authority to all physicians to conduct the Class III medical examinations the Civil Air Surgeon is unable to supervise and instruct the large group of practitioners involved in regard to the proper procedures and changes thereto, which he finds necessary for the conduct of physical examinations and issuance of medical certificates under Part 29 of the Civil Air Regulations.

This has resulted in the issuance of Class III medical certificates in some cases to applicants who did not meet in full the medical requirements established in Part 29.

For some time, the Federal Aviation Agency has been increasing the number of designated medical examiners to provide for the present and future needs of civil aviation. It is the opinion of the Civil Air Surgeon that the number of such examiners convenient to areas of aviation activity is now sufficient to serve adequately all applicants for medical certificates. This now permits reestablishment of the prior policy that only those physicians holding a designation by the Federal Aviation Agency may give medical examinations for airman medical certificates and issue such certificates on behalf of the Agency.

The proposed amendment does not preclude the designation as a medical examiner of any competent licensed physician presently eligible to perform Class III medical examinations.

In order to accomplish the foregoing changes it is proposed to amend Part 406 (14 CFR Part 406) by adding a definition of the term "medical examiner" and by eliminating from §§ 406.11(b) and 406.12(c) (2) reference to licensed physicians who are not designated medical examiners. Specifically, the changes would be accomplished as follows:

1. By amending § 406.1 by adding a new paragraph (e) to contain the definition of a medical examiner to read as follows:

(e) "Medical examiner" shall mean a licensed physician designated by the Administrator to perform appropriate medical examinations and to issue medical certificates prescribed by the Civil Air Regulations.

2. By amending § 406.11(b) by striking from the first sentence thereof the phrase "a competent, licensed physician, or"

3. By amending § 406.12(c) (2) by striking from the first sentence thereof the phrase "or a competent licensed physician".

Interested persons may participate in the making of the proposed rule by submitting such data, views or comments as they desire in writing within 30 days after publication of this notice in the **FEDERAL REGISTER**. Communications should be submitted in duplicate to the Office of Civil Air Surgeon, Federal Aviation Agency, Washington 25, D.C.

Such communications will be available for examination by interested persons at the Public Docket Room of the Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C., after the time for submitting such communications has expired.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply Secs. 314(a), 601, 602, 72 Stat. 754, 775, 776; 49 U.S.C. 1355(a), 1421, 1422)

J. E. SMITH, M.D.,
Acting Civil Air Surgeon.

[F.R. Doc. 59-3198; Filed, Apr. 16, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

PROJECTOR CARBONS FROM WEST GERMANY

Determination of No Sales At Less Than Fair Value

Correction

In F.R. Doc. 59-3113 appearing at page 2837 of the issue of Tuesday, April 14, 1959, the word "quality", in the second paragraph of the "Statement of reasons", should read "quantity".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HOOPER AUCTION CO., INC. ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the

respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

ALABAMA

Name of Stockyard and Date of Posting

Hooper Auction Co., Inc., Montgomery; February 20, 1959.

ARKANSAS

Beebe Community Auction, Beebe; February 16, 1959.

Bradley County Auction, Hermitage; February 24, 1959.

Brown & Louis Auction Sale, Conway; February 16, 1959.

Camden Stockyards, Camden; February 25, 1959.

Corning Sales Company, Corning; February 20, 1959.

Dewitt Auction Company, Dewitt; February 23, 1959.

Drew County Auction Sale, Monticello; February 24, 1959.

Ed Darnell & Sons Commission Co., West Helena; February 23, 1959.

Farmers Auction Company, Marianna; February 23, 1959.

Farmers Auction - Company, Stuttgart; February 23, 1959.

Flippin Sale Co., Inc., Flippin; February 18, 1959.

Fordyce Auction Sale, Fordyce; February 24, 1959.

Izard County Sales Company, Melbourne; February 19, 1959.

Kelley & Holmes Auction Sale, Heber Springs; February 17, 1959.

Marked Tree Auction Sale, Marked Tree; February 22, 1959.

McGehee Livestock Auction, McGehee; February 24, 1959.

Newport Livestock Auction, Newport; February 20, 1959.

Randolph County Sales Company, Poca-hontas; February 20, 1959.

Roy R. Chaney's Auction Sale, Morrilton; February 16, 1959.

Searcy County Auction Co., Marshall; February 18, 1959.

Stone County Auction Co., Mountain View; February 19, 1959.

White County Commission Co., Inc., Searcy; February 17, 1959.

Yellville Sale Barn, Yellville; February 18, 1959.

LOUISIANA

Abbeville Commission Company, Abbeville; March 10, 1959.

Community Auction Barn, DeQuincy; March 16, 1959.

Dominique's Cow Palace, Bossier City; January 20, 1959.

Grand Cane Livestock Commission Co., Grand Cane; March 11, 1959.

Joe Tate Commission Barn, Ville Platte; March 23, 1959.
Leesville Livestock Commission Co., Leesville; March 2, 1959.
Michelle's Commission Yard, Lake Charles; March 6, 1959.
Raceland Stockyards, Inc., Raceland; March 5, 1959.
Rushton Stockyards, Inc., Rushton; March 7, 1959.
Voiron's Stockyard, Thibodaux; March 3, 1959.

MISSISSIPPI

Booneville Commission Company, Booneville; February 11, 1959.
Case Stockyards, Meadville; February 17, 1959.
Chickasaw Commission Company, Houston; February 9, 1959.
Claiborne County Stockyards, Port Gibson; February 16, 1959.
Clay County Stockyard, West Point; February 11, 1959.
Corinth Livestock Commission Company, Corinth; February 10, 1959.
Fairchilds Livestock Commission, Inc., Hazlehurst; February 17, 1959.
Felders Livestock Sales Co., Summit; February 17, 1959.
George County Stockyards, Lucedale; February 18, 1959.
Henderson Sales Company, Corinth; February 28, 1959.
Henderson Sales Company, Philadelphia; February 28, 1959.
Hinds County Livestock Sales, Edwards; February 16, 1959.
Jasper County Livestock Sales, Bay Springs; February 18, 1959.
Jefferson Co. Stockyards, Fayette; February 16, 1959.
Knight Brothers Sales, Carthage; February 9, 1959.
Knight Brothers Sales, Louisville; February 9, 1959.
Lincoln County Livestock Commission Co., Inc., Brookhaven; February 17, 1959.
Livestock Producers Assn., Tylertown; February 17, 1959.
Lum's Commission Company, Vicksburg; February 16, 1959.
Luther E. Tadlock Stockyard, Forest; February 9, 1959.
Moore & Woods, Macon; February 11, 1959.
New Albany Sales Company, New Albany; February 10, 1959.
Pontotoc Sales Company, Pontotoc; February 10, 1959.
Prentiss Auction Sales, Prentiss; February 18, 1959.
Richton Stockyard, Richton; February 18, 1959.
Ripley Sales Company, Ripley; February 10, 1959.
Shaw & Gray Livestock Commission Barn, Oxford; February 10, 1959.
Starkville Livestock Commission Company, Starkville; February 11, 1959.
Wilson and Jackson Commission Co., Pontotoc; February 9, 1959.

