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

[Amdt. 8]

PART 728—WHEAT

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

EXCESS ACREAGE UTILIZATION DATES

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and is issued for the purpose of amending the dates for the disposal of excess wheat acreage in the State of Nebraska. Since the determination of 1959 wheat acreage is now being made, it is important that State and county committees be notified of the amendment herein as soon as possible so that producers with 1959 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its publication in the FEDERAL REGISTER.

Section 728.855(b) is amended as follows:

NEBRASKA

May 15: Adams, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 10: Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Cedar, Chase, Cherry, Cheyenne, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dundy, Frontier, Garden, Garfield, Grant, Greeley, Hayes, Hitchcock, Holt, Hooker, Howard, Keith, Keya Paha, Kimball, Knox, Lincoln, Logan, Loup, McPherson, Madison, Merrick,

Morrill, Nance, Perkins, Pierce, Platte, Polk, Red Willow, Rock, Scotts Bluff, Sheridan, Sherman, Sioux, Stanton, Thomas, Valley, Wayne, Wheeler.

(Sec. 875, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 374, 52 Stat. 65, 68 Stat. 904; 7 U.S.C. 1374)

Issued at Washington, D.C., this 5th day of April 1959.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-3947; Filed, May 8, 1959; 8:51 a.m.]

PART 730—RICE

Subpart—1959-60 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1959 CROP

The regulations contained in § 730.1008 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, including the amendments to section 301 of that Act which are contained in section 502 of the Agricultural Act of 1956. These amendments provide definitions for county normal yields as follows:

(D) "Normal yield" for any county, in the case of rice, shall be the average yield per acre of rice for the county during the five calendar years immediately preceding the year for which such normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

(E) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such five-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 14, Part 400 to end (\$1.50)

Title 47, Parts 1-29 (\$0.70)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 7, Parts 1-50, Rev. Jan. 1, 1959 (\$4.00); Parts 51-52, Rev. Jan. 1, 1959 (\$6.25); Parts 900-959 (\$1.50); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 10-13, Rev. Jan. 1, 1959 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Title 18 (\$0.25); 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); Part 300 to end, Title 27 (\$0.30); Titles 28-29 (\$1.50); Title 32, Parts 700-799 (\$0.70); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46; Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

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yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for 1959 and the determination of county normal yields thereunder, public notice (23 F.R. 7431) was given in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 1003). No data,

views, or recommendations pertaining thereto were submitted pursuant to such notice.

Section 730.1008 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1959 crop of rice determined thereunder.

§ 730.1008 County normal yields for 1959 crop rice.

(a) *Regulations.* County normal yields for 1959 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1954 through 1958, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be made as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the five-year 1954-58 average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the five-year 1954-58 average yield, 125 per centum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by computing the simple average of (1) the average yield per harvested acre of rice for the county during the five calendar years 1954-58, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the average yield per harvested acre of rice for the county during the two calendar years 1957 and 1958, similarly adjusted.

(b) *Statistical data.* Section 301(c) of the Agricultural Adjustment Act of 1938, as amended, provides that "The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this act." In accordance therewith, the annual yields of rice for counties in the States of Arkansas, California, Louisiana, Mississippi, and Texas used in the determination of county normal yields in this section were the latest official yields determined by the Agricultural Estimates Division, Agricultural Marketing Service, on the basis of its estimate of harvested acres and production of rice in applicable counties of these States during each of the years 1954 through 1958. In Missouri, for which no official estimates of county rice yields were available for 1954, the annual yields for such year were obtained by a special survey covering all farms producing rice in any of the calendar years 1951 through 1955. The annual county yields per harvested acre in Missouri for the years 1955 through 1958 used in the determination of county normal yields in this section were the latest official yields of the Agricultural Estimates Division,

Agricultural Marketing Service. In the other minor rice-producing States of Florida, Illinois, North Carolina, Oklahoma, South Carolina, and Tennessee where no official estimates of county rice yields were available the annual rice yields for the years 1954 through 1958 used in determining the county normal yields in this section for the applicable counties in these States were obtained in special surveys covering all farms producing rice in any of the calendar years 1954 through 1958.

(c) *Proclamation of county normal yields.* County normal yields for 1959 crop rice, determined in accordance with paragraphs (a) and (b) of this section, are as follows:

ARKANSAS			
	Normal yield		Normal yield
County (pounds)		County (pounds)	
Arkansas	3,216	Lafayette	2,569
Ashley	3,082	Lawrence	3,010
Chicot	3,160	Lee	3,066
Clark	2,776	Lincoln	3,126
Clay	2,994	Little River	2,548
Conway	2,618	Lonoke	3,140
Craighead	3,108	Miller	2,484
Crittenden	3,140	Mississippi	3,181
Cross	3,023	Monroe	2,966
Dallas	2,762	Perry	2,854
Desha	3,142	Phillips	2,894
Drew	3,081	Poinsett	3,047
Faulkner	2,987	Prairie	3,168
Grant	2,684	Pulaski	2,967
Greene	2,992	Randolph	2,862
Hot Spring	2,886	St. Francis	3,072
Independence	2,962	White	2,894
Jackson	3,114	Woodruff	3,034
Jefferson	3,170	State	3,103
CALIFORNIA			
Butte	4,192	Riverside	2,000
Colusa	4,210	Sacramento	4,082
Fresno	4,124	San Joaquin	3,580
Glenn	4,319	Stanislaus	4,194
Imperial	1,750	Sutter	4,316
Kern	3,370	Tulare	2,874
Kings	2,891	Yolo	4,288
Madera	3,980	Yuba	3,610
Merced	3,854	State	4,148
Placer	3,698		
FLORIDA			
Palm Beach			1,722
ILLINOIS			
Adams			2,962
LOUISIANA			
	Normal yield		Normal yield
County (pounds)		County (pounds)	
Acadia	2,812	Lafourche	2,346
Allen	2,765	Madison	3,722
Ascension	2,423	Morehouse	3,719
Assumption	2,337	Plaquemines	2,545
Avoyelles	2,794	Rapides	2,658
Beauregard	2,104	Richland	3,652
Bossier	3,175	St. Charles	2,502
Calcasieu	2,296	St. James	2,376
Cameron	2,336	St. John the Baptist	2,468
Concordia	2,865	St. Landry	2,644
East Carroll	3,830	St. Martin	2,760
Evangeline	2,652	St. Mary	2,728
Franklin	3,408	St. Tammany	2,052
Grant	2,831	Tensas	3,578
Iberia	2,290	Terrebonne	2,362
Iberville	2,408	Vermilion	2,720
Jefferson		West Carroll	3,664
Davis	2,814	State	2,679
Lafayette	2,694		
MISSISSIPPI			
Bolivar	2,914	Humphreys	2,962
Coahoma	2,998	Issaquena	2,354
De Soto	3,375	Leflore	2,874
Hancock	2,412	Panola	2,994

MISSISSIPPI—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Quitman	3,220	Tate	2,184
Sharkey	3,018	Tunica	3,150
Sunflower	2,795	Washington	2,859
Tallahatchie	2,422	State	2,923

MISSOURI

Butler	3,443	New Madrid	2,635
Dunklin	3,366	Pemiscot	3,401
Lafayette	2,964	Ripley	2,878
Lewis	2,702	St. Charles	2,786
Lincoln	2,754	Scott	3,258
Marion	2,782	Stoddard	2,880
Mississippi	2,793	State	3,114

NORTH CAROLINA

Brunswick	1,985
Hyde	1,626
State	1,714

OKLAHOMA

McCurtain	2,928
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SOUTH CAROLINA

County	Normal yield (pounds)	County	Normal yield (pounds)
Berkeley	1,860	Horry	1,717
Charleston	1,226	Jasper	1,515
Colleton	888	State	1,337
Georgetown	1,035		

TENNESSEE

Dyer	2,555	Leuderdale	3,467
Fayette	2,078	State	3,132

TEXAS

Austin	3,335	Liberty	2,785
Bowie	2,720	Matagorda	3,358
Brazoria	3,091	Newton	2,930
Calhoun	3,205	Orange	2,660
Chambers	2,815	Polk	2,815
Colorado	3,318	San Jacinto	2,602
Fort Bend	3,264	Victoria	3,321
Galveston	3,118	Walker	
Hardin	2,907	Houston	2,630
Harris	3,158	Waller	3,253
Jackson	3,350	Washington	3,193
Jasper	2,797	Wharton	3,268
Jefferson	2,729	State	3,090
Lavaca	3,225		

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended, 70 Stat. 212; 7 U.S.C. 1301)

Done at Washington, D.C., this 5th day of April 1959.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-3946; Filed, May 8, 1959; 8:51 a.m.]

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

[Valencia Orange Reg. 164]

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

Limitation of Handling

§ 922.464 Valencia Orange Regulation 164.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part

of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 7, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 10, 1959, and ending at 12:01 a.m., P.s.t., May 17, 1959, are hereby fixed as follows:

- (i) District 1: 554,400 cartons;
- (ii) District 2: 554,400 cartons;
- (iii) District 3: Unlimited movement.

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

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

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

Dated: May 8, 1959.

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

[F.R. Doc. 59-4009; Filed, May 8, 1959; 11:21 a.m.]

[Grapefruit Reg. 309]

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

Limitation of Shipments

§ 933.970 Grapefruit Regulation 309.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 5, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the de-

clared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used in this section have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used in this section, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., May 11, 1959, and ending at 12:01 a.m., e.s.t., June 1, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

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

(ii) Any white seeded grapefruit, grown in the production area, which are of a size smaller than $3\frac{15}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(iii) Any pink seeded grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 2 Russet;

(iv) Any pink seeded grapefruit, grown in the production area, which are of a size smaller than $3\frac{1}{2}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(v) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 Russet, U.S. No. 2, or U.S. No. 2 Bright, may be shipped if such grapefruit meet the requirements

as to form (shape) and color specified in the U.S. No. 1 grade;

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

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

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

Dated: May 6, 1959.

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

[F.R. Doc. 59-3942; Filed, May 8, 1959;
8:50 a.m.]

[Lemon Reg. 791]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.898 Lemon Regulation 791.

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

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

of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 6, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 10, 1959, and ending at 12:01 a.m., P.s.t., May 17, 1959, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 325,500 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: May 7, 1959.

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

[F.R. Doc. 59-3988; Filed, May 8, 1959;
9:24 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER E—ALASKA WILDLIFE PROTECTION

PART 46—PROTECTION OF GAME AND FUR ANIMALS, BIRDS, AND GAME FISHES

Miscellaneous Amendments

Correction

In F.R. Doc. 59-3779, appearing at page 3626 of the issue for Wednesday, May 6, 1959, the following change should be made:

In the table in § 46.251, the first entry under the Bag limits column should read "No limit" instead of "Do".

Title 15—COMMERCE AND FOREIGN TRADE

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Additions to List

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Section 399.1 *Appendix A—Positive List of Commodities* is amended by adding the following commodities to the Positive List:

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 14¹]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Exportations Authorized by Other Government Agencies

Section 370.4 *Exportations authorized by Government agencies other than Bureau of Foreign Commerce*, paragraph (a) *Arms, ammunition, and implements of war*, Categories X and XI in the Note are amended to read as follows:

CATEGORY X—AIRCRAFT AND RELATED ITEMS

(a) Aircraft designed or modified for gunnery, bombing, rocket or missile launching, radar and electronic surveillance, refueling, drones, aerial mapping, cargo or personnel dropping, jet powered military trainers, experimental aircraft, lighter-than-air aircraft, and military helicopters.

(b) Jet and turbo aircraft engines, other than those types certified by Federal Aviation Agency.

(c) Airborne equipment, including airborne refueling equipment, specifically designed for use with the aircraft and the engines of the types covered by sub-items (a) and (b) above.

(d) Partial pressure suits; anti-"G" suits; military crash helmets; liquid oxygen converters used for aircraft and missiles; catapults and cartridge actuated devices utilized in emergency escape of personnel from aircraft.

(e) Aircraft launching equipment.

(f) Inertial guidance systems, astro compasses, and star trackers.

(g) Non-expansive balloons in excess of 3,000 cubic feet capacity.

(h) Components and parts specifically designed for the items listed above.

(i) Parachutes used for personnel or cargo dropping, aircraft deceleration, and complete harness and platforms therefor.

CATEGORY XI—MILITARY ELECTRONICS

(a) Electronic equipment bearing a military designation, including radar, electronic countermeasure and jamming, underwater sound, Doppler, and communications-electronic equipment.

(b) Components, parts, accessories and attachments specifically designed for use with equipment enumerated in (a) above.

This amendment shall become effective as of June 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. 59-3904; Filed, May 8, 1959; 8:45 a.m.]

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
20630	Pneumatic tires and tire casings: Aircraft tires, new or used. (Specify size and ply rating.) ¹	No.	RUBR 2	250	RO	E
20656	Aircraft inner tubes, new or used ¹	No.	RUBR 2	250	RO	E
70372	Other signal generators specially designed for testing or calibrating the airborne direction finding equipment, airborne navigational apparatus, and airborne radar equipment included on the Positive List under Schedule B Nos. 70797 and 70867. (Specify by name and model number.) ^{1,2}	No.	ELME 3	100	RO	A
70379	Other electrical and electronic characteristics testing instruments specially designed for testing or calibrating the airborne direction finding equipment, airborne navigational apparatus, and airborne radar equipment included on the Positive List under Schedule B Nos. 70797 and 70867. (Specify by name and model number.) ^{1,2}	No.	ELME 3	100	RO	A
70779	Electronic equipment, n.e.c., and parts: Airborne (aeronautical mobile) transmitters, receivers and transceivers (transmitter-receivers), and specially fabricated parts and accessories, n.e.c. ^{1,2}	-----	RARA 1	100	RO	A
70797	Airborne direction finding equipment, for operation at frequencies greater than 5 megacycles. ^{1,2}	No.	RARA 1	100	RO	A
70797	Other airborne direction finders ^{1,2}	No.	RARA 2	100	RO	RO
70867	Airborne electronic navigational apparatus, n.e.c., and specially fabricated parts and accessories, n.e.c. ^{1,2}	-----	RARA 1	100	RO	A
70867	Airborne radar equipment, n.e.c., and specially fabricated parts and accessories, n.e.c. ^{1,2}	-----	RARA 1	100	RO	A
70867	Ground and marine radar equipment as follows, and specially fabricated parts and accessories therefor: (a) incorporating permanent echo cancellation facilities and/or aerials with circular polarization; (b) utilizing other than conventional pulse modulation and signal processing techniques; and (c) other radar equipment, except those normal equipments designed for pulse operation at frequencies between 1,300 megacycles and 1,660 megacycles, 2,700 megacycles, and 3,900 megacycles, or 8,600 megacycles and 10,000 megacycles, having, in the case of marine radar, a peak output power to the aerial system less than 75 kilowatts or, in the case of ground-based radar, having a peak output power to the aerial system less than 50 kilowatts and a range less than 50 nautical miles. ^{1,2}	-----	RARA 1	100	RO	A
70867	Other radar equipment, n.e.c., and specially fabricated parts and accessories, n.e.c. ^{1,2}	-----	RARA 2	100	RO	-----
70921	Starting, lighting and ignition equipment, n.e.c., aircraft type, and specially fabricated parts and accessories, n.e.c. ^{1,2}	-----	TRAN 2	100	RO	E
70910	Other ball bearings, aircraft type ²	-----	GIEQ 6	100	RO	-----
70910	Outer rings, inner rings, retainers and subassemblies usable for aircraft type ball bearings. ²	-----	GIEQ 6	100	RO	-----
70920	Other roller bearings, aircraft type ²	-----	GIEQ 6	100	RO	-----
70920	Outer rings, inner rings, retainers and subassemblies usable for aircraft type roller bearings ²	-----	GIEQ 6	100	RO	-----
70933	Balls usable for aircraft type ball bearings ²	-----	GIEQ 6	100	RO	-----
70935	Rollers usable for aircraft type roller bearings ²	-----	GIEQ 6	100	RO	-----
70931	Civil aircraft (commercial and civilian) 3,000 lbs. and over empty weight, n.e.c. [Report parts in 79381-79489; new cargo transports and lighter-than-air aircraft in 79379; used or rebuilt in 79369]; ^{2,3}	No.	TRAN 2	None	RO	-----
79363	Passenger transports, civil, new, 3,000, under 15,000 lbs. empty weight. (Specify type, model, and name of manufacturer.) ³	No.	TRAN 2	None	RO	-----
79365	Passenger transports, civil, new, 90,000 lbs. and over empty weight, of types and models which have been in normal civil use for two years or less. (Specify type, model, and name of manufacturer.) ^{1,3}	No.	TRAN 3	None	RO	A
79365	Other passenger transports, civil, new, 30,000 lbs. and over empty weight. (Specify type, model, and name of manufacturer.) ³	No.	TRAN 2	None	RO	-----
79367	Rotary-wing aircraft, civil, new, 3,000 lbs. and over empty weight. (Specify type, model, and name of manufacturer.) ³	No.	TRAN 2	None	RO	-----
79369	Civil aircraft, used and rebuilt (including converted or demilitarized), 90,000 lbs. and over empty weight, of types and models which have been in normal civil use for two years or less. (Specify type, model, and name of manufacturer.) ^{1,3}	No.	TRAN 3	None	RO	A
79369	Other civil aircraft, used and rebuilt (including converted or demilitarized), 3,000 lbs. and over empty weight. (Specify type, model, and name of manufacturer.) ³	No.	TRAN 2	None	RO	-----

See footnotes at end of table.

