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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 7, Parts 53-209, Rev. Jan. 1, 1959 (\$5.50)

Title 26 (1954), Parts 1-19, Rev. Jan. 1, 1959 (\$3.25)

Titles 30-31, Rev. Jan. 1, 1959 (\$3.50)

Title 32, Parts 1-399 (\$1.50)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 7, Parts 1-50 (\$4.00); Parts 51-52 (\$2.25); Parts 900-959 (\$1.50); Part 960 to end (\$2.25); Title 8 (\$0.35); Title 9 (\$4.75); Titles 10-13 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Part 400 to end (\$1.50); Title 16 (\$1.75); Title 18 (\$0.25); Title 19 (\$0.75); Title 21 (\$1.00); Titles 22-23 (\$0.35); Title 24 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Title 26 (1954) Parts 20-221 (\$3.00); Titles 28-29 (\$1.50); Title 32, Parts 400-699 (\$1.75); 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, Parts 1-29 (\$0.70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40); Part 165 to end (\$1.00); Title 50 (\$0.75)

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

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aviation unit pursuant to orders issued by competent authority, including—

(i) periods not in excess of fifteen consecutive days each while on temporary additional duty ashore or while temporarily based ashore. (The term "temporarily based ashore" refers to a ship-based staff or a ship-based aviation unit that has been landed ashore with intent to return to a ship.)

(ii) periods during which messing or berthing facilities, or both, are temporarily out of operation to permit alterations or repairs.

(2) While in a vessel pursuant to orders issued by competent authority although based or stationed ashore, but only when such duty is eight days or more in duration in each case.

(3) While in a vessel in an inactive duty status, special status, or in a non-self-propelled vessel, but only on days when such vessel is operating at sea for a period of eight days or more in each case.

(4) While permanently assigned, pursuant to orders issued by competent authority, to a commissioned landing-craft squadron or a commissioned motor-torpedo-boat squadron which is a tactical component of an operating fleet in an active status and the craft of which are equipped with berthing and messing facilities.

(b) For the purposes of this section, and except as provided in subsection (a)(3) hereof, the word "vessel" or "ship" shall mean a self-propelled vessel in an active status, in commission or in service, and equipped with berthing and messing facilities.

Sec. 3. Except as provided in subsections 2(a) (2) and (3) hereof, no enlisted

member shall, for additional-pay purposes, be considered to be on sea duty:

(a) While on duty in a receiving ship or station ship.

(b) While on duty in a vessel which is in an inactive status.

(c) While on duty with an administrative or maintenance organization that is permanently based ashore.

Sec. 7. No enlisted member shall be entitled under this order to receive both sea-duty pay and foreign-duty pay for the same period of time; nor sea-duty

pay and credit for basic allowance for subsistence for the same period of time except periods during which messing facilities are temporarily out of operation to permit alterations or repairs and periods during which the member is on leave beyond the continental limits of the United States or in Alaska.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 20, 1959.

[F.R. Doc. 59-4367; Filed, May 20, 1959; 4:47 p.m.]

RULES AND REGULATIONS

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Entire Executive Civil Service

Effective upon publication in the FEDERAL REGISTER, paragraph (e) of § 6.101 is amended as set out below.

§ 6.101 Entire executive civil service.

* * * * *

(e) *Law clerk-trainee positions.* Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. A person may have his appointment extended not to exceed an additional period of three months pending admission to the bar provided he has actually passed the bar examination by the end of the nine-month period. No person shall be given more than one appointment under this paragraph.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-4306; Filed, May 21, 1959; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.208 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-4307; Filed, May 21, 1959; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, paragraph (k) of § 6.313 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-4308; Filed, May 21, 1959; 8:46 a.m.]

Title 6—AGRICULTURAL CREDIT

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

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

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

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Grain Sorghums Loan and Purchase Agreement Program

SUPPORT RATES

The C.C.C. Grain Price Support Bulletin 1 (23 F.R. 9651), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1959 and subsequent crop years, was supplemented by C.C.C. Grain Price Support Bulletin 1, 1959 Supplement 1, Grain Sorghums (24 F.R. 3031), containing specific requirements applicable to price support operations on the 1959 grain sorghums crop. These regulations are further supplemented as follows:

§ 421.4237 Support rates.

(a) *Basic support rates at designated terminal markets.* Basic support rates per 100 pounds for grain sorghums of the

Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per hundredweight
Omaha, Neb.	\$1.81
Council Bluffs, Iowa	1.81
Atchison, Kans.	1.90
Kansas City, Kans.	1.90
Kansas City, Mo.	1.90
St. Joseph, Mo.	1.90
Calro, Ill.	2.00
St. Louis, Mo.	2.00
Memphis, Tenn.	2.04
Corpus Christi, Tex.	2.06
Galveston, Tex.	2.06
Houston, Tex.	2.06
Port Arthur, Tex.	2.06
Baton Rouge, La.	2.06
New Orleans, La.	2.06
Los Angeles, Calif.	2.22
Oakland, Calif.	2.22
San Francisco, Calif.	2.22
Stockton, Calif.	2.22
Astoria, Oreg.	2.22
Portland, Oreg.	2.22
Longview, Wash.	2.22
Seattle, Wash.	2.22
Tacoma, Wash.	2.22
Vancouver, Wash.	2.22

(b) Basic county support rates. (1) The following basic county support rates are established per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 13 percent moisture. Both farm-storage and country warehouse-storage loans, except as otherwise provided in § 421.4233(b), will be based on the support rate established for the county in which the grain sorghums are stored.

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

ALABAMA	Rate per hundred-weight
All counties	\$1.59

ARIZONA			
County	Rate per hundred-weight	County	Rate per hundred-weight
Apache	\$1.35	Mohave	\$1.34
Cochise	1.69	Navajo	1.35
Coconino	1.35	Pima	1.80
Gila	1.30	Pinal	1.85
Graham	1.60	Santa Cruz	1.70
Greenlee	1.30	Yavapai	1.35
Maricopa	1.85	Yuma	1.88

ARKANSAS			
County	Rate per hundred-weight	County	Rate per hundred-weight
Arkansas	\$1.62	Cleveland	\$1.61
Ashley	1.56	Columbia	1.52
Baxter	1.55	Conway	1.56
Benton	1.47	Craighead	1.70
Boone	1.52	Crawford	1.50
Bradley	1.55	Crittenden	1.73
Calhoun	1.56	Cross	1.73
Carroll	1.50	Dallas	1.57
Chicot	1.56	Desha	1.60
Clark	1.56	Drew	1.58
Clay	1.66	Faulkner	1.57
Cleburne	1.65	Franklin	1.52

ARKANSAS—Continued			
County	Rate per hundred-weight	County	Rate per hundred-weight
Fulton	\$1.61	Newton	\$1.52
Garland	1.56	Ouachita	1.55
Grant	1.57	Perry	1.56
Greene	1.68	Phillips	1.60
Hempstead	1.52	Pike	1.52
Hot Spring	1.57	Polk	1.47
Howard	1.51	Poinsett	1.73
Independence	1.63	Polk	1.47
Izard	1.57	Pope	1.55
Jackson	1.66	Prairie	1.65
Jefferson	1.61	Pulaski	1.61
Johnson	1.52	Randolph	1.66
Lafayette	1.52	St. Francis	1.70
Lawrence	1.66	Saline	1.61
Lee	1.70	Scott	1.47
Lincoln	1.57	Searcy	1.52
Little River	1.51	Sebastian	1.50
Logan	1.51	Sevier	1.49
Lonoke	1.64	Sharp	1.61
Madison	1.47	Stone	1.59
Marion	1.52	Union	1.52
Miller	1.51	Van Buren	1.55
Mississippi	1.71	Washington	1.47
Monroe	1.66	White	1.66
Montgomery	1.51	Woodruff	1.67
Nevada	1.52	Yell	1.55

CALIFORNIA			
County	Rate per hundred-weight	County	Rate per hundred-weight
Alameda	\$1.99	San Benito	\$1.92
Amador	1.99	San Bernardino	1.95
Butte	1.89	San Diego	1.87
Calaveras	1.99	San Francisco	2.02
Colusa	1.91	San Joaquin	2.02
Contra Costa	1.99	San Luis	1.99
El Dorado	1.93	San Mateo	1.99
Fresno	1.91	Santa Barbara	1.86
Glenn	1.87	Santa Clara	1.98
Imperial	1.92	Santa Cruz	1.93
Inyo	1.66	Shasta	1.77
Kern	1.86	Sierra	1.66
Kings	1.90	Siskiyou	1.97
Lake	1.89	Solano	1.77
Lassen	1.60	Sonoma	1.96
Los Angeles	1.97	Stanislaus	2.00
Madera	1.94	Sutter	1.93
Marin	1.99	Tehama	1.83
Merced	1.96	Tulare	1.90
Modoc	1.66	Tuolumne	2.00
Mono	1.61	Ventura	1.96
Monterey	1.90	Yolo	1.95
Napa	1.97	Yuba	1.93
Orange	1.95		
Placer	1.95		
Plumas	1.66		
Riverside	1.90		
Sacramento	1.98		

COLORADO	
All counties	\$1.29

FLORIDA	
All counties	\$1.59

GEORGIA	
All counties	\$1.64

IDAHO	
All counties	\$1.34

ILLINOIS	
All counties	\$1.46

INDIANA	
All counties	\$1.49

IOWA			
County	Rate per hundred-weight	County	Rate per hundred-weight
Adair	\$1.53	Crawford	\$1.56
Adams	1.56	Dallas	1.50
Appanoose	1.55	Decatur	1.51
Audubon	1.55	DeWitt	1.56
Boone	1.50	Fremont	1.57
Buena Vista	1.49	Greene	1.51
Calhoun	1.51	Guthrie	1.53
Carroll	1.54	Hamilton	1.47
Cass	1.54	Harrison	1.57
Cherokee	1.49	Henry	1.47
Clarke	1.54	Humboldt	1.47

IOWA—Continued			
County	Rate per hundred-weight	County	Rate per hundred-weight
Ida	\$1.52	Pottawattamie	\$1.57
Jasper	1.48	Poweshiek	1.47
Jefferson	1.49	Ringgold	1.56
Keokuk	1.47	Sac	1.52
Lee	1.48	Shelby	1.57
Lucas	1.54	Sioux	1.47
Madison	1.52	Story	1.48
Mahaska	1.49	Taylor	1.56
Marion	1.51	Union	1.56
Mills	1.57	Van Buren	1.49
Monona	1.56	Wapello	1.51
Monroe	1.52	Warren	1.52
Montgomery	1.57	Wayne	1.56
O'Brien	1.49	Webster	1.49
Osceola	1.48	Woodbury	1.51
Page	1.56	All other counties	1.46
Plymouth	1.49		
Pocahontas	1.48		
Polk	1.50		

KANSAS			
County	Rate per hundred-weight	County	Rate per hundred-weight
Allen	\$1.52	Linn	\$1.54
Anderson	1.54	Logan	1.34
Atchison	1.56	Lyon	1.50
Barber	1.40	McPherson	1.43
Barton	1.40	Marion	1.44
Bourbon	1.54	Marshall	1.50
Brown	1.54	Meade	1.34
Butler	1.44	Miami	1.56
Chase	1.48	Mitchell	1.43
Chautauqua	1.48	Montgomery	1.50
Cherokee	1.50	Morris	1.47
Cheyenne	1.32	Morton	1.34
Clark	1.34	Nemaha	1.52
Clay	1.46	Neosho	1.52
Cloud	1.45	Ness	1.39
Coffey	1.52	Norton	1.40
Comanche	1.37	Osage	1.53
Cowley	1.44	Osborne	1.42
Crawford	1.52	Ottawa	1.44
Decatur	1.36	Pawnee	1.40
Dickinson	1.44	Phillips	1.40
Doniphan	1.53	Pottawattomi	1.51
Douglas	1.56	Pratt	1.40
Edwards	1.40	Rawlins	1.34
Elk	1.48	Reno	1.42
Ellis	1.40	Republic	1.45
Ellsworth	1.42	Rice	1.42
Finney	1.34	Riley	1.50
Ford	1.37	Rooks	1.41
Franklin	1.56	Rush	1.40
Geary	1.48	Russell	1.41
Gove	1.36	Saline	1.43
Graham	1.40	Scott	1.34
Grant	1.32	Sedgwick	1.44
Gray	1.35	Seward	1.33
Greeley	1.32	Shawnee	1.54
Greenwood	1.48	Sheridan	1.36
Hamilton	1.32	Sherman	1.32
Harper	1.42	Smith	1.42
Harvey	1.44	Stafford	1.40
Haskell	1.34	Stanton	1.30
Hodgeman	1.39	Stevens	1.31
Jackson	1.54	Sumner	1.41
Jefferson	1.56	Thomas	1.34
Jewell	1.44	Trego	1.39
Johnson	1.56	Wabaunsee	1.51
Kearny	1.32	Wallace	1.32
Kingman	1.43	Washington	1.46
Kiowa	1.40	Wichita	1.32
Labette	1.50	Wilson	1.50
Lane	1.36	Woodson	1.52
Leavenworth	1.56	Wyandotte	1.56
Lincoln	1.43		