OKLAHOMA

Snyder Livestock Sales Company, Snyder; February 12, 1959.
Walters Livestock Auction, Walters; February 12, 1959.

TEXAS

Atascosa Livestock Exchange, Inc., Pleasanton; March 12, 1959.
Buck Turner's Livestock Sales, Henderson; March 12, 1959.
Caldwell Livestock Commission Co., Caldwell; March 18, 1959.

Carrollton Livestock Commission Co., Carrollton; March 7, 1959.
Clarksville Auction Company, Clarksville; March 3, 1959.
Cleburne Livestock Auction, Cleburne; January 19, 1959.
Crowley Auction Sale, Crowley; March 9, 1959.
Decatur Auction Sale, Decatur; January 21, 1959.
Denton Livestock Commission Co., Denton; January 21, 1959.
Delta Sales Yard, Elsa; March 9, 1959.
Farmers Livestock Exchange, Schulenburg; March 11, 1959.
Floresville Livestock Commission Co., Floresville; March 15, 1959.
Groveton Livestock Commission Company, Groveton; March 12, 1959.
Johnson County Commission Sales, Burleson; January 19, 1959.
Kirbyville Auction Barn, Kirbyville; March 12, 1959.
Llano Sales Company, Llano; February 12, 1959.
Mansfield Commission Company, Mansfield; March 7, 1959.
Marshall-Longview Livestock Auction, Inc., Marshall; March 14, 1959.
Matthews Livestock Commission Co., San Saba; February 13, 1959.
McKinney Livestock Commission Co., Inc., McKinney; January 19, 1959.
Mesquite Livestock Commission Company, Mesquite; January 21, 1959.
Midlothian Auction Sale, Midlothian; January 21, 1959.
Palestine Livestock Auction, Palestine; March 24, 1959.
Pittsburg Livestock Commission Co., Pittsburg; January 23, 1959.
Ranger Live Stock Commission Company, Ranger; March 16, 1959.
Robstown Live Stock Commission Co., Robstown; March 10, 1959.
San Augustine Live Stock Auction Co., San Augustine; March 18, 1959.
Seguin Cattle Co., Seguin; March 11, 1959.
Stamford Live Stock Commission Company, Stamford; March 16, 1959.
Woodville Livestock Commission Co., Woodville; March 10, 1959.

VIRGINIA

Albemarle Livestock Market, Inc., Charlottesville; March 4, 1959.
Bedford Livestock Market, Inc., Bedford; March 11, 1959.
Christiansburg Livestock Market, Inc., Christiansburg; March 4, 1959.
Danville Livestock Auction Market, Inc., Danville; March 11, 1959.
Farmer Livestock Exchange, Inc., Winchester; March 2, 1959.
Farmers Livestock Market, Ewing; March 3, 1959.
Fredericksburg Stock Yards Co., Fredericksburg; March 4, 1959.
Front Royal Livestock Market, Front Royal; March 2, 1959.
Giles County Stockyards, Inc., Narrows; March 2, 1959.
Goochland Livestock Market, Goochland; March 9, 1959.
Highland County Livestock Market, Inc., Monterey; March 12, 1959.
Lee Farmers Livestock Market, Inc., Jonesville; March 3, 1959.
Lynchburg Stockyards, Inc., Lynchburg; March 11, 1959.
Madison Livestock Market, Inc., Madison Mills; March 4, 1959.
Norton Livestock Market, Norton; March 3, 1959.
Orange Livestock Market, Inc., Orange; March 4, 1959.
Phenix Livestock Market, Phenix; March 11, 1959.

Piedmont Livestock Sales, Inc., Marshall; March 2, 1959.
Roanoke Livestock Market, Inc., Roanoke; March 11, 1959.
Rockbridge Livestock Market, Inc., Buena Vista; March 11, 1959.
Shenandoah Valley Livestock Sales, Inc., Harrisonburg; March 3, 1959.
Smithfield Livestock Market, Inc., Smithfield; March 9, 1959.
South Boston Livestock Market, South Boston; March 10, 1959.
South Hill Stockyards, South Hill; March 9, 1959.
Southside Stockyards, Inc., Blackstone; March 9, 1959.
Southside Stockyards, Inc., Petersburg; March 9, 1959.
Staunton Union Stock Yards, Inc., Staunton; March 3, 1959.
Tappahannock Livestock Market, Inc., Tappahannock; March 19, 1959.
Tazewell Livestock Market, Tazewell; March 2, 1959.
Victoria Stockyards (formerly Lunenburg Livestock Market), Victoria; March 9, 1959.
Virginia Livestock Market, Winchester; March 2, 1959.
Wytheville Livestock Market, Inc., Wytheville; March 4, 1959.

Done at Washington, D.C., this 14th day of April 1959.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-3230; Filed, Apr. 16, 1959; 8:50 a.m.]

**Commodity Stabilization Service and
Commodity Credit Corporation
LENDING AGENCY AGREEMENT;
COTTON**

Increase in Interest Rate

Commodity Credit Corporation, by FEDERAL REGISTER notices published in 23 F.R. 4007 and 23 F.R. 7330, announced that the per annum rate of interest included in the compensation provided in Lending Agency Agreement—Cotton (CCC Cotton Form D) in effect for the 1958 and subsequent Cotton Loan Programs would be 1¾ percent through and including September 17, 1958, and 2½ percent thereafter.