¹This amendment was published in Current Export Bulletin 814, dated May 7, 1959.

²This amendment was published in Current Export Bulletin 814, dated May 7, 1959.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
79371	Civil aircraft (commercial and civilian), under 3,000 lbs. empty weight, n.e.c. ¹	No.	TRAN 2	None	RO	
79373	Utility, personal, and liaison aircraft, civil, new, 3 places and under. (Specify type, model, and name of manufacturer.)	No.	TRAN 2	None	RO	
79375	Utility, personal, and liaison aircraft, civil, new, 4 places and over. (Specify type, model, and name of manufacturer.)	No.	TRAN 2	None	RO	
79377	Rotary-wing aircraft, civil, new, under 3,000 lbs. empty weight. (Specify type, model, and name of manufacturer.) ³	No.	TRAN 2	None	RO	
79379	Civil aircraft, used and rebuilt (including converted or demilitarized) under 3,000 lbs. empty weight. (Specify type, model, and name of manufacturer.) ³	No.	TRAN 2	None	RO	
79379	Civil aircraft, new, n.e.c., 90,000 lbs. and over empty weight, of types and models which have been in normal civil use for two years or less. (Specify type, model, and name of manufacturer.) [Report used and rebuilt in 79369 and 79377.] ^{1 2}	No.	TRAN 3	None	RO	A
79379	Other civil aircraft, new, n.e.c. (Specify type, model, and name of manufacturer.) [Report used and rebuilt in 79369 and 79377.] ^{1 2}	No.	TRAN 2	None	RO	
79381	Propeller assemblies, complete ^{2 4}	No.	TRAN 2	500	RO	E
79389	Parts and accessories, n.e.c., specially fabricated for propellers. ^{2 4}	No.	TRAN 2	500	RO	E
	Aircraft engines, including quick change units (horsepower ratings are maximum take-off horsepower at sea level):					
79440	Reciprocating, liquid-cooled, new, (all sizes). (Specify type and horsepower.)	No.	TRAN 2	None	RO	
79460	Reciprocating, air-cooled, new, under 400 horsepower. (Specify type and horsepower.)	No.	TRAN 2	None	RO	
79461	Reciprocating, air-cooled, new, 400, under 1,000 horsepower. (Specify type and horsepower.)	No.	TRAN 2	None	RO	
79464	Reciprocating, air-cooled, new, 1,000, under 2,500 horsepower. (Specify type and horsepower.)	No.	TRAN 2	None	RO	
79466	Reciprocating, air-cooled, new, 2,500 horsepower and over. (Specify type and horsepower.)	No.	TRAN 2	None	RO	
79468	Reciprocating (liquid and air-cooled, all sizes), used and rebuilt. (Specify type and horsepower.)	No.	TRAN 2	None	RO	
79470	Turbo-jets, new and used, 9,000 lbs. thrust and over. (Specify type and pound thrust.) ^{1 2}	No.	TRAN 3	None	RO	A
79470	Turbo-jets, new and used, under 9,000 lbs. thrust. (Specify type and pound thrust.) ²	No.	TRAN 2	None	RO	
79470	Gas turbines (including prop jets), new and used. (Specify type and pound thrust or shaft horsepower.) ²	No.	TRAN 2	None	RO	
79472	Jet types, n.e.c. (including rocket), new and used, 9,000 lbs. thrust and over. (Specify type and pound thrust.) ^{1 2}	No.	TRAN 3	None	RO	A
79472	Jet types, n.e.c. (including rocket), new and used, under 9,000 lbs. thrust. (Specify type and pound thrust.) ²	No.	TRAN 2	None	RO	
79476	Parts and accessories, n.e.c., specially fabricated for aircraft engines of 9,000 lbs. thrust and over. (Specify type and pound thrust of engine.) ^{1 4}		TRAN 3	500	RO	A E
79476	Parts and accessories, n.e.c., specially fabricated for other aircraft engines. (Specify type, horsepower, and pound thrust or shaft horsepower of engine.) ⁴		TRAN 2	500	RO	
79483	Integrated flight instrument systems, including gyro-stabilizers and automatic pilots, of types and models which have been in normal civil use for two years or less, and specially fabricated parts and accessories, n.e.c. (Specify by name and model or type number.) ^{1 2}		SATE 1	100	RO	A
79483	Integrated flight instrument systems, including gyro-stabilizers and automatic pilots, of types and models which have been in normal civil use for more than two years, and specially fabricated parts and accessories, n.e.c. (Specify by name and model or type number.) ^{2 4}		SATE 2	100	RO	E
79483	Other aircraft flight instruments, and specially fabricated parts and accessories, n.e.c. (Specify by name.) ^{2 4}		SATE 2	100	RO	E
79485	Aircraft engine instruments, and specially fabricated parts and accessories, n.e.c. (Specify by name.) ^{2 4}		TRAN 2	100	RO	E
79487	Aircraft landing gear, and specially fabricated parts and accessories, n.e.c. ^{2 4}		TRAN 2	500	RO	E
79489	Parts and accessories (except engine and propeller parts and accessories), n.e.c., specially fabricated for aircraft. ^{2 4}		TRAN 2	500	RO	E
79496	Aircraft landing mats	Lb.	STEE	100	RO	

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION [No. FSLIC-646]

PART 563—OPERATIONS

Mergers, Consolidations, or Purchases of Bulk Assets and Premiums in Such Cases

APRIL 28, 1959.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of §§ 563.16 and 563.22 of the rules and regulations for Insurance of Accounts (12 CFR 563.16 and 563.22) as hereinafter set forth, and for the purpose of effecting such amendments, hereby amends said sections and the Table of Contents of Part 563 (12 CFR Part 563) as follows:

1. Amend § 563.16 (12 CFR 563.16) to read as follows:

§ 563.16 Premiums in mergers, consolidations, or purchases of bulk assets.

In the event of the purchase of bulk assets by an insured institution or of the absorption by an insured institution of another institution through merger or consolidation and the issuance of accounts of an insurable type in connection therewith, such insured institution will be billed for an additional premium based upon the aggregate of the increase of its accounts of an insurable type issued in connection with such transaction. Such premium shall be computed at the rate prescribed by law and shall be that proportion of the amount so computed which the unexpired portion of such insured institution's insurance year bears to its entire insurance year: *Provided, however,* That if the institution which is absorbed by such insured institution by such merger, consolidation, or purchase of bulk assets is an insured institution, the insured institution which has so absorbed such other insured institution shall receive a credit upon its future premiums of the unearned portion of any premium of such absorbed institution to the extent that the same has been paid, and the unearned portion of any premium of such absorbed institution shall, to the extent that the same has not been paid, be canceled.

2. Amend § 563.22 (12 CFR 563.22) to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

No insured institution may at any time increase its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Corporation. Such approval is hereby granted, as of the date on which the receipt of such application is ac-

¹ Effective July 16, 1959, an Import Certificate (or a Hong Kong Import License) is required in support of a license application covering exports of this commodity to the countries specified in § 373.2 of this chapter.

² Equipment specially designed and fabricated for military operations, including research and training, require a license from the Department of State. See § 370.4(a) of this chapter.

³ Empty weight of aircraft includes the structure, engines, fixed equipment and all furnishings, but does not include fuel or payload.

⁴ Periodic Requirements licensing procedure is applicable. See Part 376 of this chapter.

This amendment shall become effective as of June 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. 59-3905; Filed, May 8, 1959; 8:45 a.m.]

knowledge in writing by the Corporation, in any case in which such increase is not in excess of twenty-five percent of such accounts. Application for such approval shall be upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that public notice and procedure of the substance of these amendments having been duly published on January 3, 1959 (24 F.R. 48) pursuant to the provisions of section 4(a) of the Administrative Procedure Act, but as said amendments relieve restrictions, deferment of the effective date is not required under section 4(c) of the Administrative Procedure Act.

Resolved further that the amendments shall be effective May 9, 1959.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59-3956; Filed, May 8, 1959;
8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency [Amdt. 18]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

This amendment to Part 507 contains the Airworthiness Directives amended or issued during March 1959. Individual notice of the Airworthiness Directives contained herein has been given to operators and other interested persons who are subscribers to a Federal Aviation Agency mailing service.

In the interest of safety, compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and therefore, is not required.

Section 507.10(a) is amended as follows:

1. 39-24-1 Douglas DC-3 Series aircraft as it appeared in 21 F.R. 9449 is revised by changing the first paragraph of part C to read as follows:

C. *Outer wing heavy doubler installation.* When the No. 570602-206 and -207 doublers have been replaced with 0.072 material instead of 0.064 material and the 570602-208 and -209 have been replaced with 0.064 material instead of 0.051 material as recommended in Douglas Service Bulletin DC-3 No. 220, inspection is required as outlined in paragraph A-2, but they need not be replaced at 16,000 hours provided the following are accomplished:

2. The following new airworthiness directives are added:

59-5-1 BELL. Applies to All Model 47 Helicopters Having Metal Tail Rotor Blades, P/N's 47-542-102-1; -5; -7; -9; -17; and -19 Installed.

Compliance required as indicated.

As a result of several cracks having occurred (in most instances following known damage due to the tail rotor striking water, tall grass, or underbrush) the following inspection of the metal tail rotor blades, to preclude loss of tail rotor control, must be accomplished daily:

(1) On trailing edge of blade, remove paint in the area of Numbers 3, 4, 5 and 6 rivets to the bare metal, with a suitable lacquer thinner only. Feather edges of remaining paint with thinner. DO NOT use sandpaper, steelwool or other sharp objects to remove paint. DO NOT use a paint stripper.

NOTE: The removal of paint does not affect the balance.

(2) Visually inspect for chordwise cracks along the trailing edge of blade, in the area of rivets Numbers 3, 4, 5 and 6 counting from the butt end towards tip end. It is mandatory that the tail rotor blades be replaced if any cracks are found.

(3) If no cracks are found, it is mandatory that the bare metal portion of blades be left unpainted to facilitate daily inspection. To protect the bare metal, a thin coat of clear lacquer, cosmoline, or grease shall be applied to the area.

(Bell Service Bulletin No. 128SE, dated January 27, 1959, covers same subject.)

59-5-2 DE HAVILLAND. Applies to All De Havilland Dove Model 104 Aircraft With Modification PP.173 Embodied.

Compliance required as soon as possible but not later than March 30, 1959.

(1) A case has been reported where faulty readings were obtained from the dipstick used in an oil tank P/N 4LT.475A/1, in which Modification PP.173 was embodied. This would result in low oil content which, on prolonged flights, might give rise to oil starvation with consequent engine seizure.

(2) Within the period stated above, dipsticks must be removed from oil tanks with Modification PP.173 embodied and reworked as follows: (a) Measure along the dipstick a distance of 4.15 inches from the base and file a notch or deep score mark at this point. (This position also falls 0.65-inch above existing one-half mark.) (b) Obliterate the existing one-quarter and one-half marks. (c) Add a stamped arrow pointing to the notch or score mark followed by this marking "6 US gallons minimum accurate reading".

(3) The above rework must be accomplished on spare oil tanks prior to fitment to aircraft.

The British Air Registration Board considers this mandatory. The FAA concurs with this action and considers compliance therewith mandatory.

(De Havilland TNS CT(104) No. 158 Issue 2, covers the same subject.)

59-5-3 FAIRCHILD. Applies to F-27 Aircraft Serial Numbers 1 Through 11, 14 Through 23, and 27 Through 35. Compliance required as indicated.

A number of malfunctions of Bendix 38E09-3B, 38E09-3C and 38E09-3D deicer shutoff and regulating valves have occurred. These malfunctions have been traced to corrosion of the pilot valve assembly. New valves Bendix P/N 38E09-4E have been designed to eliminate this malfunction, however, until new valves are available, the following must be accomplished:

(1) A functional performance check of the pneumatic wing deicing system must be performed prior to each flight into known or suspected icing conditions to ascertain that the pneumatic deicing system is performing satisfactorily.

(2) At next inspection period, but not to exceed 100 hours, and every 100 hours thereafter remove Bendix Shut-Off and Regulating Valves, P/N 38E09-3B, 38E09-3C and 38E09-3D, whichever type is installed, from left and right nacelles. Remove pilot valve cap, valve assembly and push rod and inspect for corrosion. Remove any signs of corrosion and apply a light coat of DC-7 Dow-Corning Compound or equivalent to valve assembly and push rod. Reinstall valves in aircraft.

(3) Not later than June 1, 1959, replace valves P/N 38E09-3B, 38E09-3C and 38E09-3D with valve P/N 38E09-4E. When this has been accomplished, the function check and inspection covered by items (1) and (2) can be discontinued.

(Fairchild F-27 Service Letter F27-93 dated January 20, 1959, and Service Bulletin 30-2 dated January 20, 1959, rev. 1 dated March 5, 1959, cover this same subject.)

This supersedes AD 59-3-1.

59-5-4 FORNEY (Ercoupe). Applies to All (Ercoupe) Forney Aircraft, Models 415CD, 415C, 415D, E and G.

Compliance to be accomplished within the next 100 hours of operation.

Frequent failures of the rear spar center section have been found on Ercoupe Model aircraft. These failures follow the same pattern in that the rear spar P/N 415-13048 L/R failed due to cracking of the upper flange in the area of the intersection of the rear spar with the fuselage side on either the right or left spar assembly. Repairs made in the field with gusset plates have been found to be only partially satisfactory and in most instances did not keep the crack from progressing into the spar web. This damage to the spar has been attributed to the following:

(1) Rough landings coupled with a lack of fluid in the oleo struts.

(2) Taxiing at high speeds over rough terrain.

(3) A combination of (1) and (2) with the structure weakened by corrosion due to no protective coating of the spar.

In view of the above, it is mandatory that the rear spar on Forney (Ercoupe) aircraft be inspected and action taken as follows:

(1) If no damage or cracks are found, the spar must be reinforced by stiffener angle P/N F-13109 or equivalent. The spar may be considered satisfactory if previously reinforced with P/N 415-13108 or equivalent.

(2) If damage or crack exists but does not extend into the spar web, a repair may be made by the addition of stiffener P/N F-13109 or equivalent provided an inspection every 100 hours of service life thereafter discloses no further progressive damage. If damage is found to progress, then a new spar and stiffener must be installed. If damage or crack extends into the spar web, the spar must be replaced.

(3) If a new spar and stiffener is installed, the 100-hour inspection requirement in (2) above may be eliminated.

(Forney Manufacturing Company, Aviation Division, Fort Collins, Colorado, Service Memorandum 53A supersedes Service Memorandum 53 and covers this same subject.)

This supersedes AD 57-13-3 and revision on AD issue 58-24.

59-5-5 HILLER. Applies as Follows:

(a) UH-12, UH-12A, and UH-12B Incorporating Hiller Service Bulletin Numbers 50 or 50A After July 1, 1957.

(b) UH-12C, Serial Numbers 934 and up.

(c) UH-12D, All Serial Numbers.

(d) All Spare P/N 34141 Castings Delivered By Hiller After July 1, 1957. All UH-12 Series and All Serial Numbers Incorporating These Spares Are Affected.

Compliance required as indicated.

Due to improper casting techniques, two cyclic control lower scissor castings, P/N 34141, have failed in service on H-23D model helicopters. As there is a possibility that additional P/N 34141 castings are defective, the following measures are required to detect cracks and prevent further failures:

(1) Prior to every flight and refueling, visually inspect P/N 34141 casting for cracks if part has accumulated more than 275 hours. If cracks are detected, the part must be removed from service prior to further flight.

(2) Prior to July 1, 1959, P/N 34141 must be removed from service if total time on the part is in excess of 275 hours.

(3) Upon replacement by P/N 34141 identified by a raised "M", the special inspection of section (1) may be discontinued. This part identified by the raised "M" is limited to a service life of 2,500 hours on UH-12D and is unlimited on UH-12, UH-12A, UH-12B, and UH-12C. Hiller letter dated February 11, 1959, pertains to this subject.