KENTUCKY	
All counties	\$1.59

LOUISIANA	
All counties	\$1.59

MICHIGAN	
All counties	\$1.44

MINNESOTA	
All counties	\$1.39

MISSISSIPPI	
All counties	\$1.59

MISSOURI	
County	Rate per hundred-weight
Adair	1.54
Andrew	1.56
Atchison	1.56
Audrain	1.55
Barry	1.48
Barton	1.55
Bates	1.56
Benton	1.56
Bollinger	1.64
Boone	1.56
Buchanan	1.56
Butler	1.68
Caldwell	1.56
Callaway	1.54
Camden	1.48
Cape Girardeau	1.68
Carroll	1.56
Carter	1.54
Cass	1.56
Cedar	1.56
Chariton	1.56
Christian	1.53
Clark	1.52
Clay	1.56
Clinton	1.56
Cole	1.50
Cooper	1.56
Crawford	1.50
Dade	1.50
Dallas	1.49
Daviess	1.56
De Kalb	1.56
Dent	1.50
Douglas	1.48
Dunklin	1.68
Franklin	1.58
Gasconade	1.58
Gentry	1.56
Greene	1.48
Grundy	1.56
Harrison	1.56
Henry	1.56
Hickory	1.52
Holt	1.56
Howard	1.56
Howell	1.58
Iron	1.63
Jackson	1.56
Jasper	1.52
Jefferson	1.63
Johnson	1.56
Knox	1.52
Laclede	1.48
Lafayette	1.56
Lawrence	1.48
Lewis	1.52
Lincoln	1.54

NEBRASKA	
County	Rate per hundred-weight
Adams	1.43
Antelope	1.51
Arthur	1.30
Banner	1.20
Blaine	1.31
Boone	1.50
Box Butte	1.22
Boyd	1.42
Brown	1.31
Buffalo	1.38
Burt	1.57
Butler	1.55
Cass	1.55
Cedar	1.50
Chase	1.29
Cherry	1.27
Cheyenne	1.29
Clay	1.44
Colfax	1.55
Cuming	1.55
Custer	1.34
Dakota	1.51
Dawes	1.18
Dawson	1.36
Deuel	1.29
Dixon	1.51
Dodge	1.57

NEBRASKA—Continued	
County	Rate per hundred-weight
Lancaster	1.50
Lincoln	1.32
Lónan	1.31
Loup	1.36
McPherson	1.30
Madison	1.51
Merrick	1.43
Morrill	1.20
Nance	1.51
Nemaha	1.50
Nuckolls	1.44
Otoe	1.51
Pawnee	1.50
Perkins	1.30
Phelps	1.40
Pierce	1.49
Platte	1.53
Polk	1.51
Red Willow	1.36
Richardson	1.51

NEVADA
All counties----- \$1.44

NEW MEXICO
Hidalgo----- \$1.49
Luna----- 1.49
All other counties----- 1.48

NORTH CAROLINA
All counties----- \$1.64

NORTH DAKOTA
All counties----- \$1.34

OHIO
All counties----- \$1.49

OKLAHOMA	
County	Rate per hundred-weight
Adair	1.40
Alfalfa	1.40
Atoka	1.48
Beaver	1.39
Beckham	1.48
Blaine	1.48
Bryan	1.49
Caddo	1.48
Canadian	1.48
Carter	1.48
Cherokee	1.45
Choctaw	1.48
Cimarron	1.48
Cleveland	1.48
Coal	1.48
Comanche	1.48
Cotton	1.48
Craig	1.47
Creek	1.48
Custer	1.48
Delaware	1.46
Dewey	1.45
Ellis	1.40
Garfield	1.46
Garvin	1.48
Grady	1.48
Grant	1.40
Greer	1.48
Harmon	1.48
Harper	1.38
Haskell	1.40
Hughes	1.48
Jackson	1.48
Jefferson	1.48
Johnston	1.48
Kay	1.39
Kingfisher	1.48
Kiowa	1.48
Latimer	1.40

OREGON
All counties----- \$1.49

SOUTH CAROLINA
All counties----- \$1.64

SOUTH DAKOTA
All counties----- \$1.44

TENNESSEE	
County	Rate per hundred-weight
All counties	\$1.59

TEXAS	
County	Rate per hundred-weight
Anderson	1.71
Andrews	1.48
Angelina	1.76
Aransas	1.83
Archer	1.49
Armstrong	1.48
Atascosa	1.76
Austin	1.81
Bailey	1.48
Bandera	1.72
Bastrop	1.72
Baylor	1.48
Bee	1.81
Bell	1.71
Bexar	1.74
Blanco	1.69
Borden	1.48
Bosque	1.65
Bowie	1.56
Brazoria	1.83
Brazos	1.77
Brewster	1.48
Briscoe	1.48
Brooks	1.77
Brown	1.59
Burleson	1.76
Burnet	1.66
Caldwell	1.72
Calhoun	1.76
Callahan	1.53
Cameron	1.70
Camp	1.61
Carson	1.48
Cass	1.58
Castro	1.48
Chambers	1.76
Cherokee	1.72
Childress	1.48
Clay	1.53
Cochran	1.48
Coke	1.48
Coleman	1.55
Collin	1.63
Collingsworth	1.48
Colorado	1.78
Comal	1.72
Comanche	1.59
Concho	1.55
Cooke	1.54
Coryell	1.67
Cottle	1.48
Crane	1.48
Crockett	1.48
Crosby	1.48
Culberson	1.48
Dallam	1.48
Dallas	1.63
Dawson	1.48
Deaf Smith	1.48
Delta	1.56
Denton	1.63
De Witt	1.76
Dickens	1.48
Dimmit	1.65
Donley	1.48
Duval	1.79
Eastland	1.56
Ector	1.48
Edwards	1.53
Ellis	1.67
El Paso	1.48
Erath	1.58
Falls	1.72
Fannin	1.57
Fayette	1.76
Fisher	1.48
Floyd	1.48
Foard	1.48
Fort Bend	1.83
Franklin	1.61
Freestone	1.70
Frio	1.71

Rate per hundred-weight	
County	Rate per hundred-weight
Gaines	1.48
Galveston	1.84
Garza	1.48
Gillespie	1.73
Glasscock	1.48
Goliad	1.78
Gonzales	1.73
Gray	1.48
Grayson	1.57
Gregg	1.63
Grimes	1.78
Guadalupe	1.72
Hale	1.48
Hall	1.48
Hamilton	1.61
Hansford	1.48
Hardeman	1.48
Hardin	1.76
Harris	1.83
Harrison	1.61
Hartley	1.48
Haskell	1.48
Hays	1.72
Hemphill	1.48
Henderson	1.67
Hidalgo	1.70
Hill	1.68
Hockley	1.48
Hood	1.60
Hopkins	1.57
Houston	1.76
Howard	1.48
Hudspeth	1.48
Hunt	1.62
Hutchinson	1.48
Irion	1.48
Jack	1.55
Jackson	1.76
Jasper	1.75
Jeff Davis	1.48
Jefferson	1.78
Jim Hogg	1.77
Jim Wells	1.82
Johnson	1.67
Jones	1.49
Karnes	1.76
Kaufman	1.65
Kendall	1.74
Kenedy	1.81
Kent	1.48
Kerr	1.73
Kimble	1.56
King	1.48
Kinney	1.65
Kleberg	1.82
Knox	1.48
Lamar	1.55
Lamb	1.48
Lampasas	1.67
La Salle	1.69
Lavaca	1.76
Lee	1.76
Leon	1.73
Liberty	1.81
Limestone	1.72
Lipscomb	1.48
Live Oak	1.79
Llano	1.65
Loving	1.48
Lubbock	1.48
Lynn	1.48
McCulloch	1.57
McLennan	1.70
McMullen	1.77
Madison	1.77
Marion	1.61
Martin	1.48
Mason	1.59
Matagorda	1.78
Maverick	1.64
Medina	1.74
Menard	1.55

TEXAS—Continued

County	Rate per hundred-weight	County	Rate per hundred-weight
Midland	\$1.48	Saelby	\$1.70
Milam	1.75	Sherman	1.48
Mills	1.67	Smith	1.65
Mitchell	1.48	Somervell	1.61
Montague	1.52	Starr	1.69
Montgomery	1.81	Stephens	1.53
Moore	1.48	Sterling	1.48
Morris	1.61	Stonewall	1.48
Motley	1.48	Sutton	1.48
Nacogdoches	1.71	Swisher	1.48
Navarro	1.68	Tarrant	1.64
Newton	1.75	Taylor	1.51
Nolan	1.48	Terrell	1.48
Nueces	1.84	Terry	1.48
Ochiltree	1.48	Throckmorton	1.51
Oldham	1.48	Titus	1.61
Orange	1.76	Tom Green	1.48
Palo Pinto	1.56	Travis	1.72
Panola	1.65	Trinity	1.78
Parker	1.60	Tyler	1.75
Parmer	1.48	Upshur	1.63
Pecos	1.48	Upton	1.48
Polk	1.78	Uvalde	1.70
Potter	1.48	Val Verde	1.61
Presidio	1.48	Van Zandt	1.57
Rains	1.57	Victoria	1.77
Randall	1.48	Walker	1.79
Reagan	1.48	Waller	1.82
Real	1.70	Ward	1.48
Red River	1.53	Washington	1.78
Reeves	1.48	Webb	1.73
Refugio	1.78	Wharton	1.80
Roberts	1.48	Wheeler	1.48
Robertson	1.73	Wichita	1.50
Rockwall	1.63	Wilbarger	1.48
Runnels	1.53	Willacy	1.71
Rusk	1.65	Williamson	1.72
Sabine	1.70	Wilson	1.76
San Augustine	1.70	Winkler	1.48
San Jacinto	1.81	Wise	1.57
San Patricio	1.84	Wood	1.59
San Saba	1.59	Yoakum	1.48
Schleicher	1.48	Young	1.55
Scurry	1.48	Zapata	1.69
Shackelford	1.51	Zavala	1.65

UTAH

All counties-----\$1.34

VIRGINIA

All counties-----\$1.64

WASHINGTON

All counties-----\$1.49

WYOMING

All counties-----\$1.34

(c) *Discounts.* (1) The discount for grain sorghums which grade No. 3 and contain not in excess of 13 percent moisture shall be 5 cents per 100 pounds; and for grain sorghums which grade No. 4 and contain not in excess of 13 percent moisture, 10 cents per 100 pounds.

(2) Grain sorghums which grade "Smutty" shall be discounted 5 cents per 100 pounds.

(3) Grain sorghums which grade "Discolored" shall be discounted 7 cents per 100 pounds.

(4) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the classes I to IV inclusive.

(5) The discounts in this paragraph shall be cumulative.

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

secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 18th day of May 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-4339; Filed, May 21, 1959; 8:50 a.m.]

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

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Soybean Loan and Purchase Agreement Program

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

Sec.	Purpose.
421.4426	Availability of price support.
421.4427	Eligible soybeans.
421.4428	Warehouse receipts.
421.4429	Determination of quantity.
421.4430	Determination of quality.
421.4431	Maturity of loans.
421.4432	Determination of support rates.
421.4433	Warehouse charges.
421.4434	Inspection of soybeans under purchase agreements.
421.4435	Settlement.