Pursuant to section IV, paragraph 4, of the Lending Agency Agreement—Cotton (CCC Cotton Form D) CCC hereby announces that such per annum rate of interest for 1958 and subsequent Cotton Loan Programs is increased to 2¾ percent effective on and after May 1, 1959, and that the rates of interest specified in paragraphs 1b and 3 of such section IV shall be 1¾ percent through and including September 17, 1958, 2½ percent from September 18, 1958, through and including April 30, 1959, and 2¾ percent thereafter.

Issued this 14th day of April 1959

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3231; Filed, Apr. 16, 1959; 8:50 a.m.]

LOAN ADVANCES TO COTTON CO-OPERATIVE MARKETING ASSOCIATIONS

Increase in Interest Rate

Commodity Credit Corporation, by FEDERAL REGISTER notice published in 23 F.R. 7330, announced that the per annum rate of interest for certificates of interest issued pursuant to section I, paragraph 2 of the 1958 Agreement to Make Loan Advances to Cotton Cooperative Marketing Associations would be 1¾ percent through and including September 17, 1958, and 2½ percent thereafter.

Pursuant to section I, paragraph 2 of the 1958 Agreement to Make Loan Advances to Cotton Cooperative Marketing Associations, Commodity Credit Corporation hereby announces such per annum rate of interest is increased to 2¾ percent effective on and after May 1, 1959, and that certificates of interest issued pursuant to such agreement shall earn interest at the rates of 1¾ percent per annum through and including September 17, 1958, 2½ percent per annum from September 18, 1958, through and including April 30, 1959, and 2¾ percent per annum thereafter.

Issued this 14th day of April 1959.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3233; Filed, Apr. 16, 1959;
8:51 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF CALCUTTA/U.S.A. CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 6500-12, between the member lines of the Calcutta/U.S.A. Conference, modifies the basic agreement of that conference (No. 6500, as amended), which covers the trade from Calcutta to U.S. Atlantic ports in the range from Portland to Hampton Roads inclusive, and to points outside this range by transshipment. The purpose of the modification is to provide (1) for a penalty of not more than \$25,000 for each violation of the conference agreement; (2) for arbitration of disputes in cases of violations; and (3) for a deposit of \$25,000 in cash or like value, by each of the member lines to guarantee the faithful performance of the terms and conditions of the conference agreement by such member lines and the payment of any penalty or judgment against them.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may sub-

mit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 14, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-3219; Filed, Apr. 16, 1959;
8:49 a.m.]

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 150-15, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement of that conference (No. 150, as amended), which covers the trade from Japan, Korea and Okinawa to Pacific Coast ports of the United States and Canada. The purpose of the modification is to provide that the voting rights of the member lines on rate matters under the conference agreement will be suspended until June 30, 1960, for members who only serve the Pacific Coast ports as way ports of other services.

(2) Agreement No. 6120-A, between the member lines of the United States Atlantic & Gulf Puerto Rico Conference (No. 6120, as amended), Waterman Steamship Corporation of Puerto Rico and Pan-Atlantic Steamship Corporation is a supplemental agreement of that conference, which covers the trade between U.S. Atlantic and Gulf ports and Puerto Rico, Agreement No. 6120, as amended, contains a provision which prohibits any member, either directly or indirectly, through any holding, subsidiary, associated, or affiliated company, or otherwise, from transporting cargo within the scope of the conference, except at conference rates, terms and conditions. Agreement No. 6120-A provides (1) that upon the admission of Waterman Steamship Corporation of Puerto Rico to conference membership, the above provision of Agreement No. 6120, as amended, will be waived insofar as Waterman is concerned, provided Pan-Atlantic, an affiliate of Waterman, which operates berth vessels in the U.S. Atlantic and Gulf-Puerto Rican trade under its own tariff, will not file any changes in its tariff on file with the Board covering such trade, without prior discussion of such changes with the conference and advice of the concurrence or non-concurrence of the conference; and (2) should Pan-Atlantic file such tariff changes without obtaining conference concurrence, said waiver may be terminated by the conference.

(3) Agreement No. 8374, between Alaska Steamship Company and B & R Tug and Barge Company, covers an arrangement whereby the parties agree that claims for losses, damages, and shortages, in connection with cargo carried on vessels of Alaska Steam and discharged to, or received from, lighters of B & R, on which claims by owners of the cargo result and where it cannot be established as to which party was responsible therefor, each party will be responsible for that portion of the claim represented by freight earned by each in respect to such cargo, and the balance to be divided one-third to B & R and two thirds to Alaska Steam.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 14, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-3220; Filed, Apr. 16, 1959;
8:49 a.m.]

Office of the Secretary

RUSSELL C. FLOM

Statement of Changes in Financial Interests

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

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of April 3, 1959.

RUSSELL C. FLOM.

APRIL 3, 1959.

[F.R. Doc. 59-3217; Filed, Apr. 16, 1959;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12530; FCC 59M-470]

MUSICAL HEIGHTS, INC.

Order Advancing Hearing

In re application of Musical Heights, Inc., Braddock Heights, Maryland, Docket No. 12530, File No. BP-10918; for a construction permit.

The Hearing Examiner having under consideration a motion filed on March 31, 1959, by Musical Heights, Inc., requesting

that (1) the hearing in the above-entitled proceeding presently scheduled for May 19, 1959, be advanced to May 14, 1959, and (2) the date for the exchange of exhibits therein be changed from April 6, 1959, to May 1, 1959;

It appearing that counsel for the other parties to this proceeding have informally consented to a grant of the instant motion, and good cause has been shown for the proposed changes in date;

It is ordered, This 13th day of April 1959, that the motion be and it is hereby granted; the hearing in the above-entitled proceeding be and it is hereby advanced from May 19, 1959 to May 14, 1959, at 10 a.m., in Washington, D.C.; and the date for the exchange of exhibits is changed from April 6, 1959, to May 1, 1959.

Released: April 13, 1959.

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

[F.R. Doc. 59-3222; Filed, Apr. 16, 1959;
8:49 a.m.]

[Docket No. 12777; FCC 59M-461]

SEASIDE BROADCASTING CO.

Order Continuing Hearing

In re application of Ronald L. Rule, John P. Gillis and James L. Dennon, d/b as Seaside Broadcasting Company, Seaside, Oregon, Docket No. 12777, File No. BP-11200; for construction permit.

It is ordered, This 9th day of April 1959 on the Hearing Examiner's own motion that the prehearing conference and hearing in the above-entitled proceeding presently scheduled for April 10, 1959, and April 16, 1959, respectively, are continued without date pending consideration of the several interlocutory pleadings filed herein.