59-5-6 **SUD AVIATION.** Applies to All Alouette II SE3130 Helicopters Prior To Serial Number 1160 Except Serial Number 1085. Compliance required as soon as possible but not later than May 1, 1959.

In order to preclude binding between the uniball bearing and oilite bearings at the main rotor swash plate, replace oilite bearings Sud Aviation P/N 68.10.009 and spacer P/N 68.10.010 with new oilite bearings P/N 68.10.014, spacer P/N 68.10.012, shim P/N 68.10.013, spacer P/N 68.10.011. (Note: This assembly must also be lubricated every five hours with Mil. L644A oil in accordance with Sud Aviation Maintenance Manual.) The French SGACC considers this mandatory. The FAA concurs with this action and considers compliance therewith mandatory.

(Sud Aviation Service Bulletin AL 68.11.159 and modification proposal V-49 cover this same subject.)

In addition, modifications stated in Republic Aviation Service Bulletins 3.45-1, safetying lateral trim cylinder cap nut and 8.10-3 on rework of emergency fuel shutoff lever must be accomplished immediately unless already completed.

This supersedes AD 59-2-3.

59-5-7 **VICKERS.** Applies to All Viscount Model 745D Which Have PB-10 Automatic Pilot Installed.

Compliance required as soon as possible but not later than June 1, 1959.

In order to permit the pilots to positively disengage the trim servo clutch either by the emergency cutoff buttons on the pilots control wheel, or by the mechanical disconnect lever, a control relay (Plessey P/N 7LZ.107352 or P/N 7CZ.97508/1) should be installed in the A.C. junction box.

The British Air Registration Board considers this mandatory. The FAA concurs with this action and considers compliance therewith mandatory.

(Vickers-Armstrongs Modification Bulletin No. 2703 and associated Modification Leaflet cover this subject.)

59-6-1 **AERO DESIGN.** Applies to Model 500, Serial Numbers 618 Through 724 Except 700 and 718.

Compliance required as indicated.

I. Inspection. Within the next five hours of flight unless previously accomplished, inspect each elevator front spar in the area of the outboard hinge brackets for cracks. The elevator outboard hinge brackets must be removed for this inspection. If no cracks are found, the horizontal stabilizer must be modified as outlined in item II. If any cracks are found in the elevator front spar, the spar must be reworked as outlined in item III and the horizontal stabilizer must be modified as outlined in item II.

II. Modification. The horizontal stabilizer will be modified by installation of lead weights on the horizontal stabilizer front

spars by incorporating Aero Design Company Kit No. S.B. 57 or an equivalent approved modification. Modification of aircraft without elevator spar cracks will be accomplished within 25 flight hours, but not later than May 1, 1959. Modification of aircraft with elevator spar cracks will be accomplished immediately.

III. Rework. If cracks are present, contact the Service Department, Aero Design and Engineering Company, Post Office Box 118, Bethany, Oklahoma, for rework of the elevator front spars.

(Modification instructions are contained in Aero Design Service Bulletin No. 57. Rework of the elevator front spars is covered by Aero Design Salvage E. O. No. 5440000.)

This Airworthiness Directive supersedes the FAA telegraphic instructions of March 12, 1959.

59-6-2 **DOUGLAS.** Applies to All Model DC-7 Series Aircraft.

Compliance required by first block overhaul after receipt of parts but not later than December 1, 1959.

Several instances have occurred wherein the green indicator light for one of the main landing gear failed to go on when the landing gears were extended. In one case, after landing, it was noted that the left gear downlatch was not fully engaged and the ground lock safety pin could not be installed. Subsequent investigation and laboratory tests revealed that the orifice check valve could malfunction due to contaminants in the hydraulic fluid of sufficient quantity and size (approximately 0.003 inch diameter) and thereby prevent full extension of the gear.

To overcome this difficulty, remove existing orifice check valve assembly, P/N 4498423-503 (Mineral Oil Aircraft), or P/N 4498423-5503 (Skydrol Aircraft), from each main landing gear actuating cylinder and replace with new orifice check valve assembly, P/N 2230565-5-093 (Mineral Oil Aircraft), or P/N 4481262-5-093 (Skydrol Aircraft).

(Douglas Service Bulletin DC-7 No. 353 dated January 30, 1959, covers this same subject.)

59-6-3 **MOONEY.** Applies to Mooney Models M20 and M20A Serial Numbers 1002 Through 1364.

Compliance required as indicated.

A failure of a rudder hinge bearing bracket (P/N 4003) has occurred on a Mooney M20A. To preclude the possibility of similar failures occurring on these brackets or on the aileron and elevator hinge bearing brackets, the following inspection and rework is required as indicated:

Within the next five flight hours, the welds which attach the hinge bearing housing ($\frac{3}{8}$ inch O.D. x 0.058 inch 4130 steel tube) to the fixed surface hinge bearing bracket (P/N 4002). Bearing bracket assemblies (P/N 4003) are installed on aileron, elevator, and rudder hinges. The inspection shall be conducted as follows:

(a) Remove paint from welds and, using a 10-power glass, inspect for cracks or inadequate weld (i.e. weld which does not completely fill fillet cross section area).

(b) If cracks are found, the bearing brackets on that surface must be removed and a set of modified hinge bearing brackets (P/N 4003) installed prior to further flight.

(c) If inadequate welds are found (i.e. such as but not limited to, not completely filling in between the face of the outer race and the top of the channel leg and/or inadequate fillet radius between the edge of the outer race and the top of the channel leg), the defective bearing brackets must be removed and a set of modified hinge bearing brackets (P/N 4003) installed on that surface not later than April 15, 1959. A set of hinge bearing brackets is defined as follows:

(1) Aileron—all three (3) hinge bearing brackets; elevator—outer two (2) hinge bearing brackets; rudder—upper two (2) hinge bearing brackets. The installation shall be accomplished as follows:

(i) Install AN 960-3 washers (2) with each new hinge bearing bracket, one at each attach bolt between bracket and structure except at the tip elevator hinge where P/N 8389 shim should be used in place of the inboard washer.

(ii) Rudder—(a) Remove fabric covering small "D" shaped cutout in plywood at trailing edge on right hand side at each of the upper hinges. Do not remove gap tape or lower hinge bolt.

(b) Replace hinge bearing bracket (2) and re-cover access openings with fabric patch (use Butyrate dope).

(iii) Elevator—(a) Remove fabric covering small "D" shaped cutout in plywood at trailing edge on under side at each of the outboard hinges. Do not remove gap tape or inboard hinge bolt.

(b) Replace hinge bearing bracket (2) (see item (i) for use of shim at tip hinge bracket) and re-cover access opening with fabric patch (use Butyrate dope).

(iv) Aileron—(a) Remove counter balance weight fairing and two access plates at training edge of wing.

(b) Disconnect control tube and remove aileron.

(c) Check clearance between aileron gap strip and existing hinge bearing bracket. If this clearance is not approximately $\frac{1}{16}$ inch, the gap strip may have to be dimpled at the hinge to allow clearance for heavier replacement bracket.

(d) Replace hinge bearing bracket (3).

(Mooney Aircraft Inc. Service Letters 20-44 and 20-45 cover this same subject.)

59-6-4 **NAVION.** Tusco Corporation (NAVION). Applies to All Navion Models.

Several failures of hydraulic actuating cylinders have occurred causing the loss of the use of the flaps and the landing gear to collapse.

To prevent further difficulties of this nature, the following items must be accomplished by May 1, 1959, and after each 100 hours operation thereafter.

(1) Inspect the flap and landing gear actuating cylinders for cracks. If any cracks appear, the cylinder must be replaced.

(2) Determine, by means of a hydraulic gage, that the hydraulic system pressure relief valve is adjusted to 1125±25, -0 p.s.i. Excessive pressures could cause damage to the components of the system.

(3) Hydraulic fluid restrictors are required in the nose gear, main gear and flap lines. These restrictors and their installation must be in accordance with appropriate service manuals.

(4) Inspect the linkage adjustments of the landing gear bungee springs and the flap stops and determine that they have been properly adjusted in accordance with appropriate service manuals.

(Tusco Corporation Service Letter No. 79 dated December 23, 1958, covers this same subject.)

59-6-5 **PIPER.** Applies to Model PA-24 and PA-24 "250", Serial Numbers 24-1 To 24-503 Inclusive.

Compliance required by June 1, 1959.

Due to failures of the nose gear elastic bungee cord, P/N 31322-08, it must be replaced by a coil spring and link arrangement, Piper modification kit P/N 754 205 or equivalent.

(Piper Service Bulletin No. 168 covers this subject.)

59-6-6 **VICKERS.** Applies to All Viscount 810 Aircraft.

Compliance required as indicated.

In order to rectify a manufacturing error on bearing channel 81003-1063, Vickers-Arm-

strongs recommends the following corrective action: Inspect for signs of distortion or cracks on vertical bearing channel 81003-1061 on upper side of chassis pivot support block at wheel bay side of outer rib of in-board nacelles. The inspection must be made within 135 flying hours and every subsequent 135 flying hours until the outer rib reinforcement is incorporated. The outer rib reinforcement must be incorporated by July 1, 1959. The British Air Registration Board considers this mandatory. The FAA concurs with this action and considers compliance therewith mandatory.

(Vickers-Armstrongs Modification Bulletin G.1656 covers this subject.)

59-6-7 **VICKERS.** Applies to All Viscount Model 745D Aircraft.

Compliance required by April 1, 1960.

In order to preclude the possibility of foreign objects jamming primary flight controls in the cockpit floor, cover plates must be installed over all openings, in accordance with Vickers-Armstrongs Modification Bulletin N.R.D.2148 Parts (B), (C), (D), (E), (F), and (P), or equivalent. Modifications D.1185 and D.2272 also cover sealing openings in the cockpit floor area.

59-6-8 **GRAVINER.** Automatic Fire Extinguisher. Applies to Aircraft Fitted With Graviner Automatic Fire Extinguishers of the Separate Cartridge Type and the Following Type Numbers May Be Affected: Number 4AX, 4AZ, 5AX, 5AZ, 7AX, 8AX, 12A, 13A, 14A, 17A, 20A, 33A, 34A, 35A, 36A, 39A, 40A, 41A, 42A, 55A Through 63A.

Compliance required as soon as possible but not later than September 1, 1959.

(1) Experience in service has revealed that age-hardening of the material used for sealing of the charge plug in automatic extinguishers of the separate cartridge type which were manufactured prior to August 1957 can interfere with the charge plug movement when the cartridge is fired and thus stop discharge of the extinguishant.

(2) A different type of sealant has been introduced by Graviner Modification AU 332. Incorporation of this modification is signified by the letter "L" stamped adjacent to the serial number of the extinguisher, or to the date of manufacture, both of which appear on the operating head. The above date appears as two numbers which signify the month of the year of manufacture (e.g. 8/57 signifies August 1957) but care must be taken to avoid confusion with the cartridge manufacture date which is stamped in a similar manner on the cartridge flange.

(3) All extinguishers indicated above which are of an age of three years or more and which do not embody modification AU 332 must be removed from service. Replacement extinguishers should preferably be of the modified type although unmodified units may be fitted provided the three-year life is not exceeded.

(4) If doubt exists as to whether the modification has been incorporated, the light alloy junction box may be removed and the charge plug sealant inspected. The new sealant is of a yellow/green color, the old type is of a brown/black color.

(5) Extinguishers which have exceeded the three-year life should be returned to an overhaul organization approved by Graviner Manufacturing Co. Ltd., Poyle Mill Works, Colnbrook, Buck, England, for modification. (Fenwal Inc., Pleasant Street, Ashland, Mass., is an approved Overhaul Agency.)

The British Air Registration Board considers this mandatory. The FAA concurs with this action and considers compliance therewith mandatory.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354(a). Interpret or apply secs. 601, 603, 72 Stat. 775, 776; 49 U.S.C. 1421, 1423)

Issued in Washington, D.C., on May 4, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-3920; Filed, May 8, 1959;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54843]

PART 3—DOCUMENTATION OF VESSELS

Surrender of Marine Documents; When Approval Not Required

The Maritime Administration has recently issued further rulings respecting the circumstances in which its approval is not required under subsection O(a) of the Ship Mortgage Act, 1920 (46 U.S.C. 961(a)) for the surrender of the marine document of a vessel or a copy thereof when the vessel is covered by a preferred mortgage. Those recent rulings, in effect, add to previous rulings a determination that the replacement or renewal of a mutilated document (register, enrollment and license, or license) or the replacement of a lost or mislaid register is not a "surrender" of the former document within the meaning of the Act. In order to reflect those rulings, footnote 19 to § 3.30(a), customs regulations, is amended to read as follows:

¹⁹ The requirement of subsection O(a) of the Ship Mortgage Act, 1920 (46 U.S.C. 961(a)), that the document of a vessel covered by a preferred mortgage may not be surrendered without the approval of the Maritime Administration and the mortgagee, does not apply to (1) a renewal of license, including a case in which the former document is replaced by reason of the fact that all renewal spaces are filled; (2) a change of document incident to a change of trade where the ownership and home port remain the same; (3) a change to a permanent document on arrival of a vessel at its home port under a temporary document; or (4) the replacement or renewal of a lost, mislaid, or mutilated document where the ownership and home port remain the same. A document may be deemed to be mutilated when it has been partially burned, torn, soiled, or otherwise defaced so as to be unsuitable for the purpose for which it was issued.

(R.S. 161, sec. 2, 23 Stat. 118, as amended, sec. 30, subsec. O, 41 Stat. 1004, sec. 204, 49 Stat. 1987, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 961, 1114)

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

Approved: May 4, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-3955; Filed, May 8, 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 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

New-Drug Status of Timed-Release Dosage Forms of Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045; 23 F.R. 9500), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U.S.C. 1002), the following statement of interpretation is issued:

§ 3.512 New-drug status of timed-release dosage forms of drugs.

(a) Many drugs are now being offered in dosage forms that are designed to release the active ingredients over a prolonged period. There is a possibility of unsafe overdosage if such products are improperly made and the active ingredients are released at one time or over too short a time interval. Any such dosage form that contains per dosage unit (for examples, capsule, or tablet), a quantity of active drug ingredients which is not generally recognized as safe for administration as a single dose under the conditions suggested in its labeling, is regarded as a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act.

(b) The fact that the labeling of this type of drug may claim delayed or prolonged release of all or some of the active ingredients does not affect the new-drug status of such articles. A new-drug application is required in any such case to demonstrate that the drug is in fact safe because it is properly made and controlled to release the total dose at a safe rate. It should be noted particularly that such dosage forms are regarded as new drugs even when the total daily dosage recommended in the labeling is generally recognized as safe. For example, a capsule containing 50 milligrams of pyrilamine maleate and 15 milligrams of phenylephrine hydrochloride, offered for sale without prescription, is regarded as a new drug for which the distributor should have an effective new-drug application, even though the directions call for taking no more than two capsules daily. While the daily intake under such directions is within the range regarded as safe for use in self-medication, the single dose is too high for such use unless the release of the drug is sufficiently prolonged. It is obvious that, in filing a new-drug application for such an article, particular attention should be given to data which establish that the active ingredients are released over a period of time, as represented in the labeling.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 201(p), 52 Stat. 1042; 21 U.S.C. 342(p))

Dated: May 4, 1959.

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

[F.R. Doc. 59-3938; Filed, May 8, 1959;
8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS
PART 27—CANNED FRUITS AND
CANNED FRUIT JUICES; DEFINITIONS
AND STANDARDS OF IDENTIFICATION;
QUALITY; AND FILL OF CONTAINER

Canned Pears; Effective Date of Order
Amending Standard of Identity

In the matter of amending the definition and standard of identity for canned pears:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that no objections fully meeting the requirements set out in section 701(e) of the act were filed to the order published in the FEDERAL REGISTER of March 14, 1959 (24 F.R. 1861). Accordingly, the amendment promulgated by that order is effective on and after May 13, 1959.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: May 4, 1959.

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

[F.R. Doc. 59-3937; Filed, May 8, 1959;
8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.67, 146a.84 (23 F.R. 6430), 146c.222 (23 F.R. 6441)) are amended as indicated below:

1. In § 146a.67 *Procaine penicillin in streptomycin sulfate solution* * * *, paragraph (d) *Requests for certification; samples* is amended as follows:

a. Subparagraph (2) (i) is changed to read as follows:

(i) The batch: Potency, sterility, pH, and, if it does not contain a vegetable oil as a suspending agent, toxicity and pyrogens.

b. Subparagraph (2) (ii) is amended to read as follows:

(ii) The procaine penicillin used in making the batch; potency (toxicity and pyrogens if it is used in making a batch containing a vegetable oil as a suspending agent), crystallinity, penicillin K content (unless it is procaine penicillin G), and the penicillin G content if it is procaine penicillin G.

c. Subparagraph (2) (iii) is amended to read as follows:

(iii) The streptomycin sulfate or dihydrostreptomycin sulfate used in making the batch; potency (toxicity and pyrogens if it is used in making a batch containing a vegetable oil as a suspending agent), histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

d. Subparagraph (3) (ii) is amended to read as follows:

(ii) The procaine penicillin used in making the batch; three packages, or 10 packages if it is used to make a batch containing a vegetable oil as a suspending agent, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146a.44(b).