AUTHORITY: §§ 421.4426 to 421.4436 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 203, 301, 401, 63 Stat. 1053, as amended; 15 U.S.C. 714c, 7 U.S.C. 1446d, 1447, 1421.

§ 421.4426 Purpose.

Sections 421.4426 to 421.4436 state additional specific regulations which, together with the general regulations contained in the C.C.C. Grain Price Support Bulletin 1, applicable to 1959 and subsequent crop years (§§ 421.4001 to 421.4021), apply to loans and purchase agreements under the 1959-Crop Soybean Price Support Program.

§ 421.4427 Availability of price support.

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

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

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

keeps the farm-program records for the farm.

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

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

§ 421.4428 Eligible soybeans.

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

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

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

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

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

(1) The soybeans must be soybeans of any class, grading No. 4 or better and containing not in excess of 14 percent moisture.

(2) The soybeans must not grade Garlicky or Weevily, or contain mercurial compounds or other substances poisonous to man or animals.

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

(d) Except as otherwise provided in § 421.4435(a), soybeans under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.4435(a) and the soybeans on the basis of an inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.4429 Warehouse receipts.

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

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

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show all

of the following: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) percentage of foreign material, and (7) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. In addition, for soybeans grading Nos. 3 or 4, the percentage of splits, total damage and heat damage must also be shown. In the case of soybeans delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge, if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.4434.

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

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

§ 421.4430 Determination of quantity.

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

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans. In determining the quantity of sacked soybeans by weight, a deduction of $\frac{3}{4}$ of a pound for each sack shall be made.

(c) When the quantity of soybeans is determined by measurement, a bushel

shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined shall be adjusted by the following percentages of the quantity determined for 60-pound soybeans.

For soybeans testing:	Percent
60 pounds or over.....	100
59 pounds or over, but less than 60..	98
58 pounds or over, but less than 59..	97
57 pounds or over, but less than 58..	95
56 pounds or over, but less than 57..	93
55 pounds or over, but less than 56..	92
54 pounds or over, but less than 55..	90
53 pounds or over, but less than 54..	88
52 pounds or over, but less than 53..	87
51 pounds or over, but less than 52..	85
50 pounds or over, but less than 51..	83
49 pounds or over, but less than 50..	82

§ 421.4431 Determination of quality.

The class, grade, grading factors, percentage of foreign material, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection.

§ 421.4432 Maturity of loans.

Loans mature on demand but not later than May 31, 1960.

§ 421.4433 Determination of support rates.

Basic county support rates and the schedule of premiums and discounts for soybeans will be set forth in C.C.C. Grain Price Support Bulletin 1, 1959 Supplement 2, Soybeans. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made on the basis of the support rate established for the county in which the soybeans were produced.

§ 421.4434 Warehouse charges.

(a) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing soybeans stored in warehouses operating under the Uniform Grain Storage Agreement is on or before May 31, 1960, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been pre-paid through May 31, 1960.

Amount of deduction (cents per bushel)	Date of deposit (all dates inclusive)			
	Area I ¹	Areas II and III ^{2,3}	Area IV ⁴	Area V ⁵
18				
17				
16	Prior to June 9, 1959	Prior to June 3, 1959	Prior to May 29, 1959	Prior to June 15, 1959
15	June 9-July 1, 1959	June 3-June 24, 1959	May 29-June 18, 1959	June 15-July 4, 1959
14	July 2-July 24, 1959	July 25-July 16, 1959	July 10-July 9, 1959	July 5-July 24, 1959
13	July 25-Aug. 10, 1959	July 17-Aug. 7, 1959	July 10-Aug. 30, 1959	July 25-Aug. 13, 1959
12	Aug. 17-Sept. 8, 1959	Aug. 8-Aug. 29, 1959	July 31-Aug. 20, 1959	Aug. 14-Sept. 2, 1959
11	Sept. 9-Oct. 1, 1959	Aug. 30-Sept. 20, 1959	Aug. 21-Sept. 10, 1959	Sept. 3-Sept. 22, 1959
10	Oct. 2-Oct. 24, 1959	Sept. 21-Oct. 12, 1959	Sept. 11-Oct. 1, 1959	Sept. 23-Oct. 12, 1959
9	Oct. 25-Nov. 16, 1959	Oct. 13-Nov. 3, 1959	Oct. 2-Oct. 22, 1959	Oct. 13-Nov. 1, 1959
8	Nov. 17-Dec. 9, 1959	Nov. 4-Nov. 25, 1959	Oct. 23-Nov. 12, 1959	Nov. 2-Nov. 21, 1959
7	Dec. 10, 1959-Jan. 1, 1960	Nov. 26-Dec. 17, 1959	Nov. 13-Dec. 3, 1959	Nov. 22-Dec. 11, 1959
6	Jan. 2-Jan. 24, 1960	Dec. 18, 1959-Jan. 8, 1960	Dec. 4-Dec. 24, 1959	Dec. 12-Dec. 31, 1959
5	Jan. 25-Feb. 16, 1960	Jan. 9-Jan. 30, 1960	Dec. 25, 1959-Jan. 14, 1960	Jan. 1-Jan. 20, 1960
4	Feb. 17-Mar. 11, 1960	Jan. 31-Feb. 21, 1960	Jan. 15-Feb. 4, 1960	Jan. 21-Feb. 9, 1960
3	Mar. 12-Apr. 3, 1960	Feb. 22-Mar. 15, 1960	Feb. 5-Feb. 25, 1960	Feb. 10-Mar. 1, 1960
2	Apr. 4-Apr. 26, 1960	Mar. 16-Apr. 6, 1960	Feb. 26-Mar. 18, 1960	Mar. 2-Mar. 21, 1960
1	Apr. 27-May 31, 1960	Mar. 17-Apr. 8, 1960	Mar. 19-Apr. 8, 1960	Mar. 22-Apr. 10, 1960
		Apr. 7-Apr. 28, 1960	Apr. 9-Apr. 29, 1960	Apr. 11-Apr. 30, 1960
		Apr. 29-May 31, 1960	Apr. 30-May 31, 1960	May 1-May 31, 1960

¹ Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

² Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).

³ Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).

⁴ Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.

⁵ Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through May 31, 1960, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.4435 Inspection of soybeans under purchase agreement.

(a) *Pre-delivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his soybeans stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the soybeans and obtain a sample of the soybeans and submit it for grade analysis within the 30-day period, or as soon as possible thereafter but prior to the delivery of the soybeans. If the soybeans on the basis of the pre-delivery inspection, are of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the final date of the 30-day period or the date of inspection, whichever is later. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery

instructions, unless the county office determines that more time is needed for delivery. The producer whose soybeans are stored in other than an approved warehouse and whose soybeans are not of a quality eligible for a loan at the time of the pre-delivery inspection, shall be notified in writing by the county office that his soybeans are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the soybeans, or otherwise take action to make the soybeans eligible and insists upon delivery of the soybeans, the county office shall issue delivery instructions. In such case, the producer shall be further informed that if such soybeans, upon delivery and before purchase, do not meet the eligibility requirements of § 421.4428(c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the soybeans will not be accepted for purchase by CCC. A pre-delivery inspection shall not be made on soybeans stored commingled in warehouses not approved for storage or on soybeans in an unapproved warehouse which are stored so that the identity of the producer's soybeans is maintained but a pre-delivery inspection is not possible. When a pre-delivery inspection is not made, such soybeans at the time of delivery must meet the eligibility requirements of § 421.4428(c) (1) and (2).

(b) *Inspection of soybeans stored by producer after maturity date.* The producer may be required to retain the soybeans stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the soybeans covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for soybeans which were of an eligible grade and quality at the time of the pre-delivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer

may notify the county office at any time after such 60-day period that the soybeans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the soybeans are going out of condition or are in danger of going out of condition and that the soybeans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.4436 Settlement.

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

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

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for soybeans delivered to CCC from farm storage meeting the eligibility requirements of § 421.4428(c) (1) and (2), as

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

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

(iii) *Delivery from unapproved warehouse-storage.* The county office will issue instructions on or after the loan maturity date for delivery of soybeans in a warehouse not approved for storage which are stored commingled, or which are stored so that the identity of the producer's soybeans is maintained but a predelivery inspection is not possible where the producer has properly given the county office written notice of his intent to sell such soybeans to CCC. Settlement for such soybeans delivered to CCC which meet the eligibility requirements of § 421.4428(c) (1) and (2) shall be made at the applicable support rate for the grade and quality of the quantity

eligible for delivery. Such support rate shall be the support rate for the county in which the soybeans were produced. If a predelivery inspection of the producer's soybeans can be made, the provisions of § 421.4435(a) shall apply and settlement will be the same as for soybeans delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(iv) *Soybeans ineligible for delivery inadvertently accepted by CCC.* The settlement provisions hereof shall apply to the following categories of soybeans ineligible for delivery which are inadvertently accepted by CCC and which CCC determines that it is not in a position to reject: (a) Soybeans which were of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (b) soybeans of an ineligible grade or quality which are delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (c) soybeans in other than approved warehouse storage on which a predelivery inspection was not performed, and which at the time of delivery do not meet the eligibility requirements of § 421.4428(c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible soybeans delivered as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery. If soybeans delivered are of an eligible grade and quality but are in excess of the maximum quantity stated in the purchase agreement and such soybeans are inadvertently accepted by CCC, the settlement value shall be the sales price if the soybeans are immediately sold. If the soybeans are not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

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

with the schedule of deductions for warehouse charges in § 421.4434.

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

(d) *Storage payment where CCC is unable to take delivery of soybeans stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain soybeans stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such soybeans within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the soybeans to CCC: *Provided, however,* That a storage payment shall be paid a producer whose soybeans are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the soybeans to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the following rates per bushel per day for the soybeans accepted for delivery or sale to CCC: Area I, \$0.00043; Area II, \$0.00045; Area III, \$0.00046; Area IV, \$0.00047; Area V, \$0.00049.

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

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

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

to whom payment of the proceeds shall be made.

Issued this 15th day of May 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-4340; Filed, May 21, 1959;
8:50 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research
Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE
NOTICES

Subpart—Foreign Cotton and Covers

AMENDMENT OF QUARANTINE

On April 8, 1959, notice of proposed amendment of § 319.8(a) in 7 CFR Part 319 Subpart "Foreign Cotton and Covers," as amended (7 CFR 319.8(a), 23 F.R. 7165) was published in the FEDERAL REGISTER (24 F.R. 2690). After due consideration of all relevant matters presented pursuant to the rule making and under the authority of sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 160, 162), the Administrator of the Agricultural Research Service hereby amends § 319.8(a) by deleting the proviso therein and inserting in lieu thereof the following:

§ 319.8 Notice of quarantine.

(a) * * *: *Provided*, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the restrictions shall be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this part that are less stringent than those contained in the regulations.

This amendment shall become effective June 21, 1959.

This amendment extends to any imports, provisions for relieving restrictions in specific cases heretofore applicable only to imports into Guam.

The purpose of the amendment is to provide conditions under which greater flexibility may be exercised promptly in the administration of the regulations in order to meet unanticipated and unusual situations not involving increase in risk of plant pest entry that often are encountered due to the complexities of the cotton import trade. There is no biological justification for refusing requested permits in such situations. The conditions prescribed in the permit will be adequate to safeguard against the introduction of plant pests. Each importer in-

volved will be given written notice of the less stringent conditions.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interpret or apply secs. 5, 7, 37 Stat. 316, 317, as amended; 7 U.S.C. 159, 160)

Done at Washington, D.C., this 18th day of May 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-4312; Filed, May 21, 1959;
8:47 a.m.]

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

[Amtd. 1]

PART 728—WHEAT

Subpart—Regulations Pertaining to
Farm Acreage Allotments for 1960
and Subsequent Crops of Wheat

ELIMINATION OF ANNUAL WHEAT ACREAGE IN DETERMINATION OF BASE ACREAGE

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are for the purpose of providing for the elimination from use in determining 1960 base acreages of wheat of the annual acreage of wheat for any of the years 1955, 1956, or 1957 which was eliminated from consideration or not used in the determination of base acreages for 1957, 1958, or 1959 because such annual acreage was not representative due to a change in operation resulting in a substantial change in the crop-rotation system for the farm.