Released: April 13, 1959.

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

[F.R. Doc. 59-3223; Filed, Apr. 16, 1959;
8:49 a.m.]

[Docket No. 12823; FCC 59M-466]

CRAIN'S GARAGE

Order Scheduling Hearing

In the matter of James L. Houston, d/b as Crain's Garage, P.O. Box 1055, Marietta, Georgia, Docket No. 12823; order to show cause why there should not be revoked the license for automobile emergency radio station KIM-855.

It is ordered, This 10th day of April 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding

which is hereby scheduled to commence on June 15, 1959, in Washington, D.C.

Released: April 13, 1959.

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

[F.R. Doc. 59-3224; Filed, Apr. 16, 1959;
8:49 a.m.]

[Docket Nos. 12831, 12832; FCC 59-310]

NORTH SHORE BROADCASTING CO., INC., AND SUBURBANAIRE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of North Shore Broadcasting Co., Inc., Wauwatosa, Wisconsin, requests: 1590 kc, 1 kw, DA-Day, Docket No. 12831, File No. BP-11768; Suburbanaire, Inc., West Allis, Wisconsin, requests: 1590 kc, 1 kw, DA-Day, Docket No. 12832, File No. BP-12511; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of April 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, both applicants are legally, financially, technically and otherwise qualified to operate their proposed stations but that the simultaneous operation of both proposals would result in mutually destructive interference; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants were advised by letter dated February 6, 1959, of the aforementioned deficiencies and that the Commission is unable to conclude at this time that a grant of either of the applications would be in the public interest; and

It further appearing that both applicants filed timely replies to the Commission's letter; and

It further appearing that, Wauwatosa and West Allis are separate communities approximately 2½ miles apart; that each proposal would provide a 5 mv/m contour over the residential section and a 25 mv/m contour over the business section of the city of the other; that each of said proposals serves substantially the same areas and populations; and that a question obtains as to whether considerations relative to section 307(b) of the Communications Act of 1934, as amended, should be determinative here; and

It further appearing that, in a letter dated December 23, 1958, relative to the application of North Shore Broadcasting Co., Inc., for renewal of license of Station WEAU-FM, Evanston, Illinois, the Commission raised questions on whether the licensee and instant applicant had abdicated control over programming and whether Commission rules had been

violated by eliminating certain announcements from programs transmitted; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the above-entitled proceeding, and if so, whether a choice between the applications herein can be reasonably based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the two applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of the principals of each applicant to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the proposals should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the issues in this proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That, in the event the proposal of North Shore Broadcasting Co., Inc., is favored in the hearing,

it will be held without final action pending Commission action on applications by the said applicant for renewal of licenses of stations WEAW, File No. BR-2993, and WEAW-FM, File No. BRH-85, Evanston, Illinois.

Released: April 14, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3225; Filed, Apr. 16, 1959;
8:49 a.m.]

[Docket Nos. 12697; 12698; FCC 59M-467]

CONTINENTAL BROADCASTING CORP. (WHOA) AND JOSE R. MADRAZO

Order Continuing Hearing Conference

In re applications of Continental Broadcasting Corporation (WHOA); San Juan, Puerto Rico, Docket No. 12697, File No. BP-10489; Jose R. Madrazo, Guaynabo, Puerto Rico, Docket No. 12698, File No. BP-11480; for construction permits.

The Hearing Examiner having under consideration an oral request from the parties for a continuance of further hearing conference;

It appearing that there is a petition still pending to dismiss one of the applications and that until this matter is resolved it would be inadvisable to proceed with the hearing and, further, all parties having concurred in the present request;

It is ordered, This 10th day of April 1959, that the further hearing conference scheduled for April 14 is continued to May 4, 1959.

Released: April 13, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-3221; Filed, Apr. 16, 1959;
8:49 a.m.]

[Docket No. 12835; FCC 59-327]

CITY OF TROY, MICHIGAN

Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

In re application of City of Troy, Michigan, Docket No. 12835, File No. 19276-PL-F/L-59, for authorization in the local government radio service.

1. The Commission has before it for consideration a protest filed, March 12, 1959, pursuant to section 309(c) of the Communications Act of 1934, as amended, by the City of Huntington Woods, Michigan¹ protesting the grant without a hearing by the Commission on February 25, 1959, of an application by the

City of Troy, Michigan,² for authority to construct and operate a radio station in the Local Government Radio Service. The authorization was for one base transmitter and ten mobile units to be operated on the frequency 154.04 Mc.

2. The protestant contends that the Commission's action in granting the protested application was not in the public interest. In support of this position it is alleged that the City of Huntington Woods, located five miles from the applicant, is presently operating one base station and ten mobile units in the Local Government Radio Service under an authorization granted by the Commission on October 31, 1958. It is further contended that the protestant " * * * received no formal notice of any person's intent to request transmitting facilities on this frequency." Hence, it is stated that the protestant did not and would not have concurred in this assignment. The protestant also alleges that the "applicant's use of this same frequency five miles away, would substantially degrade the performance of our communications system."

The protestant alleges that a copy of its protest has been served upon the applicant.³ No timely opposition to this protest was received by the Commission.

3. In view of the allegations referred to above, the Commission finds that the protestant is a "party in interest" with standing to protest under section 309(c) of the Communications Act of 1934, as amended.

4. The facts alleged by the protestant in support of its contention that the grant of the protested application was not in the public interest are sufficiently specific to comply with section 309(c) of the Communications Act of 1934, as amended, and support the following issues:

To determine whether the applicant complied with the provisions of § 10.555 (g) (4) which provides for the assignment of the frequency 154.04 Mc prior to November 1, 1963 only if the application for such assignment is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused."

To determine whether the applicant has complied with the provisions of

² Hereinafter referred to as the applicant.

³ Actually, the protestant in its letter received March 12, 1959, by the Commission stated: "In accordance with the requirements of section 309(c) of the Commission Act of 1934, as amended, a copy of this protest, including details contained in our letter of February 23, has been mailed by certified mail to the City of Troy, 60 West Wattles Road, Birmingham, Michigan." Hence, while it is not clear that that requisite notice has been given to the applicant, the Commission is assuming that the protestant has complied with section 309(c), subject, however, to proof at a later stage in the proceeding.