2. In § 146a.84 *Penicillin and dihydrostreptomycin-streptomycin sulfates* * * *, paragraph (b) *Packaging* is amended by changing the number "0.15" to read "0.125" in the two places at which it appears.

3. In § 146c.222 *Tetracycline hydrochloride oral suspension* * * *, paragraph (c) *Labeling* is amended by changing subparagraph (1) (v) to read as follows:

(v) The statement "Expiration date _____," the blank being filled in with the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section; and except if it contains one or more vitamin substances the blank is filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however*, That such expiration date may be omitted from the immediate container if it contains a quantity of the drug that does not exceed an amount customarily prescribed

by physicians in a single prescription, and if it is packaged in an individual wrapper or container.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for these amendments.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: May 4, 1959.

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

[F.R. Doc. 59-3939; Filed, May 8, 1959;
8:50 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Establishment of Operation and Maintenance Regulations and Assessment Rate for the San Xavier Indian Irrigation Project, Arizona

On page 976 of the FEDERAL REGISTER of February 10, 1959, there was published a notice of intention to amend Part 221, Title 25, of the Code of Federal Regulations. The purpose of this amendment is to eliminate the annual operation and maintenance assessment rate for the San Xavier Unit, Sells, from § 221.105, covering miscellaneous Indian Irrigation Projects and establish operation and maintenance regulations and assessment rate for the San Xavier Unit under the name of the San Xavier Indian Irrigation Project, Arizona.

Interested persons were given an opportunity to submit their views, data and arguments concerning the proposed amendment within 30 days from the date of publication of the notice. No written communications pertaining to the proposed amendment were received within the specified period.

The proposed amendment to the regulations is hereby adopted, without change, and is set forth below.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MAY 4, 1959.

Part 221 is amended by the addition of a new center head and five new sections to read as follows:

SAN XAVIER INDIAN IRRIGATION PROJECT, ARIZONA

Sec.
221.170 Charges.
221.171 Payments.

- Sec.
221.172 Delivery.
221.173 Water users responsibility.
221.174 Distribution and apportionment.

§ 221.170 Charges.

There is established an annual basic operation and maintenance assessment rate of \$8.00 per annum against each acre of land on the San Xavier Indian Irrigation Project, Arizona, to which water can be delivered from the irrigation project works not to exceed two acre feet of water per acre annually, effective for the calendar year 1959 and each succeeding year thereafter until further notice. Additional water, if and when available, in excess of two acre-feet per acre per annum, may be delivered upon written application of the landowner or lessee at the rate of \$3.00 per acre foot, or fraction thereof.

§ 221.171 Payments.

The annual basic water charge fixed in § 221.170 shall become due and payable on or before March 1 of each year, and any unpaid charges shall stand as a first lien against the land without penalty until paid. Charges for excess water shall be paid in advance of the delivery of water.

§ 221.172 Delivery.

The delivery of water shall be refused to all tracts of land for which the charges have not been paid except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners are financially unable to pay the assessment when due. In such instances, water may be delivered under the following conditions:

(a) The Indian owner shall make necessary arrangements with the Superintendent to pay the assessment from proceeds derived for labor performed on the project works as authorized by the Superintendent, or from proceeds of crops grown on the land when harvested and marketed within that calendar year.

(b) In any instances where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his assessment from proceeds for labor performed on the project works, or from the proceeds of crops grown on the land, or from any other source, water may be delivered following certification by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay the assessment.

§ 221.173 Water users responsibility.

The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the economical use of the irrigation water.

§ 221.174 Distribution and apportionment.

All water of the project is deemed a common water supply in which all irrigable lands of the project are entitled to share equally and such water will be distributed to the lands of the project as

equitably as physical conditions will permit.

[F.R. Doc. 59-3925; Filed, May 8, 1959; 8:46 a.m.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Establishment of Operation and Maintenance Regulations and Assessment Rate for Fort Apache Indian Irrigation Project, Arizona

On page 977 of the FEDERAL REGISTER of February 10, 1959, there was published a notice of intention to amend Part 221, Title 25—Indians, of the Code of Federal Regulations. The purpose of this amendment is to establish operation and maintenance regulations and an assessment rate for the Fort Apache Indian Irrigation Project, Arizona.

Interested persons were given an opportunity to submit their views, data and arguments concerning the proposed amendment within 30 days from the date of publication of the notice. No written communications pertaining to the proposed amendment were received within the period specified.

The proposed amendment to the regulations is hereby adopted, without change, and is set forth below.

ELMER F. BENNETT,

Acting Secretary of the Interior.

MAY 4, 1959.

Part 221 is amended by the addition of a new center head and five new sections to read as follows:

FORT APACHE INDIAN IRRIGATION PROJECT, ARIZONA

- Sec.
221.180 Charges.
221.181 Payments.
221.182 Domestic and stock water.
221.183 Water users responsibility.
221.184 Water schedule.

§ 221.180 Charges.

There is established an annual operation and maintenance assessment rate of \$8.50 against each acre of land on the Fort Apache Indian Irrigation Project, Arizona, to which water can be delivered from the irrigation project works, effective for the calendar year 1959 and each succeeding year thereafter until further notice.

§ 221.181 Payments.

The annual assessment shall become due and payable on March 1 of each year except that in cases of Indians farming their own land who are unable to pay the assessment when due, water may be delivered to their land under the following conditions:

(a) The Indian owner shall make necessary arrangements with the Superintendent to pay the assessment from proceeds derived for labor performed on the project works as authorized by the Superintendent, or from proceeds of crops grown on the land when harvested and marketed within that calendar year.

(b) In any instance when the Superintendent is convinced that an Indian

landowner, whose land is not under lease to a non-Indian, is financially unable to pay his assessment from proceeds for labor performed on the project works, or from the proceeds of crops grown on the land, or from any other source, water may be delivered following certification by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay the assessment. In such cases, all unpaid charges shall be entered on the accounts and will stand as a first lien against the land benefited until paid without penalty.

§ 221.182 Domestic and stock water.

Domestic and stock water may be carried in the project canals and laterals during the winter months of non-irrigation season only when such practices will not be detrimental to the canal system or the lands affected thereby; when it will not interfere with maintenance work; and when no additional costs will accrue to the irrigation water users as a result of the practice.

§ 221.183 Water users responsibility.

The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the economical use of the irrigation water.

§ 221.184 Water schedule.

A water service schedule shall be worked out by project officials in cooperation with all water users. This schedule shall be complied with as circumstances and physical conditions will permit.

[F.R. Doc. 59-3923; Filed, May 8, 1959; 8:46 a.m.]

PART 221—OPERATION AND MAINTENANCE CHARGES

Establishment of Operation and Maintenance Regulations and Assessment Rate for the Chuichu Indian Irrigation Project, Arizona

On page 977 of the FEDERAL REGISTER of February 10, 1959, there was published a notice of intention to amend Part 221, Title 25—Indians, of the Code of Federal Regulations. The purpose of this amendment is to establish operation and maintenance regulations and assessment rate for the Chuichu Indian Irrigation Project, Arizona. Interested persons were given an opportunity to submit their views, data and arguments concerning the proposed amendment within 30 days from the date of publication of the notice. No written communications pertaining to the proposed amendment were received within the period specified.

The proposed amendment to the regulations is hereby adopted, without change, and is set forth below.

ELMER F. BENNETT,

Acting Secretary of the Interior.

MAY 4, 1959.

Part 221 is amended by the addition of a new center head and six new sections to read as follows:

**CHUICHU INDIAN IRRIGATION PROJECT,
ARIZONA**

- Sec.
- 221.190 Charges.
- 221.191 Payments.
- 221.192 Water delivery.
- 221.193 Water users' responsibility for water after delivery.
- 221.194 Water service.
- 221.195 Distribution and apportionment.

AUTHORITY: §§ 221.190 to 221.195 issued under sec. 1, 3, 36 Stat. 270, 272 as amended; 25 U.S.C. 385.

§ 221.190 Charges.

The reimbursable costs of operating and maintaining the Chuichu Indian Irrigation Project in Arizona are apportioned on a per acre basis against the irrigable lands of the project to which water can be delivered, and for the calendar year 1959, and each succeeding year until further order, the basic rate is hereby fixed at \$22 per acre for the delivery of not to exceed four acre feet of water per acre annually. Additional water, when available, may be delivered upon written application of the landowner or lessee at the rate of \$5 per acre foot, or fraction thereof.

§ 221.191 Payments.

The annual charges fixed in § 221.190 shall become due on March 1 of each year and payable on or before that date, and any unpaid charges shall stand as a first lien against the land without penalty until paid. Charges for excess water shall be paid in advance of the delivery of water.

§ 221.192 Water delivery.

(a) The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owner shall have made the necessary arrangements with the Superintendent as hereinafter provided. When any Indian owner of land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date, the Superintendent may make the necessary arrangements with such Indian owner as will permit him to perform labor on the irrigation project works, the proceeds derived therefrom to be applied in partial payment of such charges. The Superintendent may also make necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written arrangements to that effect are made with the Superintendent by the Indian owner prior to the delivery of water.

(b) In any instance where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be made to the land if a written certificate is issued by the

Superintendent stating that such Indian landowner is not financially able to pay such charges. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 221.193 Water users' responsibility for water after delivery.

The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in a suitable condition for delivery of irrigation water.

§ 221.194 Water service.

A water service schedule will be worked out by the Bureau of Indian Affairs in cooperation with the water users. The schedule shall be followed until modified or amended. Violation of the foregoing requirement by a water user shall be just cause for refusal to deliver water to his land.

§ 221.195 Distribution and apportionment.

The pumped water of the project is deemed a common water supply in which all lands of the entire project are entitled to share equally and such water will be distributed to the lands of the project as equitably as physical conditions will permit.

[F.R. Doc. 59-3924; Filed, May 8, 1959; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 562—RESERVE OFFICERS' TRAINING CORPS

Miscellaneous Amendments

Subparagraph (1) of § 562.12(a) and paragraph (c) of § 562.24 are revised, and paragraph (e) of § 562.24 is revoked as follows:

§ 562.12 Classification of ROTC units.

(a) *Senior Division.* The senior division units are classified as follows:

(1) *Class MC (Military College).* (i) For the purpose of qualifying as a military college within the meaning of subsection 6(a), Universal Military Training and Service Act, as amended, units are established in essentially military colleges or universities which meet the following criteria:

(a) Confer baccalaureate or graduate degrees.

(b) The average age of the students at time of graduation is not less than 21 years.

(c) Require a course in military training throughout the undergraduate course for all qualified undergraduate students. In application of this requirement, the designation "all qualified undergraduate students" is defined as all physically fit male students except:

(1) Foreign nationals.

(2) Individuals who are not liable for induction by virtue of having honorably completed active training and service.

(3) Students who are pursuing special undergraduate courses in excess of 4 years after completion of the required military training.

(4) Certain categories of students who are specifically excused by (board of trustees) administrative decisions.

(d) Organize the military students into a corps of cadets under constantly maintained military discipline.

(e) Require all members of the corps (including members enrolled in the ROTC) to be habitually in uniform when on campus.

(f) Have as their objective the development of the military students' character by means of military training and the regulation of their conduct in accordance with disciplinary principles.

(g) In general meet military standards similar to those maintained at the Service academies.

(ii) Each designated class MC institution which meets the following additional requirements is authorized the special class MC uniform rates for qualified students enrolled in the ROTC. The special class MC uniform rate is authorized for each ROTC student who appropriately qualifies under this part.

(a) Organize and maintain within its undergraduate student body a self-contained corps of cadets in which not less than 300 male students are enrolled as members at all times throughout the academic year.

(b) Require all members of the corps of cadets to be in appropriate uniform at all times while on campus.

(c) House all members of the corps of cadets in barracks separate from non-members of the corps of cadets.

(d) Require all members of the corps of cadets to be under constantly maintained military discipline on a 24-hour-per-day, 7 days-a-week basis.

(e) Require all physically qualified members of the corps of cadets to be enrolled in the basic course except:

(1) Foreign nationals.

(2) Individuals who are not liable for induction by virtue of having completed active training and service.

(3) Individuals whose enrollment is precluded by other provisions of this part.

(f) Require members of the corps of cadets upon completion of the basic course to apply, and if qualified and selected, to be enrolled in the advance course at the proper time.

(iii) Class MC institutions are authorized to enroll qualified students in the ROTC who for various reasons are not required to be members of the corps of cadets. For such ROTC students, these institutions will receive only the standard rate prescribed for students enrolled in ROTC at class CC institutions.

§ 562.24 Discharge or release from ROTC program.

(c) Requests for withdrawal, discharge from current contract, or reinstatement under prior contract will be

approved or disapproved by the army commander whose decision will be based upon the merits of each individual case. Payment of commutation of subsistence will be stopped effective the date of discharge of the student from his ROTC contract. Refund of commutation of subsistence paid to the student while under contract will not be required.

(e) [Revoked]

[C 14, AR 145-350, April 22, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 4381-4387, 70A Stat. 246-248; 10 U.S.C. 4381-4387)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-3918; Filed, May 8, 1959;
8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers,
Department of the Army

PART 202—ANCHORAGE
REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE
REGULATIONS

Miscellaneous Amendments

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1949 (54 Stat. 150; 33 U.S.C. 180), § 202.58 is hereby prescribed designating special anchorage areas in Cos Cob Harbor, Connecticut wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.58 Cos Cob Harbor, Greenwich, Connecticut.

(a) *Area A.* Beginning at the mean low water line about 2,800 feet downstream from the easterly end of the New York, New Haven and Hartford Railroad Bridge at latitude 41°01'23", longitude 73°35'40", thence extending True west to latitude 41°01'23", longitude 73°35'42"; thence extending southwesterly to a point at latitude 41°01'02", longitude 73°35'50"; thence True east to a point on the shoreline at latitude 41°01'02", longitude 73°35'48"; thence extending along the mean low water line to the point of beginning.

(b) *Area B.* Beginning at the mean low water line about 700 feet downstream from the westerly end of the New York, New Haven and Hartford Railroad Bridge at latitude 41°01'42", longitude 73°35'47"; thence True east of latitude 41°01'42", longitude 73°35'45"; thence southeasterly to latitude 41°01'23", longitude 73°35'44"; thence southwesterly to latitude 41°01'04", longitude 73°35'52", thence southwesterly to latitude 41°01'02", longitude 73°35'55"; thence True west to a point on shore on the northerly side of Goose Island at latitude 41°01'02", longitude 73°36'00"; thence True north to a point at the mean low water line at latitude 41°01'05",

longitude 73°36'00"; thence along the mean low water line to the point of beginning.

NOTE: The areas are principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels and placing of temporary moorings will be under the jurisdiction, and at the discretion of the local Harbor Master. All moorings shall be so placed that no moored vessels will extend into the waters beyond the limits of the areas or closer than 50 feet to the Federal channel limits.

[Regs., April 24, 1959, 285/91 (Cos Cob Harbor, Conn.)—ENGWO] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (h) of § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required, is hereby amended revoking subparagraphs (18-a) and (19) and revising subparagraph (18) to include the C. H. Carlton Bridge and the bridges covered by subparagraphs (18-a) and (19) across Kissimmee River, Florida, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(h) *Waterways discharging into Atlantic Ocean south of Charleston.* * * *

(18) Kissimmee River, Fla.; State Road Department of Florida bridge 0.5 mile above the mouth of the river on State Road 78, C. H. Carlton bridge 2.7 miles above the mouth, State Road Department of Florida bridge 19.5 miles above the mouth on State Road 70, and Seaboard Air Line Railroad bridge 37 miles above the mouth at Fort Basinger. At least 48 hours' advance notice required.

(18-a) [Revoked]

(19) [Revoked]

[Regs., April 24, 1959, 285/91 (Kissimmee River, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.26 establishing and governing the use and navigation of a danger zone in the Atlantic Ocean in the vicinity of Wallops Island, Virginia, is hereby revoked, effective on and after publication in the FEDERAL REGISTER, as follows:

§ 204.26 Atlantic Ocean in the vicinity of Wallops Island, Va.; naval high altitude test bombing target area. [Revoked]

[Regs., April 24, 1959, 285/91 (Atlantic Ocean, Md.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.44 establishing and governing the use and navigation of a danger zone in Chesapeake Bay in the vicinity of Tangier Island, Virginia, is hereby amended changing the name of the enforcing agency, as follows:

§ 204.44 Chesapeake Bay in vicinity of Tangier Island, naval guided missiles test operations area.