ASC county committees are now in the process of compiling data and determining 1960 base acreages preparatory to the establishment of 1960 wheat acreage allotments, and the amendments herein are an integral part of the regulations for determining base acreages. Accordingly, it is hereby found and determined 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 amendments herein shall become effective upon their publication in the FEDERAL REGISTER.

1. Section 728.1017(c) (1) is amended by redesignating subdivision (iv) as subdivision (v) and adding subdivision (iv) reading as follows:

(iv) If pursuant to a determination under applicable regulations the annual acreage for any of the crop years 1955, 1956, and 1957 was eliminated or was not used in the determination of the 1957, 1958, or 1959 base acreage for the farm because such annual acreage was not representative due to a change in operation which resulted in a substantial change in the established crop-rotation system for the farm, any such year shall, if the county committee de-

termines that such year was properly so eliminated or not used, be eliminated in determining the tentative 1960 base acreage.

2. Section 728.1017(c) (2) is amended by changing the language "subparagraph (1) (i) through (iv)" to read "subparagraph (1) (i) through (v)".

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply sec. 334, 52 Stat. 53, as amended; 7 U.S.C. 1334)

Issued at Washington, D.C. this 18th day of May 1959.

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

[F.R. Doc. 59-4341; Filed, May 21, 1959;
8:50 a.m.]

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

SUBCHAPTER A—MARKETING ORDERS

PART 1021—TOMATOES GROWN IN
THE LOWER RIO GRANDE VALLEY
IN TEXAS

Rules and Regulations

Notice of rule making with respect to proposed rules and regulations to be made effective under Marketing Order No. 121 (7 CFR Part 1021; 24 F.R. 2425), regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), issued under the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), was published in the FEDERAL REGISTER May 2, 1959 (24 F.R. 3536).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than ten days after publication in the FEDERAL REGISTER. None was filed. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Texas Valley Tomato Committee, established pursuant to the aforesaid marketing order, the following rules and regulations are hereby approved to become effective upon publication in the FEDERAL REGISTER.

GENERAL

Sec. 1021.100 Communications.

DEFINITIONS

1021.110 Order.
1021.111 Terms.
1021.112 Registered handler.
1021.113 Registered repacker.

SAFEGUARDS

1021.120 Policy.
1021.121 Qualification.
1021.122 Application.
1021.123 Approval.
1021.124 Reports.
1021.125 Disqualification.

EXEMPTION PROCEDURES

1021.130 Application.
1021.131 Investigation.

Sec.

- 1021.132 Issuance.
1021.133 Disposition of certificates.
1021.134 Reports.
1021.135 Appeals.

AUTHORITY: §§ 1021.100 to 1021.135 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

GENERAL

§ 1021.100 Communications.

Unless otherwise provided in this part, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing order shall be addressed to the Texas Valley Tomato Committee at its principal office.

DEFINITIONS

§ 1021.110 Order.

"Order" means Marketing Order No. 121 (§§ 1021.1 to 1021.92; 24 F.R. 2425) regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley).

§ 1021.111 Terms.

Terms used in this subpart shall have the same meaning as when used in this part.

§ 1021.112 Registered handler.

(a) For purposes of this part, any person who operates an established tomato packing house within the production area, with facilities for grading and packing tomatoes for market, and who customarily buys tomatoes from producers for grading, packing, and marketing, may be listed by the committee as a registered handler; (b) any other person who desires to be listed as a registered handler may make application for registration on forms furnished by the committee. If the applicant has facilities available to him that are determined by the committee to be adequate for grading and packing tomatoes for market and he assumes responsibility for inspection of tomatoes handled by him, and for assessments thereon, he shall be listed by the committee as a registered handler; (c) if it is determined from the available information that the applicant is not entitled to be registered with the committee, he shall be so informed by written notice stating the reason for denial of his application; (d) any registration of a handler pursuant to this section may be canceled by the committee under circumstances which would have justified denial of his application. Any handler whose registration has been canceled shall be so informed by written notice thereof stating the reason therefor. The committee shall also notify producers of each such cancellation of handler registration through committee bulletins or published notice in local newspapers of general distribution, or both.

§ 1021.113 Registered repacker.

For purposes of this part, any handler may qualify as a registered repacker by furnishing evidence, to the committee that his repacking plant (a) is located within the production area; (b) is

equipped with ripening rooms, including mechanical equipment for properly maturing tomatoes; and (c) is regularly engaged in repacking tomatoes for market. If the applicant meets the foregoing qualifications and agrees to provide from time to time, as requested by the committee, evidence, either in the form of reports or upon inspection by committee representatives, that tomatoes grown in the production area and repacked by him were repacked from tomatoes which had previously been inspected and certified as meeting regulations issued under § 1021.52, he shall be listed by the committee as a registered repacker.

SAFEGUARDS

§ 1021.120 Policy.

Whenever shipments of tomatoes for special purposes pursuant to § 1021.54 are relieved in whole or in part from grade and size regulations issued under § 1021.52 the committee may require information and evidence as to the manner, methods, and timing of such shipments as safeguards against the entry of any such tomatoes into trade channels other than those for which intended. Such information and evidence may include the requirements set forth below with respect to Certificates of Privilege.

§ 1021.121 Qualification.

Before handling tomatoes for special purposes which do not meet regulations issued pursuant to § 1021.52, a handler must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle tomatoes; (b) agree to comply with reporting and other requirements set forth in §§ 1021.121 to 1021.125, inclusive, with respect to such shipments; and (c) receive approval of the committee, or its duly authorized agents, to so handle tomatoes. Such approval will be based upon evidence furnished in his application for a Certificate of Privilege, and other information available to the committee.

§ 1021.122 Application.

Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade; size, quality and variety of the tomatoes to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the tomatoes are to be used; and any other appropriate information or documents deemed necessary by the committee or its duly authorized agents for the purposes stated in § 1021.120.

§ 1021.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application, based upon a determination as to whether the information contained therein supports approval shall be evidenced by the issuance of a Certificate of Privilege to the applicant named

therein for a specified period of time during which, upon the basis of the committee action, the applicant may ship a specified quality and quantity of tomatoes to the designated receiver for the purpose declared.

§ 1021.124 Reports.

Each handler handling Certificates of Privilege shipments of tomatoes shall supply the committee with reports as requested by the committee or its duly authorized agents showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 1021.125 Disqualification.

The committee from time to time may conduct surveys of handling of tomatoes under Certificates of Privilege to determine whether handlers are complying with the requirements of this subpart. Whenever the committee finds that a handler is failing to comply with requirements set forth in the regulations applicable to special shipments and in the aforesaid sections, his Certificate or Certificates of Privilege shall be rescinded or denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee. Any handler who has a certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

EXEMPTION PROCEDURES

§ 1021.130 Application.

Any person applying for exemption from regulations issued pursuant to § 1021.52 shall file such application with the committee, or its duly authorized agent for such purpose, on forms furnished by the committee. Each application shall state the name and address of the applicant, the grade, size, and quality regulations from which exemption is requested; and facts demonstrating that the tomatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including the information required on producers' applications by paragraphs (a) and (b) of this section.

(a) The location and tomato acreage of the farm on which the tomatoes for which exemption is requested were grown, the location where such tomatoes are to be prepared for market, and the loading point from which such tomatoes are to be shipped if exemption is granted;

(b) Quantity (by grade, size, quality, and maturity) of tomatoes harvested from such acreage prior to date of application, and to be harvested subsequent to such date, during the remainder of the season or specific portion thereof (as may be determined pursuant to this part); an estimate of the portion of such tomatoes which can be handled

under regulations issued pursuant to § 1021.52, during the remainder of the season; and the reason why the tomatoes which cannot be handled under such regulations do not meet the requirements of such regulations.

§ 1021.131 Investigations.

The committee may authorize investigations of applications by its employees, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

§ 1021.132 Issuance.

(a) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of this part, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 1021.71: *Provided*, That a separate certificate may be issued, at the request of an applicant, for each affected field.

(b) The applicant shall be notified in writing if his request for exemption is denied.

(c) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of such committee. At least one copy of each exemption certificate issued shall be retained in the committee records. Each such certificate shall contain the name and address of the recipient, the location of all tomatoes authorized to be shipped thereunder, the quantity (by grade, size, quality and maturity) of tomatoes which will be permitted in the exempted shipments and such other information as may be deemed necessary by the committee to provide such committee, the recipient, or both, with adequate and specific information regarding such exempted tomatoes.

§ 1021.133 Disposition of certificates.

(a) Each lot of tomatoes handled under an exemption certificate shall be accompanied by such certificate, or such appropriate identifying information with respect to such certificate as the committee may require, to facilitate the administration of regulatory provisions applicable thereto.

(b) Each shipment of a lot, or portion thereof, of tomatoes covered by an exemption certificate shall be accompanied by a Federal Inspection Certificate which shall show the exemption certificate number covering the lot.

§ 1021.134 Reports.

Persons handling tomatoes under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the committee the names and addresses of the receivers of such tomatoes, the quantity shipped (by grade, size, quality and maturity), the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by such committee in order to

administer the regulatory provisions applicable thereto.

§ 1021.135 Appeals.

If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate, an appeal by such applicant may be taken to such committee in accordance with § 1021.73.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) these rules and regulations apply to the handling of tomatoes grown in the production area and the handling of the 1959 spring crop of tomatoes has begun, (2) it is necessary to place these rules and regulations in effect at the earliest possible date in order to facilitate operations under the marketing order, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of May 2, 1959 (24 F.R. 3536).

Dated May 19, 1959, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 59-4338; Filed, May 21, 1959;
8:50 a.m.]

PART 1021—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Order No. 121 (7 CFR Part 1021; 24 F.R. 2425), regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), was published in the FEDERAL REGISTER April 28, 1959 (24 F.R. 3299). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Texas Valley Tomato Committee, established pursuant to the aforesaid marketing order, it is hereby found and determined that:

§ 1021.201 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to this part (Marketing Order No. 121),

to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing order, during the fiscal period ending February 29, 1960, will amount to \$42,000.

(b) The rate of assessment to be paid by each handler, pursuant to this part shall be three cents (\$0.03) per 60-pound crate of tomatoes, or the equivalent quantity thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in this part.

It is hereby further found that good cause exists for not postponing the effective date of this document beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The rate of assessment set forth herein applies to the handling of tomatoes grown in the production area, and the handling of the 1959 spring crop of tomatoes has begun, (2) it is necessary that such rate of assessment be established at the earliest possible date in order to facilitate operations under the marketing order, and (3) notice hereof has been given by publication in the FEDERAL REGISTER of April 28, 1959 (24 F.R. 3299).

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

Dated: May 18, 1959, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 59-4311; Filed, May 21, 1959;
8:48 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Avocado Reg. 6]

PART 1067—AVOCADOS

Terms and Conditions for Importation

§ 1067.6 Avocado Regulation No. 6.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited except in accordance with the following terms and conditions:

(1) All avocados imported during the period beginning at 12:01 a.m., e.s.t., June 1, 1959, and ending at 12:01 a.m., e.s.t., April 30, 1960, shall grade not less than U.S. No. 2.

(2) During the period beginning at 12:01 a.m., e.s.t., June 1, 1959, and ending at 12:01 a.m., June 15, 1959, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(3) During the period beginning at 12:01 a.m., e.s.t., June 15, 1959, and ending at 12:01 a.m., e.s.t., June 29, 1959, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(4) During the period beginning at 12:01 a.m., e.s.t., June 29, 1959, and ending at 12:01 a.m., e.s.t., August 10, 1959, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(5) During the period beginning at 12:01 a.m., e.s.t., August 10, 1959, and ending at 12:01 a.m., e.s.t., August 25, 1959, the individual fruit in each lot of such avocados shall weigh at least 10 ounces.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight requirement for individual fruit (i) up to 10 percent, by count, of the individual fruit in each lot may weigh not to exceed 2 ounces less than the applicable minimum specified weight, but not to exceed double such tolerance shall be permitted in an individual container in a lot; and (ii) any lot of such avocados may be imported without regard to such minimum weight requirement if the exterior seed-coat is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(7) Each importation of avocados shall be made in conformance with the general regulations (Part 1060 of this chapter; 19 F.R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 of this chapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

- (1) The date and place of inspection;
- (2) The name of the shipper, or applicant;
- (3) The name of the importer (consignee);
- (4) The commodity inspected;
- (5) The quantity of the commodity covered by the certificate;
- (6) The principal identifying marks on the containers;
- (7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
- (8) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agri-

cultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section are comparable to the quality regulation currently applicable and to the maturity regulation being made applicable, prior to the effective time hereof, to shipments of avocados grown in south Florida.