§ 10.101(a) of the Commission's rules governing public safety radio services requiring cooperation by all applicants and licensees in the selection of frequencies.

To determine whether operation under the protested grant will cause harmful interference, as defined in Part 10 of the Commission's rules, to the operation of the Local Government Radio system of Huntington Woods, Michigan.

5. The authorization involved is not "necessary to the maintenance or conduct of an existing service." Furthermore, the protestant alleges that operation under the involved application will "substantially degrade the performance" of its communications system.

6. Therefore, it is ordered, Pursuant to the provisions of section 309(c) of the Communications Act of 1934, as amended, that the effective date of the Commission's action of February 25, 1959, granting the application of the City of Troy, Michigan for authority to construct and operate a radio station in the Local Government Radio Service is postponed pending the Commission's decision to be entered after the evidentiary hearing hereinafter ordered.

7. It is further ordered, That the above-entitled application is Designated for hearing at a time and place to be specified by subsequent order upon the following issues:

(1) To determine whether the applicant has complied with the provisions of § 10.101(a) of the Commission's rules governing the public safety radio services requiring cooperation in the selection of frequencies.

(2) To determine whether the applicant has complied with the provisions of § 10.555 (g) (4) of the Commission's rules governing the public safety radio services regarding the availability for assignment of the frequency 154.04 Mc.

(3) To determine whether operation under the protested grant will cause harmful interference, as defined in Part 10 of the Commission's rules, to the operation of the local government radio system of Huntington Woods, Michigan.

(4) To determine, in the light of evidence adduced on all other specified issues, whether the public interest, convenience, and necessity will be served by a grant of the subject application; and

8. It is further ordered, That the burden of proof on issues (1), (2), (3) and (4) is placed on the applicant; and

9. It is further ordered, That the City of Huntington Woods and the Chief Safety and Special Radio Services Bureau are made parties to the proceeding herein; and

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the above-specified parties shall, pursuant to § 1.140 of the Commission's rules, in person or by an attorney, within twenty (20) days of the mailing of this Memorandum Opinion and Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing, when determined, and present evidence

¹ Hereinafter referred to as the protestant.

on the issues specified in this Memorandum Opinion and Order.

Adopted: April 8, 1959.

Released: April 14, 1959.

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

[F.R. Doc. 59-3226; Filed, Apr. 16, 1959;
8:50 a.m.]

Florida Official Leasing Map No. 1

Marquesas Area

| Tract No. | Description | Block No. | Acreage |
|-----------|-------------|-----------|---------|
| Fla.-1 | All | 1 | 5,760 |
| Fla.-2 | All | 2 | 5,760 |
| Fla.-3 | All | 3 | 5,760 |
| Fla.-4 | All | 4 | 5,760 |
| Fla.-5 | All | 5 | 5,760 |
| Fla.-6 | All | 6 | 5,760 |
| Fla.-7 | All | 7 | 5,760 |
| Fla.-8 | All | 8 | 5,760 |
| Fla.-9 | All | 9 | 5,760 |
| Fla.-10 | All | 10 | 5,760 |
| Fla.-11 | All | 11 | 5,760 |
| Fla.-12 | All | 12 | 5,760 |
| Fla.-13 | All | 13 | 5,760 |
| Fla.-14 | All | 14 | 5,760 |
| Fla.-15 | All | 15 | 5,760 |
| Fla.-16 | All | 16 | 5,760 |
| Fla.-17 | All | 17 | 5,760 |
| Fla.-18 | All | 18 | 5,760 |
| Fla.-19 | All | 19 | 5,760 |
| Fla.-20 | All | 20 | 5,760 |
| Fla.-21 | All | 21 | 5,760 |
| Fla.-22 | All | 22 | 5,760 |
| Fla.-23 | All | 23 | 5,760 |
| Fla.-24 | All | 24 | 2,980 |
| Fla.-25 | All | 25 | 5,760 |
| Fla.-26 | All | 26 | 5,760 |
| Fla.-27 | All | 27 | 5,760 |
| Fla.-28 | All | 28 | 5,760 |
| Fla.-29 | All | 29 | 5,760 |
| Fla.-30 | All | 30 | 5,760 |
| Fla.-31 | All | 31 | 5,760 |
| Fla.-32 | All | 32 | 5,760 |
| Fla.-33 | All | 33 | 5,760 |
| Fla.-34 | All | 34 | 5,760 |
| Fla.-35 | All | 35 | 5,760 |
| Fla.-36 | All | 36 | 5,760 |
| Fla.-37 | All | 37 | 5,760 |
| Fla.-38 | All | 38 | 5,760 |
| Fla.-39 | All | 39 | 5,760 |
| Fla.-40 | All | 40 | 5,760 |
| Fla.-41 | All | 41 | 5,760 |
| Fla.-42 | All | 42 | 5,760 |
| Fla.-43 | All | 43 | 5,760 |
| Fla.-44 | All | 44 | 5,760 |
| Fla.-45 | All | 45 | 5,760 |
| Fla.-46 | All | 46 | 5,760 |
| Fla.-47 | All | 47 | 5,760 |
| Fla.-48 | All | 48 | 5,760 |
| Fla.-49 | All | 49 | 5,760 |
| Fla.-50 | All | 50 | 5,760 |
| Fla.-51 | All | 51 | 5,760 |
| Fla.-52 | All | 52 | 5,760 |
| Fla.-53 | All | 53 | 5,760 |
| Fla.-54 | All | 54 | 5,760 |
| Fla.-55 | All | 55 | 5,760 |
| Fla.-56 | All | 56 | 5,760 |
| Fla.-57 | All | 57 | 5,760 |
| Fla.-58 | All | 58 | 5,760 |
| Fla.-59 | All | 59 | 5,760 |
| Fla.-60 | All | 60 | 5,760 |
| Fla.-61 | All | 61 | 5,760 |
| Fla.-62 | All | 62 | 5,760 |
| Fla.-63 | All | 63 | 5,760 |
| Fla.-64 | All | 64 | 5,760 |
| Fla.-65 | All | 65 | 5,760 |
| Fla.-66 | All | 66 | 5,760 |
| Fla.-67 | All | 67 | 5,760 |
| Fla.-68 | All | 68 | 5,760 |
| Fla.-69 | All | 69 | 5,760 |
| Fla.-70 | All | 70 | 5,760 |
| Fla.-71 | All | 71 | 5,760 |
| Fla.-72 | All | 72 | 5,760 |
| Fla.-73 | All | 73 | 5,760 |
| Fla.-74 | All | 74 | 5,760 |
| Fla.-75 | All | 75 | 5,760 |
| Fla.-76 | All | 76 | 5,760 |
| Fla.-77 | All | 77 | 5,760 |
| Fla.-78 | All | 78 | 5,760 |
| Fla.-79 | All | 79 | 5,760 |
| Fla.-80 | All | 80 | 5,760 |

Total blocks offered—80.
Total acreage offered—458,000.