* * * * *

(b) *The regulations.* * * *

(8) The regulations of this section shall be enforced by the Commander, Naval Air Bases, Fifth Naval District, Norfolk, Virginia, and such agencies as he may designate.

[Regs., April 24, 1959, 285/91 (Chesapeake Bay, Va.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-3919; Filed, May 8, 1959;
8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1844]

NEVADA AND OREGON

Withdrawing Lands for Use of the
Forest Service as an Administrative
Site and a Public Recreation Area

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

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

[Nevada 046240]

MOUNT DIABLO MERIDIAN

HUMBOLDT NATIONAL FOREST

California Springs Administrative Site

T. 16 N., R. 58 E.,
Sec. 8, S½NE¼NW¼,
Totaling 20 acres.

[Oregon 06518]

WILLAMETTE MERIDIAN

SISKIYOU NATIONAL FOREST

T. 35 S., R. 11 W.,
Sec. 19, lot 7, NE¼NW¼, and NE¼SW¼;
Sec. 29, lots 5, 9, and 11.
Totaling 151.88 acres.

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

ELMER F. BENNETT,
Acting Secretary of the Interior.

MAY 5, 1959.

[F.R. Doc. 59-3926; Filed, May 8, 1959;
8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51¹

UNITED STATES STANDARDS FOR SHELLED RUNNER TYPE PEANUTS¹

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Shelled Runner Type Peanuts (7 CFR 51.2710 to 51.2721) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.	
51.2710	U.S. Extra No. 1 Runner.
51.2711	U.S. No. 1 Runner.
51.2712	U.S. Runner Splits.
51.2713	U.S. No. 2 Runner.

APPLICATION OF TOLERANCES

51.2714	Application of tolerances.
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DEFINITIONS

51.2715	Similar varietal characteristics.
51.2716	Whole.
51.2717	Split.
51.2718	Broken.
51.2719	Foreign material.
51.2720	Unshelled.
51.2721	Minor defects.
51.2722	Damage.

AUTHORITY: §§ 51.2710 to 51.2722 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.2710 U.S. Extra No. 1 Runner.

"U.S. Extra No. 1 Runner" consists of shelled Runner type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{3}{4}$ x $\frac{3}{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 2 percent for sound peanuts which are split or broken;

(3) 0.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.05 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2711 U.S. No. 1 Runner.

"U.S. No. 1 Runner" consists of shelled Runner type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{3}{4}$ x $\frac{3}{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2712 U.S. Runner Splits.

"U.S. Runner Splits" consists of shelled Runner type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{1}{4}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 5 percent for sound whole peanuts.

§ 51.2713 U.S. No. 2 Runner.

"U.S. No. 2 Runner" consists of shelled Runner type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{1}{4}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2714 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2715 Similar varietal characteristics.

"Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Runner type.

§ 51.2716 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2717 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2718 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2719 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2720 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2721 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2722 *Damage*.

"Damage" means that the peanut kernel is affected by one or more of the following:

- (a) Rancidity or decay;
- (b) Mold;
- (c) Insects, worm cuts, web or frass;
- (d) Freezing injury causing hard, translucent or discolored flesh; and,
- (e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

Dated: May 6, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-3944; Filed, May 8, 1959;
8:51 a.m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR
SHELLED VIRGINIA TYPE PEANUTS¹

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Shelled Virginia Type Peanuts (7 CFR 51.2750 to 51-2763) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.	
51.2750	U.S. Extra Large Virginia.
51.2751	U.S. Medium Virginia.
51.2752	U.S. Extra No. 1 Virginia.
51.2753	U.S. No. 1 Virginia.
51.2754	U.S. Virginia Splits.
51.2755	U.S. No. 2 Virginia.

APPLICATION OF TOLERANCES

51.2756	Application of tolerances.
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DEFINITIONS

51.2757	Similar varietal characteristics.
51.2758	Whole.
51.2759	Split.
51.2760	Broken.
51.2761	Foreign material.

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.	
51.2762	Unshelled.
51.2763	Minor defects.
51.2764	Damage.

AUTHORITY: §§ 51.2750 to 51.2764 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES

§ 51.2750 U.S. Extra Large Virginia.

"U.S. Extra Large Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $2\frac{3}{4}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 512 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 0.75 percent for other varieties of peanuts;
- (2) 3 percent for sound peanuts which are split or broken;
- (3) 1 percent for damaged or unshelled peanuts;
- (4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;
- (5) 0.1 percent for foreign material; and,
- (6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2751 U.S. Medium Virginia.

"U.S. Medium Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{3}{4}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 640 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 1 percent for other varieties of peanuts;
- (2) 3 percent for sound peanuts which are split or broken;
- (3) 1.25 percent for damaged or unshelled peanuts;
- (4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;
- (5) 0.1 percent for foreign material; and,
- (6) 3 percent of sound, whole peanuts which will pass through the prescribed screen.

§ 51.2752 U.S. Extra No. 1 Virginia.

"U.S. Extra No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{5}{8}$ x 1 inch openings. Unless otherwise specified, the peanuts in any

lot shall average not more than 800 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 1 percent for other varieties of peanuts;
- (2) 2 percent for sound peanuts which are split or broken;
- (3) 0.5 percent for damaged or unshelled peanuts;
- (4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;
- (5) 0.05 percent for foreign material; and,
- (6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2753 U.S. No. 1 Virginia.

"U.S. No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{5}{8}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 864 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 1 percent for other varieties of peanuts;
- (2) 3 percent for sound peanuts which are split or broken;
- (3) 1.5 percent for damaged or unshelled peanuts;
- (4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;
- (5) 0.1 percent for foreign material; and,
- (6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2754 U.S. Virginia Splits.

"U.S. Virginia Splits" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $2\frac{3}{8}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 2 percent for other varieties of peanuts;
- (2) 2 percent for damaged or unshelled peanuts and minor defects;
- (3) 0.2 percent for foreign material;
- (4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,
- (5) 5 percent for sound whole peanuts.

§ 51.2755 U.S. No. 2 Virginia.

"U.S. No. 2 Virginia" consists of shelled Virginia type peanut kernels of similar

varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{1}{4}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 2 percent for other varieties of peanuts;
- (2) 2.5 percent for damaged or unshelled peanuts and minor defects;
- (3) 0.2 percent for foreign material; and,
- (4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2756 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2757 Similar varietal characteristics.

"Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Virginia type.

§ 51.2758 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2759 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2760 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2761 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2762 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2763 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

- (a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;
- (b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;
- (c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,
- (d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2764 Damage.

"Damage" means that the peanut kernel is affected by one or more of the following:

- (a) Rancidity or decay;
- (b) Mold;
- (c) Insects, worm cuts, web or frass;
- (d) Freezing injury causing hard, translucent or discolored flesh; and,
- (e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

Dated: May 6, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-3943; Filed, May 8, 1959; 8:51 a.m.]

[7 CFR Part 51]

UNITED STATES STANDARDS FOR SHELLED SPANISH TYPE PEANUTS ¹

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Shelled Spanish Type Peanuts (7 CFR 51.2730 to 51.2741) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES	
Sec. 51.2730	U.S. Extra No. 1 Spanish.
51.2731	U.S. No. 1 Spanish.
51.2732	U.S. Spanish Splits.
51.2733	U.S. No. 2 Spanish.

APPLICATION OF TOLERANCES	
51.2734	Application of tolerances.

DEFINITIONS	
51.2735	Similar varietal characteristics.
51.2736	Whole.
51.2737	Split.
51.2738	Broken.
51.2739	Foreign material.
51.2740	Unshelled.
51.2741	Minor defects.
51.2742	Damage.

AUTHORITY: §§ 51.2730 to 51.2742 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES	
§ 51.2730	U.S. Extra No. 1 Spanish.

"U.S. Extra No. 1 Spanish" consists of shelled Spanish type peanut kernels of

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{1}{4}$ x $\frac{3}{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 1 percent for other varieties of peanuts;
- (2) 2 percent for sound peanuts which are split or broken;
- (3) 0.5 percent for damaged or unshelled peanuts;
- (4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;
- (5) 0.05 percent for foreign material; and,
- (6) 2 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2731 U.S. No. 1 Spanish.

"U.S. No. 1 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{1}{4}$ x $\frac{3}{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 1 percent for other varieties of peanuts;
- (2) 3 percent for sound peanuts which are split or broken;
- (3) 1.5 percent for damaged or unshelled peanuts;
- (4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;
- (5) 0.1 percent for foreign material; and,
- (6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2732 U.S. Spanish Splits.

"U.S. Spanish Splits" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{1}{4}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 2 percent for other varieties of peanuts;
- (2) 2 percent for damaged or unshelled peanuts and minor defects;
- (3) 0.2 percent for foreign material;
- (4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,
- (5) 5 percent for sound whole kernels.

§ 51.2733 U.S. No. 2 Spanish.

"U.S. No. 2 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which may be

PROPOSED RULE MAKING

split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{1}{16}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 2 percent for other varieties of peanuts;
- (2) 2.5 percent for damaged or unshelled peanuts and minor defects;
- (3) 0.2 percent for foreign material; and,
- (4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2734 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2735 Similar varietal characteristics.

"Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Runner type shall not be mixed with Spanish type, and White Spanish shall not be mixed with Red Spanish.

§ 51.2736 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2737 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2738 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2739 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2740 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2741 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

- (a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;
- (b) Flash discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;
- (c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2742 Damage.

"Damage" means that the peanut kernel is affected by one or more of the following:

- (a) Rancidity or decay;
- (b) Mold;
- (c) Insects, worm cuts, web or frass;
- (d) Freezing injury causing hard, translucent or discolored flesh; and,
- (e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

Dated: May 6, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-3945; Filed, May 8, 1959;
8:51 a.m.]

[7 CFR Part 913]

[Docket No. AO-23-A18]

MILK IN GREATER KANSAS CITY
MARKETING AREANotice of Hearing on Proposed
Amendments to Tentative Market-
ing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Bellerive Hotel, Armour and Warwick Blvds., Kansas City, Mo., beginning at 10:00 a.m., local time, on May 27, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Kansas City marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to the redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Beatrice Foods Company:
Proposal No. 1. Extend the present area regulated by Federal Order No. 13, which regulates the handling of milk in the Greater Kansas City marketing area to include all of the territory within

the boundaries of Geary County, Kansas, and of Riley County, Kansas, and of the Ft. Riley, Kans, military base, a part of which is located in Riley County, Kansas, and the remainder being located in Geary County, Kansas.

Proposed by The Borden Company:

§ 913.6 [Amendment]

Proposal No. 2. Amend that part of § 913.6 Greater Kansas City Marketing Area, which reads "* * * that part of Cass County, Missouri, which is north of Highway 2; * * *" to read "* * * all of Cass County, Missouri; * * *"

Proposed by Pure Gold Dairy:

Proposal No. 3. Amend § 913.6 to include Miami County, Kansas, in the Kansas City marketing area.

Proposed by Sealtest Foods:

Proposal No. 4. Amend § 913.6 of the order regulating the handling of milk in the Greater Kansas City marketing area, by providing the expansion of the designated marketing area to include in the marketing area all the territory in Lafayette County, Johnson County, all of Cass County not now in the designated marketing area, Pettis County, Bates County, Henry County, St. Clair County, Benton County and Morgan County, all in the State of Missouri, and Miami County in the State of Kansas.

Proposed by Pure Milk Producers Association:

Proposal No. 5. Delete § 913.7 and substitute the following:

§ 913.7 Producer.

"Producer" means any person, other than a producer-handler who (a) produces milk under a dairy farm permit or rating issued to him, or to the operator of a cow pool, by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which (1) is received at a pool plant, or (2) is caused to be diverted during any of the months of January through August, or to the extent of not more than 16 days production during the months of September through December from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases, which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area.

Proposal No. 6. Delete § 913.9 and substitute the following:

§ 913.9 Approved plant.

"Approved plant" means any milk plant, or portion thereof, including a cow pool, which is:

- (a) approved by a duly constituted health authority for the handling of milk for consumption as Grade A milk in the marketing area; or
- (b) approved for the supplying of milk to any agency of the United States Government located within the marketing area.

Proposal No. 7. Insert a new section as follows:

§ 913.— Cow Pool.

"Cow Pool" means the land, buildings and facilities at which cows are boarded, cared for or milked for the persons furnishing such cows; and from which the milk of such cows is commingled and disposed of by the operator of such facilities for such persons.

Proposal No. 8. Delete § 913.12 and substitute the following:

§ 913.12 Producer-handler.

"Producer-handler" means a person, other than a cow pool, who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person, but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a fluid milk product does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a fluid milk product from pool plants of other handlers.

Proposal No. 9. Delete § 913.13 and substitute the following:

§ 913.13 Producer milk.

"Producer milk" means all milk produced by a producer, which is received at a pool plant directly from such producer, or pursuant to the operation of a cow pool for such producers.

Proposed by Producers Creamery Company:

Proposal No. 10. Delete all of § 913.12 "Producer Handler" and substitute in lieu thereof the following:

§ 913.12 Producer-handler.

Producer-handler means: (a) Any person who operates both a dairy farm and a milk processing or bottling plant and who distributes milk on wholesale or retail outlets in the market, but receives no milk from other dairy farms or in the form of fluid milk products from the plants of other handlers, or (b) Any person who operates a dairy farm or milk production facilities at which he engages in the production of milk utilizing cows owned by five or more other persons and commingles the production of such cows and sells such production to a pool plant.

§ 913.10 [Amendment]

Proposal No. 11. Delete so much of § 913.10 as reads: "Other than that of a producer-handler."

§ 913.11 [Amendment]

Proposal No. 12. Delete all of § 913.11 (a) and substitute in lieu thereof the following:

(a) Any person in his capacity as the operator of a pool plant, *Provided, however*, That no person shall be subject to the provisions of this part who distributes less than 2,000 pounds per day on wholesale or retail routes.

Proposal No. 13. Delete all of § 913.60 "Producer-Handlers" and substitute in lieu thereof the following:

§ 913.60 Producer-handler.

Sections 913.80 and 913.89 shall not apply to a producer-handler.

Proposed by Pure Milk Producers Association:

§ 913.11 [Amendment]

Proposal No. 14. Amend § 913.11 by adding a new paragraph between (c) and (d) and relettering paragraph (d) to (e). The new paragraph to read as follows:

(d) Any cooperative association which chooses to report as a handler with respect to the milk of its member-producers which is delivered in cans to the pool plant of two or more handlers in a single delivery period. (Such milk shall be considered as having been received by such cooperative association at the plant to which it was delivered on the first day of the delivery period); or

Proposed by Aines Tastemark Dairy:

§ 913.65 [Amendment]

Proposal No. 15. Amend § 913.65 (and make conforming changes required in other sections), changing the base paying period to February through June, and changing the base setting period to August through November. Add a subparagraph which would allow a partial base to any producer who ships milk during the base paying period without benefit of a daily base provided in the regular manner, computed as follows:

Multiply the producer's average daily receipts for each of the base pay months by the percent that total bases were of total receipts for that month, and divide by two.

Proposed by The Borden Company:

Proposal No. 16. We propose that § 913.65 "Computation of daily base for each producer" be amended to read as follows:

§ 913.65 Computation of daily base for each producer.

The daily base for each producer applicable during each of the delivery periods of February through June, inclusive, shall be determined by the market administrator as follows:

Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediate preceding delivery periods of August through November by the number of days during such period on which milk was received from such producer, or by 90 whichever is greater: *Provided*, That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of October through July, a daily average base for each such producer shall be calculated pursuant to this section of basis of his deliveries of milk to such plant during the period August through November immediately preceding. A producer either not eligible for a base under the foregoing or for whom it is not possible to compute a base because of lack of

information shall be assigned a base equal to the percent base milk is to total receipts for the entire market times 50 percent of his deliveries during the base-operating months.

Proposed by Producers Creamery Company:

§§ 913.70, 913.71, 913.72 [Amendment]

Proposal No. 17. Amend §§ 913.70, 913.71, 913.72 and all other provisions in the order to provide for the payment of producers on the basis of an individual-handler pool in place of the present market-wide pool.

§§ 913.9, 913.10 [Amendment]

Proposal No. 18. Amend §§ 913.9 "Approved plant" and 913.10 "Pool plant" to provide for one definition of a bottling plant which would be fully regulated because of any distribution on routes, wholesale or retail, in the marketing area, or for the full regulation of a country plant if it makes shipments to a bottling plant which is distributing milk in the marketing area and which is regulated under the provisions of the order.

§ 913.61 [Revocation]

Proposal No. 19. Delete all of § 913.61.