(h) As used herein, the term "diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050-51.3069 of this title; 22 F.R. 6205).

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001 et seq.) because

(a) maturity restrictions are being made applicable to shipments of avocados produced in south Florida and quality restrictions are already in effect for such avocados and the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), makes such import regulation mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

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

Dated, May 19, 1959, to become effective at 12:01 a.m., e.s.t., June 1, 1959.

FLOYD F. HEDLUND,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 59-4337; Filed, May 21, 1959;
8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission SUBCHAPTER B—TRADE PRACTICE CONFERENCE RULES

[File No. 21-475]

PART 46—WORK GLOVE INDUSTRY Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Con-

gress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of May 22, 1959.

Statement by the Commission. Trade practice rules for the Work Glove Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these trade practice rules are established is composed of persons, firms, corporations or organizations engaged in the manufacture, sale or distribution of all kinds and types of gloves and mittens which are designed primarily for use in the performance of work or manual effort (such as, but not limited to, gloves which are in whole or in part of canvas, flannel, jersey, or leather composition which are used in the performance of manual labor; welders', electric linemen's, and industrial gloves and gauntlets of any composition; and surgeons' and household gloves of rubber, plastic, or other composition), as distinguished from gloves and mittens which are designed primarily for dress.

Proceedings relating to the establishment of these rules were instituted upon an application of the Work Glove Institute Inc. A general industry conference was held under Commission auspices in Chicago, Illinois, on October 10, 1958, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Chicago, Illinois, on February 27, 1959, and all matters there presented, or otherwise received in the proceeding, were considered by the Commission.

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

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

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

The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair

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

- Sec.
46.0 Definitions.
46.1 Deception (general).
46.2 Misrepresentation as to character of business.
46.3 Misrepresenting products as conforming to standard.
46.4 Guarantees, warranties, etc.
46.5 Substitution of products.
46.6 Deceptive use or imitation or simulation of trade or corporate names, trade-marks, etc.
46.7 False invoicing.
46.8 Defamation of competitors or false disparagement of their products.
46.9 Inducing breach of contract.
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46.13 Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.
46.14 Prohibited forms of trade restraints (unlawful price fixing, etc.).
46.15 Misleading price lists.
46.16 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.
46.17 Seconds, irregulars, and rejects.
46.18 Prohibited discrimination.
46.19 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 46.0 to 46.19 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 46.0 Definitions.

As used in this part the terms "industry member" and "industry products" shall have the following meaning:

(a) *Industry member.* Any person, firm, corporation or organization engaged in the manufacture, sale, offering for sale, or distribution of industry products as defined below.

(b) *Industry products.* All kinds and types of gloves and mittens which are designed primarily for use in the performance of work or manual effort (such as, but not limited to, gloves which are in whole or in part of canvas, flannel, jersey, or leather composition which are used in the performance of manual labor; welders', electric linemen's, and industrial gloves and gauntlets of any composition; and surgeons' and household gloves of rubber, plastic, or other composition), as distinguished from gloves and mittens which are designed primarily for dress.

§ 46.1 Deception (general).

(a) It is an unfair trade practice for members of the industry to offer for sale or sell any industry product under any representation, description, circumstance or condition which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers thereof, as to the type, kind, grade, quality, quantity, size, weight, cut, color, character, substance,

durability, serviceability, origin, price, terms of sale, value, preparation, production, manufacture, or distribution of such industry product or components thereof, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect.

(b) The inhibitions of this section are applicable to all forms of advertising, whether written or oral, in periodicals, on the radio or television, and to any form of marking or labeling of industry products or the packages or containers in which they may be shipped, offered for sale or sold.

NOTE 1: On October 2, 1958, the Commission adopted "Guides Against Deceptive Pricing" which appear in the October 15, 1958, issue of the FEDERAL REGISTER as a notice at pages 7965-7966 and which constitute an appendix to these rules. They supply specific guidance respecting pricing representations and are to be considered as supplementing this section.

NOTE 2: Application of the Textile Fiber Products Identification Act. Work gloves falling within the scope of the Textile Fiber Products-Identification Act shall, upon the Act's effective date (March 3, 1960), be labeled, invoiced, and advertised in accordance with the provisions of such Act and Commission regulations promulgated thereunder.

[Rule 1]

§ 46.2 Misrepresentation as to character of business.

It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise, that he is a manufacturer of industry products, or that he is the owner or operator of a factory manufacturing them, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 2]

§ 46.3 Misrepresenting products as conforming to standard.

In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 3]

§ 46.4 Guarantees, warranties, etc.

(a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(1) To represent that any industry product is guaranteed unless, in close conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are adequately and nondeceptively disclosed; or

(2) To offer or use any guarantee respecting an industry product under which the guarantor fails to observe his obligations; or

(3) To offer or use any guarantee which is otherwise deceptive or unfair.

(b) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 4]

§ 46.5 Substitution of products.

It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving purchasers, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications (in bids or otherwise) upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 5]

§ 46.6 Deceptive use or imitation or simulation of trade or corporate names, trademarks, etc.

It is an unfair trade practice for any member of the industry:

(a) To imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers; or

(b) To use any trade name, corporate name, trademark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect. [Rule 6]

§ 46.7 False invoicing.

It is an unfair trade practice for members of the industry to issue invoices, billings, or sales slips which by reason of misstatements therein or omissions therefrom have the capacity and tendency or effect of deceiving purchasers or prospective purchasers in any material respect. [Rule 7]

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

It is an unfair trade practice for any industry member:

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or

(b) To falsely disparage competitors' products as to grade, quality, or method of manufacture and distribution, or in any other respect; or

(c) To falsely disparage the business methods, selling prices, values, credit terms, policies, services, or conditions of employment, of competitors.

NOTE: Nothing in this section shall be construed as preventing the full, fair, and nondeceptive comparison, by demonstration or otherwise, of competitors' products with the products of another industry member before purchasers or prospective purchasers.

§ 46.9 Inducing breach of contract.

(a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers, or between competitors and their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 9]

§ 46.10 Enticing away employees of competitors.

It is an unfair trade practice wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided*, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 10]

§ 46.11 Consignment distribution.

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

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

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

§ 46.12 Prohibited sales below cost.

(a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable proba-

bility that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of obsolescent goods; (2) of perishable goods in respect to which deterioration is imminent; (3) made under judicial process; or (4) made in bona fide discontinuance of business in the goods concerned.

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

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 12]

§ 46.13 Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.

The practice of coercing the purchase of one or more products of the industry as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 13]

§ 46.14 Prohibited forms of trade restraints (unlawful price fixing, etc.).¹

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned

¹ The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same gen-

eral class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

§ 46.15 Misleading price lists.

It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale or distribution of industry products, to publish or circulate price lists which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect.

NOTE: Attention is directed to the Guides Against Deceptive Pricing referred to above in NOTE 1 to § 46.1.

§ 46.16 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.

It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent regular lines of industry products as "Close-Outs," "Discontinued Lines," "Special Bargains," or by words or representations of similar import, when such are not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchaser or prospective purchaser to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called bargain prices, when such is not the fact.

NOTE: Attention is directed to the Guides Against Deceptive Pricing referred to above in NOTE 2 to § 46.1.

§ 46.17 Seconds, irregulars, and rejects.

The industry products which fall below quality specifications of the manufacturer for his first quality, and which are sold and offered for sale under the same trade name or designation as his first quality, shall be marked, tagged or labeled, as "seconds," "irregulars," or "rejects," or with some other word or term of similar import, so as to prevent deception of purchasers and prospective purchasers as to the quality of such products. The mark, tag, or label shall be on or attached to the product, and

eral class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

the immediate package, if any, in which it is sold or offered for sale to consumer purchasers, and the disclosure shall be of such degree of permanency and conspicuousness as to be noticeable upon casual inspection when the product is offered for sale to consumer purchasers. A similar disclosure shall also be made on invoices, and in all advertisements relating to the product.

NOTE 1: The term "second," "irregular," or "reject" is not to be considered as an adequate disclosure of a defect in material or construction which seriously impairs the safety of an industry product. When having any such defect the product shall be conspicuously marked and described so as to disclose the nature and extent of the defect, and the limitations applicable to safe use that exist by reason of such defect. Thus a marking of "second," though proper and adequate for a cotton, with leather palm, glove designed for use while performing ordinary manual labor, when a small portion of its stitching is irregular, or the color of the leather portion thereof is not uniform, would not be proper and adequate for an electric lineman's or welder's glove having a defect which seriously impairs its efficacy in protecting the wearer during his performance of such special work.

NOTE 2: Nothing in this section is to be construed as relieving any industry member of the necessity of complying with the requirements of section 2 of the Clayton Act, as amended, as interpreted by § 46.18.

§ 46.18 Prohibited discrimination.²

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

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public

²As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

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

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

NOTE 1: *Cost justification to be based on net savings in cost of manufacture, sale or delivery.* Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this section. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

NOTE 2: *Credit or refund for returned goods.* In determining whether a price differential based on cost savings under the above proviso is warranted there shall be taken into account any portion of the goods involved which are returned by the customer-purchaser to the seller for credit or refund. See also NOTE 2 under paragraph (d) of this section.

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

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

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

NOTE 1: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows:

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

NOTE 2: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use,³ and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of such customer's purchases during the period and fails to grant a discount of the same percentage to all other customers during such period.

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether the goods sold at the lower price are classified by the industry member as "seconds," "secondary line," "rejects," or are otherwise represented by the industry member as inferior, if the goods are in fact of like grade and quality as the goods sold at the higher price.

Example No. 3. Terms of 2%/20 net 40 are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5 percent instead of a 2 percent discount when making payment to the industry member within the time prescribed.

Example No. 4. An industry member sells goods to one or more of his customers at a lower price than he charges other customers therefor, basing his justification for the price difference solely on the fact that the goods sold at the lower price bear the private brand name of customers.

Example No. 5. An industry member invoices goods to all his customers at the same price but supplies additional quantities of such goods at no extra charge to one or more, but not to all, such customers; or supplies other goods or premiums to one or more, but

³See also note under subparagraph (1) of paragraph (a) of this section.

not to all, such customers for which he makes no extra charge and which effects an actual price difference in favor of certain of his customers.

NOTE: As previously indicated, the foregoing are examples of practices to be considered violative of the prohibitions of paragraph (a) of this section when involving goods of like grade and quality and when not subject to the other exemptions, exclusions, or defenses set forth in this paragraph.

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

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

NOTE 1: Industry members giving allowances for advertising or sales promotion must, in addition to according same to all competing customers on proportionally equal terms, exercise precaution and diligence in seeing that all such allowances are used by the customers for such purpose. Customers receiving such allowances must not use same for any other purpose.

When an allowance is made ostensibly for advertising or sales promotion of products and is not in fact used for that purpose the practice may constitute a price discrimination. In such case, the party giving the allowance may violate paragraph (a) of this section and the party receiving same may violate paragraph (f) of this section.

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

(e) *Prohibited discriminatory services of facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another

purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE 1: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in NOTE 1 to subparagraph (5) of paragraph (a) of this section.

NOTE 2: Among the practices inhibited by section V of this rule is that of an industry member according to one or more customers the privilege of returning for credit or refund any or all of the goods purchased by them and failing to accord the same privilege to another or other competing customers on proportionally equal terms. In this connection see also NOTE 2 under cost justification proviso (2) (subparagraph (2) of paragraph (a) of this section.)

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

NOTE: Section 46.18 is based on the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act.

§ 46.19 Aiding or abetting use of unfair trade practices.

It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the foregoing sections.

Issued: May 19, 1959.

Promulgated by the Federal Trade Commission May 22, 1959.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-4316; Filed, May 21, 1959;
8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. 0]

PART 215—LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

Reports of Indebtedness of Executive Officers Under Revolving Personal Loan Accounts

§ 215.101 Reports of indebtedness of executive officers under revolving personal loan account.