Bidders are requested to submit their bids in the following form:

Manager,
Outer Continental Shelf Office,
Bureau of Land Management,
Department of the Interior,
650 Federal Building,
New Orleans, La.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the outer Continental Shelf specified below:

Area _____
Official Leasing Map No. _____

Tract No. _____
Total amount bid _____
Amount per acre _____
Amount submitted with bid _____

(Signature)

(Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

CHARLES P. MEAD,
Acting Director.

[F.R. Doc. 59-3209; Filed, Apr. 16, 1959;
8:47 a.m.]

Geological Survey

CALIFORNIA, COLORADO, MONTANA, NEW MEXICO, NORTH DAKOTA, WYOMING

Definition of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulation (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

(1) CALIFORNIA

| Name of field | Effective date | Acreage |
|----------------------------|----------------|---------|
| West Mount Poso (revision) | Feb. 2, 1959 | 680 |

(2) COLORADO

| Name of field | Effective date | Acreage |
|---------------------|----------------|---------|
| Divide Creek | Feb. 10, 1959 | 8,828 |
| Douglas Creek | Feb. 26, 1959 | 2,355 |
| North Douglas Creek | do | 4,437 |
| Sulphur Creek | Dec. 16, 1958 | 4,482 |

(4) MONTANA

| Name of field | Effective date | Acreage |
|------------------------|----------------|---------|
| Cedar Creek (revision) | Mar. 18, 1959 | 175,861 |
| Gas City | Mar. 23, 1959 | 5,191 |
| Glendive | do | 2,194 |

(5) NEW MEXICO

| Name of field | Effective date | Acreage |
|--|----------------|---------|
| Atoka-Compton (revision and consolidation) | Mar. 25, 1959 | 11,318 |
| Caprock (Queen) (revision) | Mar. 24, 1959 | 35,198 |

(6) NORTH DAKOTA

| Name of field | Effective date | Acreage |
|---------------------------------------|----------------|---------|
| Antelope (revision and consolidation) | Dec. 9, 1958 | 10,081 |
| Blue Buttes (revision) | Nov. 25, 1958 | 22,013 |

(9) WYOMING

| Name of field | Effective date | Acreage |
|---------------|----------------|---------|
| Sherwood | Dec. 16, 1958 | 3,619 |
| Smoky Gap | do | 100 |

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 59-3241; Filed, Apr. 16, 1959;
8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF FLORIDA

Oil and Gas Lease Offer

APRIL 10, 1959.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Outer Continental Shelf Office, Bureau of Land Management, 650 Federal Building, New Orleans, Louisiana, will be received on or before May 26, 1959, at 10:00 a.m., c.s.t., for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Florida. Bids will be opened in the Claiborne Room, Mezzanine Floor, St. Charles Hotel, 211 St. Charles Street, New Orleans, Louisiana. Bids may be delivered in person to the Office of the Manager or to the Claiborne Room between 8:30 a.m., c.s.t., and 10:00 a.m., c.s.t., May 26, 1959. Bids received by mail or delivered in person after 10:00 a.m., c.s.t., May 26, 1959, will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21 and 201.22. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of \$3 per acre or fraction thereof.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than \$10 per acre will be considered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Florida (insert number of tract), not to be opened until 10:00 a.m., c.s.t., May 26, 1959." The right is reserved to reject any or all bids. The tracts offered for bid are as follows:

FEDERAL POWER COMMISSION

[Docket No. E-6812]

INTERSTATE POWER CO.

Notice of Extension of Time of the Final Maturity Date of Certain Promissory Notes

APRIL 13, 1959.

Upon consideration of the request filed April 7, 1959, by Interstate Power Company for authorization to extend the final maturity dates authorized by the Commission's order issued May 1, 1958, of four promissory notes due May 31, 1959, as follows: (a) Two promissory notes, each dated June 12, 1958, and each in the principal amount of \$1,000,000, with interest at the rate of 3½ percent per annum, payable to the Chase Manhattan Bank, New York, New York, and Manufacturers Trust Company, New York, New York, respectively; and (b) two promissory notes, each dated December 16, 1958, and each in the principal amount of \$550,000, with interest at the rate of 4 percent per annum, payable respectively to one of the two above-named New York banks;

The date on which the four above-described promissory notes, now outstanding in the aggregate principal amount of \$3,100,000, must reach final maturity is hereby extended from May 31, 1959, to August 31, 1959. Paragraph (B) of the order issued May 1, 1958, is amended accordingly.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3199; Filed, Apr. 16, 1959;
8:45 a.m.]

[Docket No. E-6876]

NORTHERN STATES POWER CO. AND EAU CLAIRE DELLS IMPROVEMENT CO.

Notice of Application

APRIL 13, 1959.

Take notice that on April 6, 1959, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Northern States Power Company ("NSP"), a Wisconsin corporation, and Eau Claire Dells Improvement Company ("Eau Claire Dells"), seeking an order authorizing the merger of Eau Claire Dells into NSP. NSP is the parent company of Eau Claire Dells. NSP and Eau Claire Dells are corporations organized under the laws of the State of Wisconsin, each having its principal business office at Eau Claire, Wisconsin. NSP owns and operates an interconnected electric production, transmission and distribution system extending throughout the territory served by it in Wisconsin and Minnesota. This system is interconnected with the main interconnected electric system of its parent company, Northern States Power Company, a Minnesota corporation. Eau Claire Dells owns and operates six hydroelectric generating units having an aggregate rated

capacity of 8900 kilowatts and auxiliary electric equipment located at a dam owned by the City of Eau Claire in Eau Claire, which dam Eau Claire Dells operates under a lease extending to 1976. The entire output of 8900 kilowatts generated by Eau Claire Dells is sold to its parent company NSP. After the merger, the aforesaid hydroelectric units of Eau Claire Dells will be operated by NSP with no change in their use. By the merger NSP will incur all duties and obligations of Eau Claire Dells with respect to the latter's property. Neither the services rendered to the public by the system nor the rates charged for such services will be changed by the merger. The effective date of the merger will be the last business day of a month subsequent to the issuance of requisite orders of authorization by the Federal Power Commission and the Public Service Commission of Wisconsin. Applicants state that consummation of the merger will result in a further corporate simplification of the NSP system by the elimination of a subsidiary company; will place all of the system's utility operations in Wisconsin in NSP; and will result in some reduction in inter-company transactions, keeping of records, making of reports and preparation of statistical information.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the first day of May 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3200; Filed, Apr. 16, 1959;
8:45 a.m.]