Proposed by Pure Milk Producers Association:

§ 913.86 [Amendment]

Proposal No. 20. Amend § 913.86 as follows: Insert an (a) following § 913.86, thus designating the present paragraph as (a) and adding a new paragraph (b) to read as follows:

(b) *Overdue accounts.* Any Unpaid obligation of a handler or of the market administrator pursuant to §§ 913.61, 913.80, 913.84, 913.85, 913.87, 913.88 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 21. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 220 Plaza Esplanade Bldg., 424 Nichols Road, Kansas City 12, Mo., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 6th day of May 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 59-3958; Filed, May 8, 1959; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

Notice of Withdrawal of Petition for Establishment of Tolerances for Residues of 1-Methoxycarbonyl-1-Propen-2-yl Dimethyl Phosphate and Its Beta Isomer

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512, as amended 52 Stat. 1784; 21 U.S.C. 346a(d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice*, of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (23 F.R. 6403), Shell Chemical Corporation, 460 Park Avenue, New York 22, New York, has withdrawn its petition for establishment of tolerances for residues of 1-methoxycarbonyl-1-propen-2-yl dimethyl phosphate and its beta isomer in or on each of the following raw agricultural commodities; Grapefruit, lemons, oranges, notice of which was published in the FEDERAL REGISTER of January 13, 1959 (24 F.R. 284).

The withdrawal with respect to this petition is without prejudice to a future filing.

Dated: May 4, 1959.

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

[F.R. Doc. 59-3940; Filed, May 8, 1959; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a revised proposal for the amendment of Rule 133 under the Securities Act of 1933 and a proposed new registration form.

On September 15, 1958, the Commission, in Securities Act Release No. 3965, invited comments on certain proposed amendments to Rule 133. The general purpose of the earlier proposals, as well as those set forth herein, is to indicate the circumstances under which securities distributed by persons receiving them in connection with mergers, consolidations and similar transactions may be required to be registered under the Act.

Many helpful comments and suggestions were received as a result of the publication of the earlier draft. These comments and suggestions have been carefully studied and the revised proposals represent a modification of the earlier proposals made in the light of such comments and suggestions.

The proposed new registration form, Form S-14,¹ is designed to provide a simplified registration procedure for securities issued in a Rule 133 transaction where such securities are to be redistributed to the general public and where the issuer has solicited proxies under the Commission's proxy rules with respect to the merger, consolidation or other transaction. The proposed form provides that the prospectus may consist chiefly of the information set forth in the proxy statement and may be in the form of a proxy statement meeting the requirements of the proxy rules. However, this information would have to be supplemented by the necessary underwriting and distribution data and pertinent information regarding developments in the registrant's business subsequent to the Rule 133 transaction.

A copy of the proposed form is attached hereto. Under the text of the revised proposal for the amendment of Rule 133 the existing rule would be designated paragraph (a) and the following new paragraphs would be added to the rule:

§ 230.133 Definition for purposes of section 5 of the act of "sale", "offer", "offer to sell", and "offer for sale".

(a) * * *

(b) Any person who purchases securities of the issuer from security holders of a constituent corporation with a view to, or offers to sell such securities for such security holders in connection with, a distribution thereof pursuant to any contract or arrangement, made in connection with any transaction specified in paragraph (a) of this section, with the issuer or with any affiliate of the issuer, or with any person who by reason of such contract or arrangement is acting as an underwriter of such securities, shall be deemed to be an underwriter of such securities within the meaning of section 2(11) of the Act. This paragraph does not refer to arrangements limited to provision for the matching and combination of fractional shares into full shares, or the purchase and sale of fractional shares, among security holders of the constituent corporation and to the sale on behalf of, and as agent for, such security holders of such number of full shares as may be necessary to adjust for any remaining fractional interests after such matching.

(c) Any constituent corporation, or any person who is an affiliate of a constituent corporation at the time any transaction specified in paragraph (a) of this section is submitted to a vote of the stockholders of such corporation, who acquires securities of the issuer in connection with such transaction with a view to the distribution thereof shall be deemed to be an underwriter of such securities within the meaning of section 2(11) of the Act. A transfer by a constituent corporation to its security holders of securities of the issuer upon a complete or partial liquidation shall not be deemed a distribution for the purpose of this paragraph.

(d) Notwithstanding the provisions of paragraph (c) of this section a person specified therein shall not be deemed to be an underwriter nor to be engaged in a distribution with respect to securities acquired in any transaction specified in paragraph (a) of this section which are sold by him in brokers' transactions within the meaning of section 4(2) of the Act, in accordance with the conditions and subject to the limitations specified in paragraph (e) of this section, if such person

(1) Does not directly or indirectly solicit or arrange for the solicitation of orders to buy in anticipation of or in connection with such brokers' transactions;

(2) Makes no payment in connection with the execution of such brokers' transactions to any person other than the broker; and

(3) Limits such brokers' transactions to a sale or series of sales which together with all other sales of securities of the same class by or on his behalf within the preceding six months will not exceed the following:

(i) If the security is traded only otherwise than on a securities exchange, approximately one percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions, or

(ii) If the security is admitted to trading on a securities exchange, the lesser of approximately (a) one percent of the shares or units of such security outstanding at the time of receipt by the broker of the order to execute such transactions or (b) the largest aggregate reported volume of trading on securities exchanges during any one week within the four calendar weeks preceding the receipt of such order.

(e) For the purposes of paragraph (d) of this section:

(1) The term "brokers' transactions" in section 4(2) of the Act shall be deemed to include transactions by a broker acting as agent for the account of the seller where (i) the broker performs no more than the usual and customary broker's functions, (ii) the broker does not more than execute an order or orders to sell as a broker and receives no more than the usual or customary broker's commissions, (iii) the broker does not solicit or arrange for the solicitation of orders to buy in anticipation of or in connection with such transactions and (iv) the broker is not aware of any circumstances indicating that his principal is failing to comply with the provisions of paragraph (d) hereof;

(2) The term "solicitation of such orders" in section 4(2) of the Act shall be deemed to include the solicitation of an order to buy a security, but shall not be deemed to include the solicitation of an order to sell a security;

(3) Where within the previous 60 days a dealer has made a written bid for a

¹ Filed as part of the original document.

security or a written solicitation of an offer to sell such security, the term "solicitation" in section 4(2) shall not be deemed to include an inquiry regarding the dealer's bid or solicitation.

(f) For the purposes of this section, the term "constituent corporation" means any corporation, other than the issuer, which is a party to any transaction specified in paragraph (a). The term "affiliate" means a person con-

trolling, controlled by or under common control with a specified person.

The foregoing action would be taken pursuant to the Securities Act of 1933, particularly sections 2(3), 5 and 19(a) thereof.

All interested persons are invited to submit their views and comments on the above proposals, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before June 1, 1959.

Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

MAY 4, 1959.

[F.R. Doc. 59-3929; Filed, May 8, 1959;
8:47 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2640, Amdt. 12]

NATIONAL PARK SERVICE

Delegations of Authority

Section 6 of Order No. 2640 (16 F.R. 5846), is amended in its entirety to read as follows:

SECTION 6. Land purchases and Exchanges. The Director may approve and accept options and offers to sell to or exchange with the United States lands or interests in lands within areas under the jurisdiction and control of the National Park Service, when such exchanges are authorized by law, and execute all necessary agreements and conveyances incident thereto. This authority does not extend to exchanges for which authority has been delegated to the Director, Bureau of Land Management, except where he consents thereto in situations in which an exchange involves both public domain and acquired land or improved properties.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MAY 4, 1959.

[F.R. Doc. 59-3927; Filed, May 8, 1959;
8:47 a.m.]

ALASKA HOMESTEADERS

Extension of Time To Respond to Requests for Waiver of Claims to Oil and Gas

Pursuant to the authority granted to the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. 1201), it is hereby ordered that all homesteaders in the State of Alaska who have received or may receive prior to September 1, 1959, a request from the authorized officer of the Bureau of Land Management to file with his office a waiver of claim of rights to the oil and gas deposits in the lands in their homesteads are hereby notified that they have until September 1, 1959, or until 30 days after the receipt of request for said waiver, whichever is later, to take one of the following actions, namely to file the waiver with the land office, to petition for reclassification of the lands as not oil and

gas in character, or to appeal to the Director, Bureau of Land Management, Washington 25, D.C.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MAY 5, 1959.

[F.R. Doc. 59-3952; Filed, May 8, 1959;
8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

ASSISTANT CHIEF

Delegation of Authority To Exercise Certain Functions

SECTION 1. Pursuant to (a) the authority delegated by the Secretary of Agriculture to the Chief of the Forest Service by sections 116 and 300 of the Delegations of Authority and Assignment of Functions dated December 24, 1953, effective January 2, 1954 (19 F.R. 74), made pursuant to Reorganization Plan No. 2 of 1953 and other authorizations; and (b) the authority delegated by the Secretary of Agriculture and the Secretary of the Interior to the Chief or Acting Chief, Forest Service, by §§ 281.9 and 281.13, Chapter II, Title 36, CFR—Regulations Governing Sale of Lands Pursuant to section 10 of the Act approved March 1, 1911 (20 F.R. 2024-2025), the Assistant Chief of the Forest Service in charge of National Forest Protection and Development is hereby authorized, on behalf of the Chief of the Forest Service, to exercise, in the capacity of Acting Chief, the following functions:

(1) All functions under the act approved March 3, 1925 (43 Stat. 1215, 16 U.S.C. 516), incident to the exchange of lands, including the execution of deeds involved in such exchanges;

(2) All functions under sections 32 (c) and (d), Title III, of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 526, as amended, 7 U.S.C. 1011(c)), incident to the sale, exchange, or grant for public purposes of lands authorized by said sections, including the execution of deeds and other documents to lands involved in such sale, exchange, or grant;

(3) All functions incident to the acceptance of land donations under the provisions of: (a) Section 7 of the act

approved June 7, 1924 (43 Stat. 654, 16 U.S.C. 569); (b) section 5 of the act approved March 3, 1925 (43 Stat. 1133, as amended by section 13 of the act approved April 24, 1950, 64 Stat. 86, 16 U.S.C. 555); and (c) section 32(a), Title III, of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (50 Stat. 526, 7 U.S.C. 1011(a));

(4) All functions under the act approved July 8, 1943 (57 Stat. 388, as amended by the act approved March 3, 1952, 66 Stat. 11, 5 U.S.C. 567), incident to the adjustment of title to lands under said acts, including the execution of deeds involved in such title adjustments;

(5) The execution of deeds to lands sold pursuant to section 10 of the act approved March 1, 1911 (36 Stat. 962, 16 U.S.C. 519), as authorized by Section 281.9, Chapter II, Title 36, CFR (20 F.R. 2024-2025);

(6) All functions incident to the selection, classification, segregation, and listing of national forest lands pursuant to the Forest Homestead Act of June 11, 1906 (34 Stat. 233, as amended by the act of August 10, 1912, 37 Stat. 287, 16 U.S.C. 506, 507, 509), and approval of classification reports required by said acts;

(7) All functions incident to the determination whether national forest lands covered by Indian allotment applications are more valuable for agricultural or grazing purposes than for the timber found thereon, as required by section 31 of the act of June 25, 1910 (36 Stat. 863, 25 U.S.C. 337);

(8) All functions incident to the acquisition and disposition of lands under the administration, custody and control of the Forest Service where authority to acquire and dispose of lands is vested in the Secretary of Agriculture by acts other than those above-mentioned, the subject matter of which falls within the functions heretofore or hereafter assigned to the Forest Service; and the execution of deeds incident to such transactions.

Sec. 2. Pursuant to authority delegated by the Secretary of Agriculture on October 27, 1949 (14 F.R. 6666), to the Chief of the Forest Service or such Assistant Chief as he may designate to accept and sign, for and on behalf of the Secretary of Agriculture, all options on lands or interests therein being acquired for administration by the Forest Service, the Assistant Chief of the Forest Service in

charge of National Forest Protection and Development is hereby authorized to accept and sign in his capacity as Assistant Chief such options for and on behalf of the Secretary of Agriculture.

SEC. 3. In the absence of the Assistant Chief in charge of National Forest Protection and Development, the designated Acting Chief of the Forest Service is hereby authorized to perform the aforementioned functions and execute the deeds and other documents necessary to exercise said functions.

Done at Washington, D.C. this 1st day of May 1959.

[SEAL] RICHARD E. McARDLE,
Chief, Forest Service.

[F.R. Doc. 59-3957; Filed, May 8, 1959;
8:53 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GLENN E. CARTER

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 past six months.

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

This statement is made as of April 20, 1959.

GLENN E. CARTER.

APRIL 20, 1959.

[F.R. Doc. 59-3954; Filed, May 8, 1959;
8:52 a.m.]

JEROME L. KLAFF

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Jerome L. Klaff.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of Appointment: April 15, 1959.
4. Title of position: Consultant.
5. Name of private employer: H. Klaff & Company Inc., Baltimore, Maryland.

CARLTON HAYWARD,
Director of Personnel.

MARCH 19, 1959.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment

has been an officer or director; or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

H. Klaff & Co. Inc.
Klaydell Corp.
Gulf Guaranty Land & Title Co.
Stainless Prod. Inc.
Eastern Stain. Steel Corp.
Anaconda Co.
The Foundation Co.
Republic Steel Corp.
General Motors Corp.
Reading Co.
Syntex Corp.
Booth & Flinn Co.
Bengert Inc.
Md. Equipment & Supply Co.
Merchants Mortgage Co.
Armco Steel Corp.
Phelps Dodge Corp.
Md. Shipbldg. & Drydock Co.
Riddle Airlines.
Washington Steel Corp.
Ogden Corp.
Charles Realty Co.
Baltimore Investment Associates.
Brea Mar Homes, Inc.
Hillsborough Construction Co.
Plantation Realty Co.
Harford Mill Estates Inc.
Harfordale Corp.
Rigdon Manor Corp.
United States Freight Lines.
Bank Deposits.

JEROME L. KLAFF.

APRIL 27, 1959.

[F.R. Doc. 59-3953; Filed, May 8, 1959;
8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-129]

WEST VIRGINIA UNIVERSITY

Notice of Application for Construction Permit and Utilization Facility License

Please take notice that West Virginia University, Morgantown, West Virginia, under section 104c of the Atomic Energy Act of 1954, filed an application dated March 26, 1959 for license authorizing construction and operation, on the University's campus, of a seventy-five watt nuclear reactor. The reactor is of the type designated as Model AGN-211 by the manufacturer, Aerojet-General Nuclear, which will construct the reactor for the applicant. A copy of the application is on file in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of May 1959.

For the Atomic Energy Commission.

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

[F.R. Doc. 59-3917; Filed, May 8, 1959;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7383 et al.]

SPOKANE, WASHINGTON-CALGARY, CANADA ROUTE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference covering a route between Spokane, Washington, and Calgary, Canada, is assigned to be held on May 29, 1959, at 10:00 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

A route between Spokane and Calgary is covered by an Agreement between the United States and Canada dated April 9, 1959. Consideration will be given at the conference to the consolidation for hearing and decision of some or all of the following applications:

Docket No.	Carrier	Description
6701	Western Air Lines, Inc.	That portion proposing Calgary-Spokane service.
9044	Northwest Airlines, Inc.	Spokane-Calgary.
7383	Frontier Airlines, Inc.	Do.
7967	do	That portion proposing Spokane-Calgary service.
7393	West Coast Airlines, Inc.	Spokane-Calgary.

In order to facilitate conduct of the conference it is requested that any party desiring to prosecute an application in this proceeding file on or before May 20, 1959, a motion for consolidation and/or any new applications for which consolidation may be sought.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before May 20, 1959.

Counsel will be expected to state the views of their client with respect to the issues discussed during the course of this conference.

Dated at Washington, D.C., May 6, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-3959; Filed, May 8, 1959;
8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9065 etc.]

HUNT OIL CO.

Notice of Severance

MAY 4, 1959.

In the matters of Hunt Oil Company, Docket Nos. G-9065, G-9568, G-11124, G-11360, G-13157, G-13191, G-13468, G-13473, G-13504, G-13530, G-14082, G-14408, G-16422 and G-16479; Hunt Oil Company, Docket No. G-10414.

Notice is hereby given that Docket No. G-13473 in the above-entitled consolidated proceeding which is scheduled for

hearing on May 5, 1959, at 10:00 a.m., e.d.s.t., is hereby severed therefrom.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3921; Filed, May 8, 1959;
8:45 a.m.]

[Docket No. DA-967-Calif.]

LAND WITHDRAWN IN PROJECT 247
Partial Vacation of Withdrawal Under
Section 24 of the Federal Water
Power Act

MAY 5, 1959.