(a) The opinion of the Board of Governors has been requested, relative to section 22(g) of the Federal Reserve Act and § 215.5 of this part, as to the type of reports which are required of executive officers of member banks who avail themselves of a form of credit described as certain revolving personal loan pro-

grams operated by a number of banks. It is assumed that the resulting indebtedness is to a bank other than the executive officer's bank.

(b) The question presented indicates that there are a number of these plans which operate under various designations although they are similar in nature and combine the revolving loan account with prearranged credit which is used by the borrower by drawing checks against the credit. When the loan account is opened, a maximum credit is agreed upon as well as the amount of monthly payments. A continuing loan credit is thus established for an indefinite period. Each monthly payment replenishes the credit and makes additional money available for the borrower's use up to the maximum amount of the credit.

(c) The above described revolving loan programs are similar to merchant's bank-financed charge plans. The Board has taken the position that if an executive officer of a member bank who has been approved for credit under such a bank-financed charge plan makes a written report to the directors of his bank within ten days after approval of such credit, stating the nature and purpose of the credit, the maximum amount thereof, and the period allowed for repayment, such report will be considered to be in compliance with the requirements of this part relating to the reporting of indebtedness to other banks, and no additional reports would be required unless the maximum amount originally approved is increased or the credit actually extended exceeds that amount.

(d) It is the opinion of the Board that similar reports with respect to revolving personal loan accounts of the kind here involved would satisfy the requirements of § 215.5.

(Sec. 11, 38 Stat. 262; 12 U.S.C. 248. Interprets or applies sec. 12, 48 Stat. 182; 12 U.S.C. 375a)

BOARD OF GOVERNORS OF
THE FEDERAL RESERVE
SYSTEM,

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-4301; Filed, May 21, 1959;
8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Certification as to Liens and Obligations

Section 292a.25 is amended to read as follows:

§ 292a.25 Certification as to liens and obligations.

Both the mortgagor and the builder who has been determined to be the eligible bidder shall certify at final endorsement of the loan for insurance that:

(a) The property covered by the mortgage is free and clear of all liens other than such mortgage; and

(b) There will not be outstanding any unpaid obligation contracted in connection with the mortgage transaction, or the purchase of the mortgaged property, or the construction of the project, except such obligations as may be approved by the Commissioner.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interprets or applies sec. 803, 69 Stat. 646, as amended; 12 U.S.C. 1748b)

Issued at Washington, D.C., May 15, 1959.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 59-4332; Filed, May 21, 1959;
8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 12—ENVELOPES

PART 21—FIRST CLASS

PART 24—THIRD CLASS

PART 27—FEDERAL GOVERNMENT MAIL AND FREE MAIL

Indefinite Suspension for Certain Minimum Size Restrictions

Suspension indefinitely of the minimum size restriction of 2¾ by 4 inches for envelopes and cards which was scheduled to become effective July 1, 1959.

I. Section 12.3 *Size*, as amended, effective July 1, 1959, by Federal Register document 57-4729 (22 F.R. 4053), is further amended, effective at once, by the addition of a sentence reading as follows: "The minimum size restriction of 2¾ by 4 inches, effective July 1 1959, is hereby suspended indefinitely."

NOTE: The corresponding Postal Manual section is 122.3.

(R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369)

II. In § 21.3 *Weight and size limitations*, paragraph (b), as amended, effective July 1, 1959, by Federal Register document 57-4729 (22 F.R. 4053), is further amended, effective at once, by the addition of a sentence reading as follows: "The minimum size restriction of 2¾ by 4 inches, effective July 1, 1959, is hereby suspended indefinitely."

NOTE: The corresponding Postal Manual section is 131.32.

(R.S. 161, as amended, 396, as amended, sec. 11, 39 Stat. 162, as amended; 5 U.S.C. 22, 369, 39 U.S.C., 223)

III. In § 24.2 *Classification*, subdivision (ii) of paragraph (b) (3), as

amended, effective July 1, 1959, by Federal Register document 57-4729 (22 F.R. 4053), and by Federal Register document 58-10523 (23 F.R. 9922), is further amended, effective at once, to read as follows:

(ii) The address side is less than 2¾ inches in width or 4 inches in length.

NOTE: The corresponding Postal Manual section is 134.22c(2).

(R.S. 161, as amended, 396, as amended, sec. 3, 65 Stat. 673, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 290a-1)

IV. In § 24.3 *Weight and size limitations*, paragraph (b), as amended, effective July 1, 1959, by Federal Register document 57-4729 (22 F.R. 4053), Federal Register document 57-10334 (22 F.R. 10111), Federal Register document 58-8131 (23 F.R. 7671), and by Federal Register document 58-10523 (23 F.R. 9922), is further amended effective at once by the addition of a sentence reading as follows: "The minimum size restriction of 2¾ by 4 inches, effective July 1, 1959, is hereby suspended indefinitely."

NOTE: The corresponding Postal Manual section is 134.32.

(R.S. 161, as amended, 396, as amended, sec. 206, 43 Stat. 1067, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 235)

V. In § 27.1 *Members of Congress*, subparagraph (2) of paragraph (e), as amended, effective July 1, 1959, by Federal Register document 57-10717 (22 F.R. 10958), is further amended effective at once, by inserting the following sentence within the parentheses at the end of the subparagraph: "The minimum size restriction of 2¾ by 4 inches, effective July 1, 1959, is hereby suspended indefinitely."

NOTE: The corresponding Postal Manual section is 137.152.

(R.S. 161, as amended, 396, as amended, secs. 5, 7, 18 Stat. 343, as amended, sec. 85, 28 Stat. 622, as amended, sec. 7, 33 Stat. 441, as amended, sec. 2, 67 Stat. 614, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 321(o), 325, 326, 327, 329)

VI. In § 27.2 *Executive and Judicial Officers*, subparagraph (2) of paragraph (e), as amended, effective July 1, 1959, by Federal Register document 57-10717 (22 F.R. 10960), is further amended, effective at once, by the addition of a sentence reading as follows: "The minimum size restriction of 2¾ by 4 inches, effective July 1, 1959, is hereby suspended indefinitely."

NOTE: The corresponding Postal Manual section is 137.252.

(R.S. 161, as amended, 396, as amended, secs. 5, 6, 19 Stat. 335, 336, as amended, secs. 301, 302, 303, 304, 305, 306, 62 Stat. 1048, 1049, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 321, 321 (1)-321(n))

[SEAL] HERBERT E. WARBURTON,
General Counsel.

The foregoing amendments are hereby adopted as the regulations of the Post Office Department.

E. O. SESSIONS,
Acting Postmaster General.

[F.R. Doc. 59-4331; Filed, May 21, 1959;
8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

[Circular 2017]

PART 71—MINERAL LANDS; OIL AND GAS, PHOSPHATE AND OIL SHALE LEASES, AND POTASH AND SODIUM PERMITS AND LEASES

PART 192—OIL AND GAS LEASES

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

Miscellaneous Amendments

On pages 7997 and 7998 of the FEDERAL REGISTER of October 16, 1958, there was published a notice of proposed rule making of proposed amendments to the regulations applicable to mineral leasing. The proposed amendments would revoke § 71.2, change §§ 71.1, 192.42(d), 200.5(a), and 200.8(d), and add a new § 192.42a. Interested parties were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments.

After careful consideration of the comments received, the proposed amendments are changed as set forth below, and in addition § 192.40, paragraph (g) (1) (i) of § 192.42, and paragraph (g) (1) (i) of § 200.8 are also amended.

The amendments of § 192.40, paragraph (g) (1) (i) of § 192.42, and paragraph (g) (1) (i) of § 200.8, the proposed revocation of § 71.2, the proposed amendments of §§ 71.1, 192.42(d), 200.5(a), and 200.8(d), as changed, and the proposed addition of § 192.42a, as changed, are hereby adopted, to take effect 30 days from publication in the FEDERAL REGISTER. Applications for oil and gas leases under 43 CFR Part 192 and applications for leases and permits under 43 CFR 200.1-200.11 must be filed in accordance with the provisions of these regulations on and after the effective date thereof, notwithstanding any conflicting instructions on the forms used for such applications. Such applications filed prior to the effective date of these regulations may be accepted whether filed in accordance with the provisions thereof or in accordance with the regulations in effect on the date of filing.

FRED A. SEATON,
Secretary of the Interior.

MAY 16, 1959.

1. Section 71.1 is amended to eliminate from that section the reference to § 71.2 and to read as follows:

§ 71.1 Mineral leasing laws and regulations applicable in Alaska.

Subject to the provisions of § 71.3, the regulations under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181, et seq.), as amended and supplemented, including the Act of February 7, 1927 (44 Stat. 1057; 30 U.S.C.

281 et seq.), contained in Parts 191 and 192 and 194 to 197, inclusive, of this chapter, shall govern the issuance of oil and gas, phosphate and oil shale leases, and potash and sodium permits and leases, in Alaska.

(Sec. 32, 41 Stat. 450; 30 U.S.C. 189)

§ 71.2 [Revocation]

2. Section 71.2 is revoked.

3. Section 192.40 is amended to read as follows:

§ 192.40 Classes and term.

All lands subject to disposition under the act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When within the known geologic structure of a producing oil or gas field, such land may be leased only by competitive bidding and in units of not exceeding 640 acres to the highest responsible qualified bidder at a royalty of not less than 12½ per cent. Leases for not to exceed 2,560 acres, except where the rule of approximation applies, entirely within an area of six miles square or within an area not exceeding six surveyed sections in length or width, may be issued for all other land subject to the act to the first qualified offeror at a royalty of 12½ per cent. All leases, except those issued as renewals of 20-year leases, will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities.

4. Paragraph (d) and paragraph (g) (1) (i) of § 192.42 are amended to read as follows:

§ 192.42 Offer to lease, and issuance of lease.

(d) Each offer must be filled in by typewriter or printed plainly in ink and signed in ink by the offeror or the offeror's duly authorized attorney in fact or agent. An offer may be made by a legal guardian or trustee in his name for the benefit of a non-alien minor or minors but an offer may not be filed by a minor. An offer may not include more than 2,560 acres except where the rule of approximation applies. The lands in the offer must be entirely within an area of six miles square or within an area not exceeding six surveyed sections in length or width. No offer may be made for less than 640 acres except where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation or such a plan which has been approved as to form by the Director of the Geological Survey, or where the land is surrounded by lands not available for leasing under the act.

(g) (1) * * *

(i) The land description does not comply with the requirements of § 192.42a or the lands are not entirely within an area of six miles square or an area of six surveyed sections in length or width.

5. A new § 192.42a is added to read as follows:

§ 192.42a Description of lands in offer.

(a) If the lands have been surveyed under the public land rectangular system, each offer must describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each offer must describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska the description of unsurveyed lands must be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (such as the U.S. Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission), if the record position thereof is available to the general public.

(b) In lease offers embracing unsurveyed public lands adjacent to tidal waters in southern Louisiana and in Alaska, if the offeror finds it impracticable to furnish a metes and bounds description, as required in paragraph (a) of this section with respect to the water boundary, he may, at his option, extend the boundary of his offer into the water a distance sufficient to permit complete enclosure of the water boundary of his offer by a series of courses and distances in cardinal directions (the object being to eliminate the necessity of describing the meanders of the water boundary of the public lands included in the offer). The description in the lease offer shall in all other respects conform to the requirements of paragraph (a) of this section. Such description would not be deemed for any purpose to describe the true water boundaries of the lease, such boundaries in all cases being the ordinary high water mark of the navigable waters. The land boundaries of such over-all area shall include only the public lands embraced in the offer. The offeror shall agree to pay rental on the full acreage included within the description with the understanding that rights under any lease to be issued on that offer will apply only to the areas within that description properly subject to lease under the act, but that the total area described will be considered as the lease acreage for purposes of rental payments, acreage limitations under § 192.3, and the maximum or minimum area to be included in a lease pursuant to § 192.42 (d). The tract should be shown in outline on a current quadrangle sheet published by the United States Geological Survey or such other map as will adequately identify the lands described.

(c) When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, all offers to lease lands shown on such protracted surveys, filed on or after such effective date, must describe the lands only according to the section, township, and range shown on the approved protracted surveys.