[Docket No. E-6877]

INTERSTATE POWER CO.

Notice of Application

APRIL 13, 1959.

Take notice that on April 7, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Interstate Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of Illinois, Iowa, Minnesota and South Dakota, with its principal business office at Dubuque, Iowa, seeking an order authorizing the issuance of (1) \$6,000,000 principal amount of First Mortgage Bonds ... percent Series due 1989 and (2) 80,000 shares of ... percent Preferred Stock (New Preferred Stock), \$50 par value per share. The aforesaid Bonds will be dated as of May 1, 1959, and will be issued under Applicant's Indenture dated as of January 1, 1948, to The Chase National Bank of the City of New York and Carl E. Buckley, as Trustees, as supplemented by six Supplemental Indentures and as it will be further supplemented by a proposed Seventh

Supplemental Indenture to be dated as of May 1, 1959. Applicant proposes to issue and sell said Bonds at competitive bidding. The New Preferred Stock is proposed to be issued and sold on the closing date tentatively fixed for May 28, 1959. Applicant has entered into negotiations with Kidder, Peabody & Co., Underwriters, for the sale of the New Preferred Stock and the dividend rate and initial offering price will be supplied by amendment to the application. With respect to the issuance and sale of the New Preferred Stock, Applicant requests an exemption from § 34.1a of the Commission's regulations under the Federal Power Act requiring competitive bidding. Applicant states that the proceeds from the issuance and sale of the First Mortgage Bonds and New Preferred Stock will be used to retire bank loans and to finance, in part, Applicant's construction program for the remainder of 1959.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of May 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3201; Filed, Apr. 16, 1959;
8:45 a.m.]

[Docket No. G-9008]

HUMBLE OIL & REFINING CO.

Notice of Application and Date of Hearing

APRIL 13, 1959.

Take notice that Humble Oil & Refining Company (Humble) (Applicant), an independent producer with its principal place of business in Houston, Texas, filed, on June 7, 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 which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) from the Kenneth "A" lease, Strawberry Area, Reagan County, Texas, under a contract dated November 3, 1952 as amended by letter agreement of May 12, 1955, between Humble as seller and El Paso as buyer which is on file with the Commission as Supplement No. 8 to Humble Oil & Refining Company FPC Gas Rate Schedule No. 5.

The previous hearing in this matter was indefinitely postponed.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 27, 1959 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 14, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3202; Filed, Apr. 16, 1959;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3784]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Filing Regarding Issuance and Sale at Competitive Bidding of First Mortgage Bonds

APRIL 10, 1959.

Notice is hereby given that Southwestern Electric Power Company ("Southwestern"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act") and has designated sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the following proposed transaction:

Southwestern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, \$16,000,000 principal amount of its First Mortgage Bonds, Series H, to be dated May 1, 1959 and to mature May 1, 1989. The bonds are to be issued under and secured by a mortgage dated February 1, 1940, as heretofore amended and supplemented and to be further amended by a proposed Supplemental Indenture to be dated May 1, 1959. The interest rate on the bonds, which is to be a multiple of $\frac{1}{8}$ of 1 percent, and the price thereof to Southwestern, which price, exclusive of accrued interest, is to be not less than 100 per-

cent and not more than 102.75 percent of the principal amount, will be determined by competitive bidding.

The net proceeds from the sale of the bonds are to be used by Southwestern to finance a part of its construction expenditures, and to pay or prepay its bank loans incurred or to be incurred in connection therewith. Such bank loans aggregated \$7,800,000 at March 16, 1959, and may be increased by not more than \$4,200,000 prior to the receipt by Southwestern of the proceeds of the bonds.

Southwestern will apply to the Arkansas Public Service Commission and the Corporation Commission of the State of Oklahoma for authority to issue and sell the bonds and copies of the orders to be entered by these commissions will be supplied by amendment. It is represented that no other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transaction.

The fees and expenses to be incurred by Southwestern in connection with the proposed transaction are estimated as follows:

| | |
|--|----------|
| Federal stamp tax, registration and recording | \$21,064 |
| State commission fees | 900 |
| Printing and engraving | 9,300 |
| Accountant's fees | 1,800 |
| Trustee's fees | 7,650 |
| Reimbursement of underwriters for expenses and counsel fees in connection with qualification of registration under State security laws | 2,000 |
| Fee of Middle West Service Company | 4,000 |
| Legal fees: | |
| Stevenson, Dendtler, Bailey & McCabe | 6,000 |
| Fees of local counsel | 1,050 |
| Miscellaneous expenses | 1,236 |
| | 55,000 |

The fee and expenses of Isham, Lincoln & Beale, counsel for the successful bidders, estimated at \$7,000 and \$250, respectively, are to be paid by such bidders.

Notice is further given that any interested person may, not later than April 27, 1959, at 5:30 p.m. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act; or the Commission may grant exemption from its Rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-3212; Filed, Apr. 16, 1959;
8:47 a.m.]

[File No. 812-1205]

DUNHILL INTERNATIONAL, INC.

Notice of and Order for Hearing on Application for Order Declaring That Company Is Not an Investment Company

APRIL 10, 1959.