In the matter of land withdrawn in Project No. 247, Docket No. DA-967-California, Ivan F. Gennis.

An application was filed by Ivan F. Gennis, of Orland, California, for release from power withdrawal of the land in the $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ of sec. 14, T. 33 N., R. 7 W., Mount Diablo meridian, California, and the remaining land is the legal subdivision of which said land is a part has been included:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 33 N., R. 7 W., sec. 14, lot 4.

The above-described land is crossed by Clear Creek, a tributary of the Sacramento River, and, among other lands, was withdrawn pursuant to the filing on September 1, 1922, of an amendment to the application for a preliminary permit for proposed Project No. 247, which permit expired August 9, 1926.

The development contemplated under Project No. 247 proposed using the above-described land for conduit location. However, such contemplated development is no longer possible in view of the Trinity River Division Project now under construction by the Bureau of Reclamation, United States Department of the Interior, and the land no longer has value for purposes of power development.

The Commission finds: The existing withdrawal serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described land under section 24 of the Federal Water Power Act pursuant to the filing of an amendment to the application for a preliminary permit for proposed Project No. 247 is vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3948; Filed, May 8, 1959;
8:51 a.m.]

LANDS WITHDRAWN IN PROJECT
NO. 126

Vacation of Withdrawal Under Section
24 of the Federal Power Act

MAY 5, 1959.

The Forest Service, United States Department of Agriculture, by letter dated March 6, 1959, has requested the Commission to vacate, under section 24 of

the Federal Power Act, the power withdrawal made in connection with Project No. 126, of the following described lands, all within the boundaries of the Challis National Forest:

BOISE MERIDIAN, IDAHO

T. 11 N., R. 15 E.,
Sec. 19: $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$;
Sec. 20: $SW\frac{1}{4}NW\frac{1}{4}$.

Also, all portions of the following tracts lying within fifty feet of the center line of the transmission line location shown on map designated as Exhibit "A" and entitled "General Map of Power Project and Final Location of Transmission Line" filed in the Office of the Federal Power Commission on December 11, 1920:

T. 11 N., R. 15 E.,
Sec. 5: $E\frac{1}{2}E\frac{1}{2}$ except patented mineral lands;
Sec. 8: $E\frac{1}{2}$;
Sec. 17: $NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$ and $SW\frac{1}{4}$;
Sec. 20: $NW\frac{1}{4}NW\frac{1}{4}$.

T. 12 N., R. 15 E.,
Sec. 5: $W\frac{1}{2}W\frac{1}{2}$;
Sec. 8: $W\frac{1}{2}W\frac{1}{2}$ except patented mineral lands;
Sec. 17: $W\frac{1}{2}$ except patented mineral lands;
Sec. 20: $E\frac{1}{2}W\frac{1}{2}$ and $W\frac{1}{2}SE\frac{1}{4}$ except patented mineral lands;
Sec. 29: $W\frac{1}{2}E\frac{1}{2}$ and $NE\frac{1}{4}NW\frac{1}{4}$ except patented mineral lands;
Sec. 32: $E\frac{1}{2}E\frac{1}{2}$ except patented mineral lands.

T. 13 N., R. 15 E.,
Sec. 20: $S\frac{1}{2}SE\frac{1}{4}$ except patented mineral lands;
Sec. 21: $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 29: $NW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}$ except patented mineral lands;
Sec. 31: $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 32: $W\frac{1}{2}W\frac{1}{2}$.

The above described lands, lie along Yankee Fork, a tributary of the Salmon River in Idaho, along Jordan Creek, a tributary of Yankee Fork, and along the Salmon River at Yankee Forks confluence therewith. The lands were reserved under provisions of section 24 of the Federal Water Power Act pursuant to filing on December 13, 1920 of an application for license for Project No. 126.

License for the project was issued July 19, 1921, for a period of 20 years and was thereafter transferred to The Idaho Power & Mines Company by the Commission on October 31, 1931. The license was cancelled and revoked by the court decree dated June 20, 1939 and, according to the Forest Service, the project works and transmission line in connection therewith are no longer in existence.

Power Site Classification No. 160, approved December 14, 1926, withdrew certain lands within $\frac{1}{4}$ mile of the Salmon River, which, when surveyed, would probably be within, inter alia, sections 19 and 20, T. 11 N., R. 15 E. As a result, such power values as the lands withdrawn for Project No. 126 have for dam site, power works or flowage, are sufficiently protected by the withdrawal in Power Site Classification No. 160. The withdrawal for Project No. 126 appears superfluous and it would be appropriate to vacate it.

The Commission finds: The existing power withdrawal pertaining to the subject lands under section 24 of the Fed-

eral Power Act serves no useful purpose and should be vacated.

The Commission orders: The existing power withdrawal pertaining to the lands described in the first paragraph hereof under section 24 of the Federal Water Power Act pursuant to the filing of the application for a license for Project No. 126 is vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3949; Filed, May 8, 1959;
8:52 a.m.]

LANDS WITHDRAWN IN PROJECTS
NOS. 572 AND 697

Vacation of Withdrawals Under Section
24 of the Federal Power Act

MAY 5, 1959.

The Forest Service, United States Department of Agriculture by letter dated December 23, 1958, has requested the Commission to vacate under section 24 of the Federal Power Act power withdrawals made in connection with applications for licenses for transmission line rights-of-way for Projects Nos. 572 and 697.

Pursuant to section 24 of the Federal Power Act, the filing of applications, both original and amendatory, on January 9, 1925, July 10, 1931 and January 7, 1935, for Project No. 572, reserved for purposes of transmission line location some 131 acres of lands of the United States, consisting of portions of the following described subdivisions:

WILLAMETTE MERIDIAN, WASHINGTON

T. 26 N., R. 14 E.,
Sec. 2: Lot 4, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$.
T. 26 N., R. 15 E.,
Sec. 2: $NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 6: Lots 4, 5, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$,
 $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$;
Sec. 8: $N\frac{1}{2}N\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 10: $N\frac{1}{2}N\frac{1}{2}$.
T. 24 N., R. 17 E.,
Sec. 4: Lots 1, 6, 7, 12, 13;
Sec. 10: Lots 2, 4, 5, 9, $NW\frac{1}{4}NW\frac{1}{4}$.
T. 25 N., R. 17 E.,
Sec. 4: $E\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 16: Lots 1, 2, 3, 4;
Sec. 28: Lots 1, 2, 3, 4.

Pursuant to section 24 of the Federal Power Act, the filing of applications, on March 5, 1926 and August 16, 1926, for Project No. 697, reserved for purposes of transmission line location some 36 acres of lands of the United States, consisting of portions of the following described lands:

WILLAMETTE MERIDIAN, WASHINGTON

T. 26 N., R. 13 E.,
Sec. 12: $W\frac{1}{2}NE\frac{1}{4}$, $E\frac{1}{2}W\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 14: $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$;
Sec. 16: $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 28: $E\frac{1}{2}NW\frac{1}{4}$.

The licenses for these projects expired July 15, 1947. Prior thereto the Commission advised the licensee of both projects that new licenses would not be issued for these projects because an investigation showed that the lines did not come under the Commission's licensing authority, ac-

ording to its March 4, 1941 interpretation of section 3(11) of the Federal Power Act.

The Commission finds: The existing power withdrawals pertaining to the subject lands under section 24 of the Federal Power Act pursuant to the filing of applications for Projects Nos. 572 and 697, serve no useful purpose and should be vacated.

The Commission orders: The existing power withdrawals pertaining to the subject lands under section 24 of the Federal Power Act pursuant to the filing of applications for license for Projects Nos. 572 and 697, respectively, are vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3950; Filed, May 8, 1959;
8:52 a.m.]

[Docket Nos. G-18417, G-18418]

PHILLIPS PETROLEUM CO. ET AL.

Order for Hearing, Accepting Proposed Changes in Rates for Filing, and Suspending Proposed Changes in Rates

MAY 5, 1959.

In the matters of Phillips Petroleum Company (Operator) and Phillips Petroleum Company (Operator) et al., Docket Nos. G-18417, G-18418.

On April 6, 1959, Phillips Petroleum Company (Phillips), retendered for filing proposed changes in its presently effective rate schedules¹ for the sale of natural gas, subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, dated February 10, 1959.

Purchaser: El Paso Natural Gas Company (El Paso).

Rate schedule designations: (1) Supplement No. 8 to Phillips Petroleum Company's (Operator) FPC Gas Rate Schedule No. 7. (2) Supplement No. 15 to Phillips Petroleum Company's (Operator) FPC Gas Rate Schedule No. 9. (3) Supplement No. 22 to Phillips Petroleum Company's (Operator) FPC Gas Rate Schedule No. 32. (4) Supplement No. 10 to Phillips Petroleum Company's (Operator) FPC Gas Rate Schedule No. 64. (5) Supplement No. 11 to Phillips Petroleum Company's (Operator) FPC Gas Rate Schedule No. 243. (6) Supplement No. 10 to Phillips Petroleum Company's (Operator), et al. FPC Gas Rate Schedule No. 33.

Effective date: May 7, 1959 (stated effective date is the first day after the required thirty days' notice).

The proposed spiral escalation rate increases are based on a 12.89127 percent increase in El Paso's resale rates proposed to become effective on March 1, 1959. By order of the Commission dated February 27, 1959, in Docket No. G-17929, El Paso's proposed increased rates were suspended until August 1, 1959, and until such further time as they are made effective in the manner prescribed by the

Natural Gas Act. Phillips' proposed increases were previously submitted on February 13, 1959, prior to the aforesaid Commission's order of February 27, 1959, and were proposed to become effective March 1, 1959, five months prior to the date El Paso's increase could activate the spiral escalation provisions of Phillips' contracts because of such subsequent suspension. These earlier submittals were rejected by letter dated March 2, 1959, as being premature, improper and unacceptable under § 154.94 (b) of the Commission's regulations. Such rejection was without prejudice to their retender in the manner prescribed by the Natural Gas Act and the Commission's Regulations.

In resubmitting the spiral escalation rate increases, Phillips requests that the Commission reconsider the earlier rejection and, upon such reconsideration, accept the increases in rates and suspend their effectiveness until August 1, 1959 (the earliest date El Paso's increases may be made effective) or until made effective in the manner prescribed by the Natural Gas Act. Phillips contends that its original submittals were proper and timely on the date filed since El Paso's increase had not then been suspended, and that it had no alternative but to submit such changes in order to secure a corresponding increase in its rates on the same date that El Paso's increase was proposed to become effective. Phillips states that following the suspension of El Paso's increase it recognizes the impossibility, under the Mobile decision, of its rate increases becoming effective on March 1, 1959 and that the Commission was compelled to either reject the filings as premature or suspend their effectiveness until August 1, 1959. Phillips further contends that unless its increases are permitted to be filed and suspended until August 1, 1959 it is in jeopardy of having its increased rates suspended for an additional five months.

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

The Commission finds:

(1) Good cause has been shown to waive § 154.94(b) of the Commission's regulations with respect to the ninety days' maximum notice requirement to permit Phillips' proposed changes herein to be filed.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-described supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Section 154.94(b) of the Commission's regulations with respect to the ninety days' maximum notice requirement is hereby waived to permit the above-designated supplements to be filed and they are hereby accepted for filing.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4

and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-described supplements.

(C) Pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred for five months from August 1, 1959 (or from the date El Paso's increased rates are made effective in Docket No. G-17929, if later), and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3951; Filed, May 8, 1959;
8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1987]

ROHM & HAAS CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

MAY 4, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Rohm & Haas Co., Common Stock, File No. 7-1987.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before May 20, 1959, from any interested person, 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 making the request and the position he proposes to take at the hearing. 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

¹ Rates are in effect subject to refund in Docket No. G-14115 and are also subject to order in Docket No. G-1148, et al.

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. 59-3930; Filed, May 8, 1959;
8:48 a.m.]

[File No. 7-1986]

GARRETT CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

MAY 4, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in the Garrett Corp., Common Stock, File No. 7-1986.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before May 20, 1959, from any interested person, 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 making the request and the position he proposes to take at the hearing. 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. 59-3931; Filed, May 8, 1959;
8:48 a.m.]

[File No. 1-3439]

STONE CONTAINER CORP.

Notice of Application To Withdraw From Listing and Registration, and of Opportunity for Hearing

MAY 5, 1959.

The above named issuer, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Midwest Stock Exchange.

No. 91-4

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock has become inactive on the Midwest Stock Exchange since its listing on April 16, 1958 on the American Stock Exchange. The issuer wishes to avoid the expenses of dual listing. The Midwest Stock Exchange has waived its rule requiring stockholder approval of delisting.

Upon receipt of a request, on or before May 22, 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. 59-3932; Filed, May 8, 1959;
8:48 a.m.]

[File No. 70-3792]

**CONSOLIDATED NATURAL GAS CO.
ET AL.**

Notice of Filing Regarding Issuance and Sale by Holding Company of Capital Stock Pursuant to Rights Offering, Principal Amount of Debentures at Competitive Bidding and Notes to Banks; Intrasystem Issuances, Sales and Acquisitions of Capital Stocks, Short-Term and Long-Term Notes

MAY 4, 1959.

In the matter of Consolidated Natural Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, The River Gas Company, File No. 70-3792.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly-owned subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and The River Gas Company ("River"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the provisions of the Public Utility Holding

Company Act of 1935 ("Act") and Rules thereunder. The companies have designated sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rules 43, 45, and 50, thereunder as applicable to the proposed transactions which are summarized as follows:

Consolidated proposes to provide a major portion of the funds to meet the construction and other financial requirements of its subsidiaries for 1959, estimated to aggregate \$108,300,000, through the issuance and sale of shares of its capital stock, debentures and short-term notes to banks as indicated below:

To partially finance the subsidiaries' construction requirements, estimated at \$70,300,000, Consolidated proposes:

(a) to issue to holders of its 8,212,552 shares of \$10 par value capital stock transferable subscription warrants to purchase 821,256 additional shares. The subscription price is to be not less than 85 percent of the closing price of such stock on the New York Stock Exchange on the day preceding the fixing of such price. On an assumed maximum offering price of \$50 per share, the aggregate offering price would approximate \$41,000,000. The holder of each warrant will be granted the right to subscribe for shares of capital stock at the rate of one share for each ten shares held of record. No fractional shares of capital stock will be issued. However, rights may be purchased to entitle the holder of the warrant to subscribe to one or more full shares of capital stock or rights may be sold. For the convenience of stockholders and without charge to them for such service, Morgan Guaranty Trust Company of New York will act as subscription agent for the warrant holders in purchasing and selling rights, but not to exceed 9 rights for each warrant holder.

Consolidated estimates that about 3 percent of the shares offered for subscription will not be subscribed for. Shares for which subscriptions are not exercised, up to 5 percent of the issue, will be offered, for sale at the subscription price, to the Trustees of the Alternate Thrift Trust under the Employees Thrift Plan of Consolidated and its subsidiaries. Any shares not subscribed for by stockholders or sold to such Trustees will be sold on the open market through the New York Stock Exchange, as promptly as possible.

The proceeds from the sale of capital stock will be used in part by Consolidated to purchase shares of capital stock of its subsidiaries for cash equal to the par value thereof as follows:

East Ohio.....	22,000 shares, par value of \$50 per share.	\$11,000,000
Hope.....	125,000 shares, par value \$100 per share.	12,500,000
New York State....	20,000 shares, par value \$100 per share.	2,000,000
Peoples.....	90,000 shares, par value \$100 per share.	9,000,000
River.....	2,500 shares, par value \$100 per share.	250,000
		\$31,750,000

(b) to offer during 1959, at competitive bidding pursuant to Rule 50, \$20,000,000 principal amount of its ... percent debentures, due 1984. The proceeds from the sale of debentures will be loaned by Consolidated to four of its subsidi-

aries during 1959 on long-term non-negotiable notes with varying maturities over a period of 25 years, bearing interest at a rate which will be substantially equal to the effective cost of money on Consolidated's proposed debenture issue and in amounts as follows: East Ohio \$8,000,000; Hope \$2,500,000; New York State \$23,500,000 and Peoples \$1,500,000. The subsidiary company notes will be paid from funds generated by the withdrawal and sale of the storage gas during the oncoming heating season.

The banks from which Consolidated proposes to borrow and the amounts to be borrowed from each bank are indicated below:

Consolidated also proposes to provide four of its subsidiaries with funds to finance the seasonal purchase of gas for storage by borrowing on one or more dates during 1959, up to \$35,000,000 from various banks listed below. These loans will be repaid through the use of funds received from subsidiaries in the repayment of companion gas storage loans proposed to be made to the subsidiaries as described below.