(d) The descriptions in leases issued pursuant to offers filed after the effective date of this section will be conformed to the subdivisions of the approved protracted surveys if and when such surveys have been adopted for the area; and the description and acreage of leases issued pursuant to offers filed after the effective date of this section will be adjusted to the official public land surveys when such surveys have been extended over the leased area.

(Sec. 32, 41 Stat. 450; 30 U.S.C. 189)

6. Paragraph (a) of § 200.5 is amended to read as follows:

§ 200.5 Supplemental information required in offers and applications for leases and permits; place of filing.

(a) Each offer or application for a lease or permit must contain (1) a statement that applicant's interest, direct or indirect, in leases, permits, or applications for similar minerals does not exceed a maximum chargeable acreage permitted to be held for that mineral in federally owned acquired lands in the same State, and (2) a complete and accurate description of the lands for which a lease or permit is desired. If the lands have been surveyed under the rectangular system of public land surveys, and the description can be conformed to such survey system, the lands must be described by legal subdivision, section, township, and range. Where the description cannot be conformed to the public land survey, any boundaries which do not so conform must be described by metes and bounds, giving courses and distances between successive angle points with appropriate ties to established survey corners. If not so surveyed and if within the area of the public land surveys¹ the lands must be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract and connected with an official corner of those surveys by courses and distances. If not so surveyed and the tract is not within the area of the public land survey,¹ it must be described in a manner consistent with the description in the deed under which it was acquired, amplified where the deed description does not supply them, to include the courses and distances between the successive angle points on the boundary of the tract, and adequately shown on a plat or map to permit its location within the administrative unit or project of which it is a part. In all cases the description should, if practicable, refer to (i) the administrative unit or project of which the land is a part, the purpose for which the land was acquired by the United States, and the name of the governmental body having jurisdiction over the land, (ii) the names of the persons who conveyed the lands to the United States, (iii) the date of such conveyance, and the place, liber and page number of its official recordation.

¹Lands "within the area of the public land surveys" are those north and west of the Ohio and Mississippi Rivers (except Texas) and in the States of Mississippi, Alabama, Florida, and Alaska.

7. Paragraph (d) and paragraph (g) (1) (i) of § 200.0 are amended to read as follows:

§ 200.8 Offer to lease and issuance of lease.

(d) Each offer must be filled in by typewriter or printed plainly in ink and signed in ink by the offerer or the offerer's duly authorized attorney in fact or agent. An offer may be made by a legal guardian or trustee in his name for the benefit of non-alien minors or in-

competents. Offers may not be filed by minors or incompetents. Each offer must describe the lands as required by § 200.5(a). An offer may not include more than 2,560 acres except where the rule of approximation applies. The lands in the offer must be entirely within an area of six miles square or within an area not exceeding six surveyed sections in length or width. If the offer is for lands in which the Government has only a future interest in the oil and gas, the offerer must file the additional showing required by § 200.7(b) and execute

the supplemental agreement required by § 200.7(c).

(g) (1) * * *

(i) The land description does not comply with the requirements of § 200.5(a) or the lands are not entirely within an area of six miles square or within an area of six surveyed sections in length or width.

(Sec. 10, 61 Stat. 915; 30 U.S.C. 359)

[F.R. Doc. 59-4302; Filed, May 21, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 195]

[Ex Parte MC-40]

HOURS OF SERVICE OF DRIVERS

Notice of Proposed Rule Making

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of May A.D. 1959.

The matter of hours of service of drivers under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing that continuing study, investigation, and experience have established facts which warrant amendment of Part 195 of the Motor Carrier Safety Regulations relating to hours of service of drivers;

It further appearing that the terms "on-duty" and "driving time" should be redefined to conform with past informal interpretations arising in the application thereof and that the definition of the term "24 consecutive hours" may be vacated in view of a proposal to amend the maximum permitted driving hours;

It further appearing that strict application of the term "week", as now defined, requires extensive on-duty computations and that "any period of 7 consecutive days" might be substituted so as to reduce the number of on-duty computations without relaxing the maximum on-duty hours;

It further appearing that the maximum driving rule now in effect should be amended to prohibit extensive time on-duty, not driving, before a driver may begin to drive a motor vehicle;

It further appearing that a single exception from maximum hours based on the type of vehicle driven should be substituted for certain of the exceptions now in effect;

It further appearing that § 195.8 now in effect needs clarification;

It further appearing that the instructions for use of the driver's daily log

need clarification and that the exemption relating to the keeping of such logs should be reconsidered;

It further appearing that new and additional specimen drivers' logs illustrating the preparation thereof may be desirable; and good cause appearing therefor:

It is ordered, That pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), notice is hereby given of the Commission's proposal to vacate and set aside §§ 195.1 *Compliance with and knowledge of regulations*, 195.2(a) *On-duty*, 195.2(b) *Driving time*, 195.2(c) *Week*, 195.2(d) *24 consecutive hours*, 195.3 *Maximum on-duty time*, 195.4 *Maximum driving time*, 195.5 *Maximum hours of service of carrier driver*, 195.7 *travel time*, and 195.8 *Driver's daily log* now in effect, and to renumber § 195.2(e) *Sleeper berth* of the Motor Carrier Safety Regulations, adopted April 14, 1952, as amended (49 CFR Part 195) (49 Stat. 546, as amended; 49 U.S.C. 304), and to substitute the following in lieu thereof and to add a new rule relating to maximum driving distance:

§ 195.1 *Compliance with and knowledge of regulations required.*

Every motor carrier and its officers, drivers, agents, employees, and representatives shall comply with the following regulations, and every motor carrier shall require that its officers, drivers, agents, employees, and representatives be conversant with this part.

§ 195.2 *Definitions.*

As used in this part, the following words and terms are construed to mean:

(a) *On-duty time.* All time from the time a driver begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work or holding himself in readiness to perform work. The term "on-duty time" shall include:

(1) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public or private property waiting to be dispatched;

(2) All time inspecting equipment as required by §§ 192.7 and 192.8 of this subchapter or otherwise inspecting, servicing, or conditioning any motor vehicle at any time;

(3) All driving time, as defined in paragraph (b) of this section;

(4) All time, other than driving time, in or upon any motor vehicle except time spent resting or sleeping in a sleeper berth as defined in paragraph (d) of this section;

(5) All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(6) All time spent performing the driver requirements of §§ 192.40 and 192.41 of this subchapter relating to accidents;

(7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle; and

(8) Performing any other work whether or not related to transportation as, or in the employ or service of, a common, contract or private motor carrier.

(b) *Driving time.* The terms "drive" and "driving time" shall include all time spent at the driving controls of a motor vehicle.

(c) *7 consecutive days.* The term "7 consecutive days" means the period of 7 consecutive days beginning at 12:01 a.m. on any day.

(d) *Sleeper berth.* The term "sleeper berth" means a berth conforming to the requirements of § 193.76 of this subchapter.

§ 195.3 *Maximum driving and on-duty time.*

(a) Except as provided in paragraph (c) of this section, no motor carrier shall permit or require any driver used by it to drive nor shall any such driver drive more than 10 hours or be on-duty more than 12 hours following his last 8 consecutive hours off-duty: *Provided, however,* That drivers using sleeper berth equipment may cumulate the aforemen-

tioned total of at least 8 hours off-duty in two periods, of at least 3 hours each, resting in a sleeper berth, as defined in § 195.2(d).

(b) No motor carrier shall permit or require any driver used by it to be on-duty, nor shall any such driver be on duty more than 60 hours in any 7 consecutive days, as defined in § 195.2(c), regardless of the number of motor carriers using the driver's services.

(c) The provisions of paragraph (a) of this section shall not apply with respect to drivers used wholly in driving motor vehicles having not more than 2 axles and whose gross weight, as defined in § 190.10 of this subchapter, does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations, § 77.823 of this chapter, or when operated without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations.

§ 195.4 Maximum driving distance.

No motor carrier shall permit or require any driver used by it to drive, nor shall any such driver drive more than 375 miles following his last 8 consecutive hours off-duty: *Provided, however,* That drivers using sleeper berth equipment may cumulate the aforementioned total of at least 8 hours off-duty in two periods of at least 3 hours each, resting in a sleeper berth, as defined in § 195.2(d).

§ 195.7 Travel time.

When a driver at the direction of the motor carrier is traveling, but not driving or assuming any other responsibility to the carrier, such time shall be counted as on-duty time unless the driver is afforded at least 8 consecutive hours off-duty when arriving at destination, in which case he shall be considered off-duty for the entire period.

§ 195.8 Driver's daily log.

(a) Except as provided in paragraph (b) of this section, every motor carrier shall require that a driver's daily log, Form BMC-59 set forth below, shall be made in duplicate by every driver used by him or it and every driver who operates a motor vehicle shall make such a log. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to preserve logs shall make both the driver and the carrier liable to prosecution. Drivers' logs shall be prepared and retained in accordance with the provisions of paragraphs (b) through (s) of this section.

(b) *Entries to be current.* Drivers shall keep the log current to the time of the last change of duty status.

(c) *Entries made by driver only.* Except that the name and principal place of business address of the carrier may be printed, all entries shall be made by the driver in his own handwriting.

(d) *Date.* Enter month, day, and year for each calendar day on or off duty.

(e) *Total mileage.* Total mileage entered shall be that mileage traveled while driving, on-duty but not driving, and resting in a sleeper berth, as defined in § 195.2(d), during the day covered by the log. Mileage while driving shall be shown separately.

(f) *Vehicle identification.* The carrier's vehicle number or numbers or the State and license number or numbers of each vehicle or unit of a combination operated during the calendar day shall be entered.

(g) *Name of carrier.* The name or names of the carrier or carriers shall be that or those for which duty is performed. When work is performed for more than one carrier on the same calendar day, the beginning and finishing time, showing a.m. or p.m., worked for each carrier shall be shown after each carrier name. Drivers of leased vehicles shall show the name of the carrier performing the transportation.

(h) *Driver's signature.* The driver shall certify to the correctness of the log by signing his first name and last name in full and his middle name or middle initial, if any. Below the driver's signature he shall list the initials and last name of each codriver.

(i) *Home terminal.* The driver's home terminal address shown shall be that at which he normally reports for duty.

(j) *Time base to be used.* The log shall be prepared, maintained, and submitted, using the time standard in effect at the driver's home terminal, for a 24-hour calendar day beginning at midnight: *Provided, however,* That if written notification is given by a carrier to the District Director of the Bureau of Motor Carriers for the district in which the carrier's principal office is located, drivers of any named terminal or terminals of the carrier may prepare logs for a 24-hour period beginning at noon of one day and ending at noon of the next succeeding day.

(k) *Line 1. Off-duty.* Except for time spent resting in a sleeper berth, a continuous line shall be drawn between the appropriate time markers to record the period or periods of time when the driver is not on-duty, not required to be in readiness to work, or is not under any responsibility for performing work.

(l) *Line 2. Sleeper berth.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time off-duty resting in a sleeper berth, as defined in § 195.2(d).

(m) *Line 3. Driving.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on-duty driving a motor vehicle, as defined in § 195.2(b).

(n) *Line 4. On-duty not driving.* A continuous line shall be drawn between the appropriate time markers to record the period or periods of time on-duty not driving specified in § 195.2(a) (1), (2), (4), (5), (6), (7), (8), or any other time

on-duty but not driving as defined in §§ 195.2(a) and 195.7.

(o) *Remarks.* The appropriate time marker and the name of the city, town, or village, with State abbreviation, or place at or near which each change of duty occurs, shall be recorded, such as the place of reporting for work, starting to drive, on-duty not driving, and where released from work. Explain the reason resulting in hours exceeding those permitted by § 195.3. Show the transportation performed each day by entering a shipping document number or numbers, or name of shipper and commodity.

(p) *Total hours.* The total hours in each duty status: Off-duty other than in a sleeper berth; off-duty in a sleeper berth; driving; and on-duty not driving shall be entered, the total of which entries shall equal 24 hours.

(q) *Origin and destination.* The name of the place where a trip begins and the final destination or furthest turn-around point shall be shown at the bottom of the log. If the trip requires more than one calendar day, the log for each day shall show the origin and final destination. If a driver departs from and returns to the same place on any day, the destination shall be indicated by entering the furthest point reached followed by the words "and return."