Notice is hereby given that Dunhill International, Inc. ("Dunhill") has filed an application pursuant to section 3(b)(2) of the Investment Company Act ("Act") for an order declaring it to be primarily engaged in a business or businesses other than that of investing, re-investing, owning, holding or trading in securities, either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Pursuant to a plan of merger, effective December 31, 1958, New York Dock Company ("Dock"), a registered closed-end investment company, was merged into Dunhill. According to the figures supplied at the time of the merger (as of June 30, 1958), the market value of Dock's securities portfolio was approximately \$10,207,978, constituting about 80 percent of that company's total assets exclusive of cash of approximately \$2,100,324. A substantial portion of the assets of Dunhill and its subsidiaries also consisted of investment securities, the market value of which, as of June 30, 1958, amounted to \$2,217,107 or about 64 percent of Dunhill's total assets. The instant application states that as of December 31, 1958 the market value of securities held by Dunhill and its subsidiaries, including those owned by Dock at the time of the merger was \$15,336,796 which it is conceded represents more than 40 percent of Dunhill's total assets (exclusive of cash and Government securities).

Section 3(a)(3) of the Act defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries which are not investment companies.

Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include a person whom the Commission upon application finds, and by order declares, to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies, conducting similar types of businesses.

It is the applicant's position that Dunhill and its wholly owned subsidiaries are primarily engaged in businesses other than that of investing, reinvesting,

owning, holding and trading securities. Dunhill's wholly owned subsidiaries, other than New York Dock Railway, are engaged in the sale at retail and at wholesale of tobacco, tobacco products and accessories, pipes, gift items, cosmetics, toiletries and other merchandise. New York Dock Railway is engaged in the operation of a railway freight terminal in Brooklyn, New York. Dunhill has also acquired through the merger certain real estate in Brooklyn, New York, and in Reading, Pennsylvania, which is occupied principally by commercial tenants.

In support of its application, Dunhill contends that its day-to-day business operations and that of its subsidiaries, and the duties of its officers and employees, are predominantly concerned with activities other than investments in securities. Dunhill points out that of its 250 employees, only 1 office employee is engaged to any substantial degree in the handling of investment affairs.

Dunhill also states that it is presently engaged in a program of expansion of its retail and wholesale business by acquiring or opening additional retail outlets in new localities. It further states that extensive surveys have been made in numerous places to find locations for potential new retail outlets and negotiations are under way in a few cities where prospects seem most advantageous. The application asserts that as this expansion program progresses, Dunhill may be required to reduce its investment portfolio in order to provide the necessary funds for capital expenditures and increased cash working capital, thus reflecting a change in the present relationship between assets devoted to non-investment activities and total assets.

In connection with the merger of Dock into Dunhill, Dunhill undertook that pending the determination of its status under the Act, it would not engage in any transactions which would be prohibited to a registered investment company without obtaining prior approval of the Commission.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the Rules of the Commission thereunder be held on the 5th day of May 1959 at 10 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's Rules of Practice, on or before the date provided in the Rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised

by this Notice and Order or by such application.

It is further ordered, That William W. Swift, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following question is presented for consideration without prejudice to its specifying additional matter and questions upon further examination:

Whether Dunhill is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Dunhill International, Inc. and that notice to all persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That Dunhill International, Inc. shall give notice of this hearing to all its stockholders (insofar as the identity of such stockholders is known or is available) by mailing to each of said persons a copy of this Notice and Order to his last known address at least 14 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-3213; Filed, Apr. 16, 1959;
8:48 a.m.]

[File No. 1-4042]

AETNA-STANDARD ENGINEERING CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

APRIL 13, 1959.

In the matter of The Aetna-Standard Engineering Company common stock; File No. 1-4042.

New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The company is in process of complete liquidation, following sale of its principal assets, to Blaw-Knox Company. The stock has been suspended from dealings on the Exchange since March 20, 1959.

Upon receipt of a request, on or before April 29, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-3214; Filed, Apr. 16, 1959;
8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 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. 35363: *Petroleum and products—Council Bluffs, Iowa, to Nebraska.* Filed by Western Trunk Line Committee, Agent (No. A-2052), for interested rail carriers. Rates on gasoline, fuel oil, and other products of petroleum, tank-car loads from Council Bluffs, Iowa, to specified points in Nebraska.

Grounds for relief: Motor truck competition.

Tariff: Supplement 13 to Western Trunk Lines' tariff I.C.C. A-4199.

FSA No. 35364: *Substituted service—C. & N.W. Ry. for Moore Motor Freight Lines.* Filed by Associated Motor Carriers Tariff Bureau, Agent (No. 8), for The Chicago and North Western Railway Company and interested motor carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Butler, Wis., on the one hand, and St. Paul, Minn., on

the other, on traffic originating at or destined to points on motor carriers in the territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to Associated Motor Carriers Tariff Bureau tariff MF-I.C.C. No. A-83.

FSA No. 35365: *Returned containers—From and to points in western territories.* Filed by Western Trunk Line Committee, Agent (No. A-2053), for interested rail carriers. Rates on containers, empty, returned, used in the transportation of beverages, malt liquors, etc., carloads between points in western trunk-line territory; between points in Illinois territory; and between points in western trunk-line and Illinois territories, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula, grouping, and motor-truck competition.

Tariffs: Supplement 1 to Illinois Freight Association tariff I.C.C. 917. Supplement 1 to Illinois Freight Association tariff I.C.C. 919. Supplement 29 to Western Trunk Lines tariff I.C.C. A-4240. Supplement 31 to Western Trunk Lines tariff I.C.C. A-4241.

FSA No. 35366: *Containers, empty, returned, from and to points in the southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7528), for interested rail carriers. Rates on containers, empty, returned, used in transportation of beverages, malt liquors, etc., carloads between points in southwestern territory; between points in southern territory, and between points in southwestern territory, on the one hand, and points in Illinois, southern, and western trunk line territories, on the other.

Grounds for relief: Short-line distance formula, grouping.

Tariffs: Supplement 42 to Southwestern Freight Bureau tariff I.C.C. 4299.

Supplement 49 to Southwestern Freight Bureau tariff I.C.C. 4301. Supplement 41 to Southwestern Freight Bureau tariff I.C.C. 4302. Supplement 22 to Southwestern Freight Bureau tariff I.C.C. S-34.

FSA No. 35367: *Phosphate rock—Florida Mines to Prairie Du Chien, Wis.* Filed by O. W. South, Jr., Agent (SFA No. A3791), for interested rail carriers. Rates on crude phosphate rock, not ground, carloads from Achan, Bartow, and other named Florida points to Prairie du Chien, Wis.

Grounds for relief: Rail-barge competition.

Tariff: Supplement 128 to Southern Freight Tariff Bureau tariff I.C.C. 1514.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-3210; Filed, Apr. 16, 1959; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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