Pursuant to separate letter agreements with the banks listed below, the above borrowings by Consolidated will be made on unsecured promissory notes maturing not more than twelve months from the date of the first borrowing under the related agreement, without any commitment fees; such borrowings will bear interest at the prime rate of The Chase Manhattan Bank in effect on the date of the first borrowing under the related agreement and may be prepaid, without premium, in whole or in part upon 10 days prior written notice.

The proceeds from the sale of the standby notes (\$45,000,000) together with other available funds (\$9,500,000) will be loaned by Consolidated to four of its subsidiaries during 1959 on notes maturing within one year from the initial borrowing, but before the maturity date of any related borrowings by Consolidated, will bear interest at the prime rate of The Chase Manhattan Bank in effect at the date of the first borrowing by each subsidiary, but not in excess of the interest paid by Consolidated on its standby construction notes, and will be in the following amounts: East Ohio \$19,000,000; Hope \$15,000,000; New York State \$7,000,000 and Peoples \$13,500,000. These notes will be paid from the proceeds of the issue and sale of capital stock and long-term notes of the subsidiaries as described above.

The proceeds from the sale of the gas storage notes will be loaned by Consolidated to four of its subsidiaries on short-term notes maturing not more than twelve months from the first borrowing by each subsidiary but before the maturity of Consolidated's related bank loan, will bear the prime interest rate

obtained by Consolidated and will be in amounts as follows: East Ohio \$8,000,000; Hope \$2,000,000; New York State \$23,500,000 and Peoples \$1,500,000. The subsidiary company notes will be paid from funds generated by the withdrawal and sale of the storage gas during the oncoming heating season.

The banks from which Consolidated proposes to borrow and the amounts to be borrowed from each bank are indicated below:

Banks	\$45,000,000 construction standby loans	\$35,000,000 gas storage loans
New York City		
The Chase Manhattan Bank	Thousands \$18,000	Thousands \$12,000
The First National City Bank of New York	4,500	2,750
Bankers Trust Company	2,500	1,500
Chemical Corn Exchange Bank	2,500	1,500
The Hanover Bank	2,500	1,500
Irving Trust Company	2,500	1,500
Manufacturers Trust Company	2,500	1,500
Guaranty Trust Company of New York	2,000	1,250
J. P. Morgan & Co. Incorporated	2,000	1,250
Omo		
Cleveland		
The National City Bank of Cleveland	1,300	2,200
Union Commerce Bank	600	1,100
Central National Bank of Cleveland	800	600
Society National Bank of Cleveland		200
Akron		
First National Bank of Akron		225
The Dime Bank		150
The Firestone Bank		150
Canton		
First National Bank of Canton, Ohio		150
The Harter Bank & Trust Company		200
The Canton National Bank		75
Youngstown		
The Mahoning National Bank of Youngstown		350
The Union National Bank of Youngstown, Ohio		150
Ashtabula		
The Farmers National Bank & Trust Co.		50
Painesville		
Lake County National Bank of Painesville		50
PENNSYLVANIA		
Pittsburgh		
Mellon National Bank and Trust Company	1,500	1,300
Peoples First National Bank & Trust Co.	1,500	1,400
The Union National Bank of Pittsburgh	300	500
Johnstown		
Johnstown Bank and Trust Company		50
United States National Bank in Johnstown		50
Altoona		
Central Trust Company		50
NEW YORK		
Syracuse		
Marine Midland Trust Co. of Central New York		400

Banks	\$45,000,000 construction standby loans	\$35,000,000 gas storage loans
New York—Continued		
<i>Elmira</i>		
Marine Midland Trust Co. of Southern New York	Thousands	Thousands \$400
WEST VIRGINIA		
<i>Clarksburg</i>		
The Empire National Bank of Clarksburg		100
The Union National Bank of Clarksburg		100
<i>Fairmont</i>		
The First National Bank in Fairmont		50
<i>Morgantown</i>		
The First National Bank in Morgantown		100
<i>Parkersburg</i>		
The Parkersburg National Bank		100
	\$45,000	35,000

Copies of the several applications of Hope, Peoples, East Ohio and River to the appropriate State commissions in West Virginia, Pennsylvania and Ohio for the requisite authorization of certain of the proposed transactions and the orders of those commissions issued in respect thereof are to 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 transactions.

The estimated fees and expenses to be incurred in connection with the proposed transactions (excepting those relating to the proposed debenture issue by Consolidated which will be supplied by amendment prior to such offering) are as follows:

Consolidated's Financing	
Securities and Exchange Commission filing fee	\$4,106
New York Stock Exchange listing fee	2,075
Federal stock issue taxes	45,990
Subscription agent—fees and expenses	55,500
Transfer agent and registrar—fees	27,800
Printing of registration statement, prospectus, warrants, stock certificates, and other documents and papers	54,850
Fees and expenses of counsel	1,500
Fees of independent accountants, Price Waterhouse & Co.	4,500
Fee of engineer, Ralph E. Davis	10,000
Miscellaneous, including advertising, postage, etc.	2,800
	209,121
Subsidiary Companies' Financing	
State taxes on increased capital stock	20,000
Federal original issue tax on increased capital stock	35,000
Total expenses	264,121

Notice is further given that any interested person, not later than May 20,

1959, may request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission 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 Commission may grant and permit to become effective the joint appli-

cation-declaration, as filed, or as it may be amended, as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act or take such other action as it deems appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-3933; Filed, May 8, 1959; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

DEFENSE MATERIALS SERVICE; REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

MARCH 31, 1959.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases ¹ during quarter		Cumulative purchases ¹ through end of quarter	
				Quantity	Amount	Quantity	Amount
<i>Public Law 806, 85d Cong.</i>							
Asbestos.....	10-1-57	Short tons, crude No. 1 and/or crude No. 2 asbestos.	1,500	0	0	1,409	\$1,762,505
		Short tons, crude No. 3.		0	0	850	340,070
Beryl.....	6-30-62	Short dry tons, Beryl Ore.	4,500	104	\$58,264	2,248	1,247,570
Columbium Tantalum.	12-31-58	Pounds, contained combined pentoxide.	15,000,000	0	0	15,567,912	60,637,262
Manganese: Butte-Phillipsburg...	6-30-58	Long ton units, recoverable manganese.	6,000,000	0	0	6,020,471	9,074,869
Deming.....	6-30-58	do.....	6,000,000	0	0	6,215,258	12,036,388
Wenden.....	6-30-58	do.....	6,000,000	0	0	6,108,316	10,743,179
Domestic Small Producers.	1-1-61	Long ton units, contained manganese.	28,000,000	1,759,048	4,631,040	23,892,591	60,938,090
Mica.....	6-30-62	Short tons, hand-cobbed mica or equivalent.	25,000	704	836,179	16,876	16,932,951
Tungsten.....	7-1-58	Short ton units, tungsten trioxide.	3,000,000	0	0	2,996,280	189,212,945
<i>Public Law 520, 79th Cong.</i>							
Chrome.....	6-30-59	Long dry tons, chrome ore and/or -chrome concentrates.	200,000	0	0	199,961	18,588,036
<i>Defense Production Act</i>							
Mercury: Domestic.....	12-31-57	Flasks, prime virgin mercury.	125,000	0	0	9,428	2,121,300
Do.....	12-31-58	do.....	30,000	2,571	586,350	17,463	3,937,050
Mexican.....	12-31-57	do.....	75,000	0	0	766	172,317
Do.....	12-31-58	do.....	20,000	1,121	252,225	2,508	570,797

¹ Quantities represent deliveries.

Dated: May 4, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-3922; Filed, May 8, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than

the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor

turnover purposes. The effective and expiration dates are indicated.

Dale Manufacturing Corp., 905 Columbus Street, Dadeville, Ala.; effective 4-27-59 to 4-26-60 (ladies' sport blouses; men's and boys' sport shirts).

Granby Manufacturing Co., Inc., Joplin, Mo.; effective 4-27-59 to 4-26-60 (cotton trousers).

Homea Fath Shirt Co., Simpsonville Branch, Simpsonville, S.C.; effective 4-27-59 to 4-26-60 (men's sport shirts).

Linn Manufacturing Co., Linn, Mo.; effective 5-1-59 to 4-30-60 (men's semidress trousers).

Monroe Trouser Manufacturing Co., Smithville, Miss.; effective 4-8-59 to 4-7-60 (replacement certificate) (men's and boys' trousers).

Putnam Manufacturing Co., Sparta Rd.; Cookeville, Tenn.; effective 5-1-59 to 4-30-60 (men's work pants).

Reliance Manufacturing Co., Magnolia Factory, Laurel, Miss.; effective 5-1-59 to 4-30-60 (men's and boys' sport shirts).

Shults Manufacturing Co., Henderson, Tenn.; effective 4-22-59 to 4-21-60 (men's work pants).

Van Buren Shirt Co., Spencer, Tenn.; effective 4-24-59 to 4-23-60 (sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Pennsylvania Brassiere Corp., Meyersdale, Pa.; effective 4-27-59 to 4-26-60; 10 learners (women's brassieres).

Pollock Dresses, Inc., 101 Schuylkill Ave., Tamaqua, Pa.; effective 4-24-59 to 4-23-60; five learners (children's dresses).

Rainbow Sportswear, Inc., 429 West Penn Street, Shenandoah, Pa.; effective 4-27-59 to 4-26-60; seven learners (ladies' dresses and sportswear).

Spooner Sportswear, Inc., 115 Elm Street, Spooner, Wis.; effective 4-23-59 to 4-22-60; 10 learners (ladies' denim and twill jeans, etc.).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Mode O'Day Corp., Plant No. 2, 146 South West Temple, Salt Lake City, Utah; effective 4-27-59 to 10-26-59; 25 learners (women's dresses).

Monroe Trouser Manufacturing Co., Smithville, Miss.; effective 4-8-59 to 10-7-59; 15 learners (replacement certificate) (men's and boys' trousers).

Stanley Manufacturing Co., Manila, Ark.; effective 4-24-59 to 10-23-59; 15 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (sport slacks, pedal-pushers, shorts, blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

The Boss Manufacturing Co., 3012 South Adams Street, Peoria, Ill.; effective 5-1-59 to 4-30-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Newton Glove Manufacturing Co., Newton, N.C.; effective 4-21-59 to 4-20-60; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton work gloves).

Hoisery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The following learner certificates were issued authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Grace Hosiery Mills, Inc., Burlington, N.C.; effective 4-24-59 to 4-23-60 (seamless).

Rockford Textile Mills, Inc., McMinnville, Tenn.; effective 4-21-59 to 4-20-60 (seamless).

Rockwood Hosiery Co., Rockwood, Tenn.; effective 5-2-59 to 5-1-60 (seamless).

Wytheville Knitting Mills, Inc., Wytheville, Va.; effective 4-22-59 to 4-21-60 (full-fashioned, seamless).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Kale Knitting Mills, Inc., Mebane, N.C.; effective 4-21-59 to 4-20-60; five learners (seamless).

Merrimac Knitting Mills, Inc., 235 Central Street, Franklin, N.H.; effective 4-26-59 to 4-25-60; five learners (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dixie Belle Textiles, Inc., Lewis Street, Gibsonville, N.C.; effective 4-27-59 to 4-26-60; five percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's knitted underwear).

Glory Knitting Mills, Inc., Robeson, Pa.; effective 4-27-59 to 4-26-60; five percent of the total number of factory production workers for normal labor turnover purposes (sweaters).

J. E. Morgan Knitting Mills, Inc., 205 Center Street, Tamaqua, Pa.; effective 4-27-59 to 4-26-60; five percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Hart Schaffner and Marx, 165 North Joliet Street, Joliet, Ill.; effective 4-22-59 to 10-21-59; five percent of the total number of factory production workers engaged in the manufacture of men's and boys' clothing for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours.

Palm Beach Co., Bourne Avenue, Somerset, Ky.; effective 4-24-59 to 10-23-59; five percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's "Palm Beach" coats).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Finrico, Inc., Cayey, P.R.; effective 4-3-59 to 4-2-60; 10 learners for normal labor turnover purposes in the occupations of machine stitching, and pressing, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (full-fashioned sweater finishing).

Northridge Knitting Mills, Inc., San German, P.R.; effective 3-26-59 to 3-25-60; 12 learners for normal labor turnover purposes in the occupations of: (1) knitting, topping, and looping, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitching (seaming and cardigan sewing), and finishing (pressing), each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (ladies' full-fashioned sweaters).

Northridge Knitting Mills, Inc., San German, P.R.; effective 3-30-59 to 9-29-59; 25 learners for plant expansion purposes in the occupations of: (1) knitting, topping, and looping, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitching (seaming and cardigan sewing), and finishing (pressing), each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (ladies' full-fashioned sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 28th day of April 1959.

MILTON BROOKE,
*Authorized Representative
of the Administrator.*

[F.R. Doc. 59-3928; Filed, May 8, 1959;
8:47 a.m.]

SMALL-BUSINESS ADMINISTRATION

Chicago Regional Office

[Delegation of Authority No. 30-VII-10
(Revision 1), Amdt. 1]

BRANCH MANAGER, DES MOINES, IOWA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-VII-10 (Revision 1), (24 F.R. 2383) is amended by:

1. Renumbering sub-sections IA 4 through 6 as 5 through 7.

2. Adding the following new sub-section IA4:

4. To execute loan authorizations for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By -----
Branch Manager.

Dated: March 24, 1959.

WILLIAM H. KELLEY,
Regional Director.

[F.R. Doc. 59-3934; Filed, May 8, 1959;
8:48 a.m.]

[Delegation of Authority No. 30-VII-5
(Revision 1), Amdt. 1]

BRANCH MANAGER, INDIANAPOLIS, INDIANA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-VII-5 (Revision 1), (23 F.R. 6540) is amended by:

1. Renumbering sub-sections IA 4 through 6 as 5 through 7.

2. Adding the following new subsection IA4:

4. To execute loan authorizations for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By -----
Branch Manager.

Dated: March 24, 1959.

WILLIAM H. KELLEY,
Regional Director.

[F.R. Doc. 59-3935; Filed, May 8, 1959;
8:48 a.m.]

[Delegation of Authority No. 30-VII-6
(Revision 1), Amdt. 1]

BRANCH MANAGER, MADISON, WISCONSIN

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-VII-6 (Revision 1) (23 F.R. 2235) is amended by:

1. Renumbering sub-sections IA 4 through 6 as 5 through 7.

2. Adding the following subsection IA4:

4. To execute loan authorizations for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By -----
Branch Manager.

Dated: March 24, 1959.

WILLIAM H. KELLEY,
Regional Director.

[F.R. Doc. 59-3936; Filed, May 8, 1959;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 6, 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. 35411: *Sand, gravel, and crushed stone in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3797), for interested rail carriers. Rates on sand, gravel, crushed stone, limestone, and related articles, carloads between points in specified states in southern territory, and from points in such States

to specified points in Illinois, Indiana, Ohio, and Virginia.

Grounds for relief: Short-line distance formula, grouping, and relief line arbitrations.

Tariff: Supplement 174 to Southern Freight Tariff Bureau tariff I.C.C. 1469.

FSA No. 35412: *Lime—Iowa and Missouri points to Keokuk, Iowa.* Filed by Western Trunk Line Committee, Agent (No. A-2059), for interested rail carriers. Rates on lime, common, hydrated, quick or slaked, in bulk, carloads from Davenport and Linwood, Iowa, Mosher and Ste. Genevieve, Mo., to Keokuk, Iowa.

Grounds for relief: Barge competition.

Tariffs: Supplement 16 to Illinois Freight Association tariff I.C.C. 723. Supplement 60 to Western Trunk Lines tariff I.C.C. A-3884.

FSA No. 35413: *Sugar, North Atlantic ports to Cincinnati, Ohio.* Filed by O. E. Schultz, Agent (ER No. 2493), for interested rail carriers. Rates on sugar, beet or cane, carloads from Albany and New York, N.Y., Baltimore, Md., Boston, Mass., Norfolk, Va., Philadelphia, Pa., and points grouped therewith to Cincinnati, Ohio.

Grounds for relief: Market competition with New Orleans, La., at Cincinnati, and port relationships at origins.

Tariffs: Supplement 17 to Trunk Line Territory tariff I.C.C. A-1087. Supplement 48 to New England Territory Railroads Tariff Bureau tariff I.C.C. 573.

FSA No. 35414: *Roofing and building materials from, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7531), for interested rail carriers. Rates on roofing and building materials and related articles, carloads between points in southwestern territory, and between points in southwestern territory, on the one hand, and points in official, southern, and western trunk-line territories, on the other.

Grounds for relief: Short-line distance formula, and maintenance of higher-level rates at intermediate points in Illinois territory, motor truck competition.

Tariffs: Supplement 46 to Southwestern Lines Freight tariff I.C.C. 4299 and three other tariffs.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-3941; Filed, May 8, 1959;
8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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

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