(r) *Filing driver's log.* The driver shall forward each day the original log to his home terminal. When the services of a driver are used by more than one carrier during any calendar day, the driver shall furnish each such carrier a copy of the log containing full and complete entries including: The entry of all duty time for the entire day; the name of each such carrier served by the driver that day; and the beginning and finishing time, showing a.m. or p.m., worked for each carrier. Motor carriers when using a driver for the first time or intermittently shall require such drivers to furnish true and accurate copies of logs covering the immediately preceding six days.

(s) *Preservation of driver's log.* Daily logs for each calendar month may be retained at the driver's home terminal until the tenth day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business, where they shall be retained for 12 months from date of receipt. The driver shall retain a copy of each daily log for 30 days and all logs for the preceding 30 days which shall be in his possession while on-duty.

(t) *Driver's log, when not required.* The requirements of this section shall not apply: (1) To any regularly employed driver who drives wholly within a radius of fifty miles of the garage or terminal at which he reports for work: *Provided,* That the motor carrier employing such driver maintains and retains for a period of one year accurate and true records showing the total number of hours the driver is on-duty per day and the time at which the driver reports for and is released from duty each day; or (2) to drivers of motor vehicles having not more than 2 axles and whose

PROPOSED RULE MAKING

gross weight, as defined in § 190.10, does not exceed 10,000 pounds, unless such vehicle is used to transport passengers or explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specifically marked or placarded under the Explosives and Other Dangerous Articles Regulations, § 77.823 of this chapter, or when operated without cargo under con-

ditions which require the vehicle to be so marked or placarded under the cited regulations.

It is further ordered, That the said matter be, and it is hereby, assigned for hearing at a time and place to be hereafter fixed;

And it is further ordered, That notice of this proposed rule modification shall be given to motor carriers, other persons

of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Federal Register Division.

By the Commission.

[SEAL] HAROLD D. MCCOY, Secretary.

SPECIMEN LOG No. 1

FORM - BMC 59 - Prescribed by the INTERSTATE COMMERCE COMMISSION Washington, D. C.

DRIVER'S DAILY LOG (One calendar day = 24 hours)

Form approved, Budget Bureau No. 60 - R253 ORIGINAL - File each day at home terminal for one year DUPLICATE - Driver retains in his possession for one month

JUNE 1, 1959 (Month, Day, Year) 270 (Total mileage today) #16 - #40 (Vehicle or State license number)

I certify these entries are true and correct:

Z. Y. X. AUTO TRANSPORTERS (Name of Carrier) John A. Doe (Driver's signature in full)

DETROIT, MICH. (Main Office Address) NEW YORK, N. Y. (Home Terminal Address)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	Total Hours
1: OFF DUTY																									9 3/4
2: SLEEPER BERTH																									
3: DRIVING																									8
4: ON DUTY (Not Driving)																									6 1/4

REMARKS: 8 1/2 1368, 1369. NEW YORK, N.Y., ELKTON, MD., BALTIMORE, MD., WASHINGTON, D.C., JESSUP, MD., BALTIMORE, MD.

ON DUTY 14 1/4 HOURS - FLAT TIRE NEAR JESSUP, MD.

Check the time and enter name of place you reported and were released from work and when and where each change of duty occurred. Explain emergencies as provided in Rule 6(c)

FROM: NEW YORK, N.Y. (Starting point or place) TO: WASHINGTON, D.C. (Destination or turn around point or place)

USE TIME STANDARD AT HOME TERMINAL

SPECIMEN LOG No. 1

This specimen log shows a driver's activities on a trip in which he left New York City with a shipment of one automobile to be delivered in Baltimore, Md., and three automobiles to be delivered in Washington, D.C.

The driver reported for duty at the carrier's New York terminal at 4:00 a.m., at which time he was given papers for the two shipments and instructions for making the trip. The vehicle combination was loaded prior to the time he reported to duty. He made a pre-trip inspection of the vehicle (§§ 192.7 and 192.8), made entries upon his driver's log to 4:45 a.m. and started driving at that time (§ 195.2(a) (1), and (2)).

At 8:30 a.m. he stopped near Elkton, Md., where he checked his chain binders and drank a cup of coffee. He then made entries upon his log to 9:15 a.m. showing this stop as "on duty not driving" (§ 195.2(a)(2)).

At 11:00 a.m. he stopped in Baltimore, Md.,

at the premises of the dealer who was to receive one of the automobiles, unloaded the shipment and obtained the dealer's signature on the delivery receipt. During this stop he ate a meal at a diner nearby. He there made entries upon his log to 11:45 a.m. showing this stop as "on duty not driving" (§ 195.2(a) (5)).

At 1:00 p.m. he stopped in Washington, D.C., at the premises of the dealer who was to receive the remaining three automobiles, unloaded the shipment and obtained the dealer's signature on the delivery receipt. He there made entries upon his log to 2:00 p.m. showing this stop as "on duty not driving" (§ 195.2(a) (5)).

At 2:45 p.m. he had a flat tire near Jessup, Md. He placed warning devices upon the highway (§ 192.26), telephoned the carrier's Baltimore shop to ask that a shop man be sent to repair the vehicle. He then waited

until the shop man had completed the repairs. He then made entries upon his log to 5:15 p.m. showing this stop as "on duty not driving" (§ 195.2(a) (7)).

At 5:45 p.m. he arrived at the carrier's Baltimore, Md., terminal and reported to the dispatcher. He was told to lay over in Baltimore that night and that his vehicle would be loaded for his return to New York. He then prepared a daily vehicle condition report (§ 196.7), completed his log for the day entering his total mileage traveled, his hours off duty, driving, and on duty not driving together with an explanation in the remarks section of the log as to the reason he had remained on duty in excess of 12 hours since his last 8 hours off duty. He shows the one-half hour period at the Baltimore terminal as "on duty not driving" (§ 195.2(a) (8)). He then forwards his log and his daily vehicle condition report to his home terminal at New York, N.Y. (§ 195.8(r)).

SPECIMEN LOG No 2

FORM - BMC 59 - Prescribed by the INTERSTATE COMMERCE COMMISSION Washington, D. C.	DRIVER'S DAILY LOG (One calendar day's 24 hours)	Form approved, Budget Bureau No. 60 - R253 ORIGINAL - File each day at home terminal for one year DUPLICATE - Driver retains in his possession for one month ILL. 4567 ILL. 7896 (Vehicle or State license number)																																																																																																																													
JUNE 1, 1959 (Month) (Day) (Year)	170 (Total mileage today)																																																																																																																														
P.D.Q. MOVERS, INC. (Name of Carrier)		I certify these entries are true and correct: <i>Frank J. Roe</i> Driver's signature in full																																																																																																																													
CHICAGO, ILL. (Main Office Address)		SPRINGFIELD, ILL. (Home Terminal Address)																																																																																																																													
1: OFF DUTY 2: SLEEPER BERTH 3: DRIVING 4: ON DUTY (Not Driving)	<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <th>MID-NIGHT</th> <th>1</th><th>2</th><th>3</th><th>4</th><th>5</th><th>6</th><th>7</th><th>8</th><th>9</th><th>10</th><th>11</th><th>NOON</th> <th>1</th><th>2</th><th>3</th><th>4</th><th>5</th><th>6</th><th>7</th><th>8</th><th>9</th><th>10</th><th>11</th> <th>Total Hours</th> </tr> <tr> <td>1: OFF DUTY</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td>12</td> </tr> <tr> <td>2: SLEEPER BERTH</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td> </tr> <tr> <td>3: DRIVING</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td>6 3/4</td> </tr> <tr> <td>4: ON DUTY (Not Driving)</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td>5 1/4</td> </tr> </table>		MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	Total Hours	1: OFF DUTY																								12	2: SLEEPER BERTH																									3: DRIVING																								6 3/4	4: ON DUTY (Not Driving)																								5 1/4
MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	Total Hours																																																																																																							
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REMARKS Bills 4800 4801 4802 BARSTOW CAL. LOS ANGELES CAL. PALMS CAL. RIVERA CAL. LOS ANGELES CAL.																																																																																																																															
Check the time and enter name of place you reported and were released from work and when and where each change of duty occurred. Explain emergencies as provided in Rule 6(c)																																																																																																																															
FROM: SPRINGFIELD, ILL. (Starting point or place)		TO: LOS ANGELES CALIF. (Destination or turn around point or place)																																																																																																																													

USE TIME STANDARD AT HOME TERMINAL

SPECIMEN LOG No. 2

This specimen log shows a driver's activities on the last day of trip lasting several days. The driver is employed by a household goods carrier located in Springfield, Ill., who is an agent of P.D.Q. Movers, Inc. of Chicago, Ill. The vehicle is owned by the agent and is leased to P.D.Q. Movers, Inc., therefore, the driver shows P.D.Q. Movers, Inc., as the carrier. The vehicle combination is assigned a company number by the agent but is not assigned a company number by P.D.Q. therefore, he shows the Illinois State tag numbers of the tractor and trailer. The trip commenced in Springfield, Ill., and the furthest point is Los Angeles, Calif., therefore, he shows origin as Springfield, Ill., and Los Angeles, Calif., as destination for each day's log throughout the trip. He originally was assigned three household goods shipments to deliver. On the day before he delivered one shipment in Las Vegas, Nev., and on this final day of his trip he delivers the remaining two shipments to Palms, Calif., and Rivera, Calif. He shows all three bills of lading numbers in the remarks section of his log for each day of the trip.

At the beginning of this day the driver was off duty in Barstow, Calif., having parked the vehicle on a lot over night. He went to the vehicle at 7:00 a.m., performed a pre-trip inspection of the vehicle (§§ 192.7 and 192.8) and obtained fuel and oil at a filling station adjacent to the parking lot. He made entries upon his driver's log to 7:30 a.m. (§ 195.2(a) (1) and (2)) and started driving at that time.

At 11:30 a.m. he arrived at the Los Angeles terminal of an agent of P.D.Q. Movers, Inc., and drove his vehicle inside the agent's lot. He reported to agent's terminal manager to ask for men to unload the two shipments he was to deliver. He waited for one half hour and then was told that helpers would be available at 1:00 p.m. He then walked to a nearby diner, leaving the vehicle at the agent's lot, ate a meal and returned to the vehicle where he met the two helpers at 1:00 p.m. He then made entries upon his log to 1:00 p.m. showing 11:30 a.m. to 12:00 noon as "on duty not driving" (§ 195.2(a)(1)), and showing 12:00 noon to 1:00 p.m. as "off duty" due to the fact that the vehicle and its cargo were under the care and custody of the carrier's agent during this time.

At 1:45 p.m. he arrived at the residence of the Palms, Calif., consignee. The two helpers performed all of the actual unloading. He collected freight charges and obtained the consignee's signature for receipt of the shipment. He then made entries upon his log to 3:00 p.m. showing this stop as "on duty not driving" (§ 195.2(a)(5)).

At 4:00 p.m. he arrived at the residence of the Rivera, Calif., consignee. The two helpers performed all of the actual unloading and this was completed in one half hour. However, the consignee had to get a check cashed before he could pay the driver the freight charges. When the consignee returned with cash he obtained the consignee's signature for receipt of the shipment. He then made

entries upon his log to 5:00 p.m. showing this stop as "on duty not driving" (§ 195.2(a)(5)).

At 5:30 p.m. while en route back to the agent's terminal with the empty vehicle he was involved in an accident with an automobile which was damaged to the extent of approximately \$250.00. He remained at the accident scene for one hour while the police conducted their investigation. He obtained information relating to the accident (§ 192.40) and performed an inspection of the vehicle (§ 196.6). He then made entries upon his log to 6:30 p.m. showing this stop as "on duty not driving" (§ 195.2(a)(6)).

At 7:00 p.m. he arrived at the Los Angeles terminal of the agent of P.D.Q. Movers, Inc. He gave to the terminal manager his statement concerning the accident and other information needed to complete a report to the Interstate Commerce Commission. He was to leave the vehicle at the agent's platform and during the night the agent would load it with shipments to be returned to the Springfield, Ill., area.

He then prepared a daily vehicle condition report (§ 196.7), completed his log for the day entering his total mileage traveled, his hours off duty, driving, and on duty not driving. He shows the period from 7:00 p.m. to 8:00 p.m. at the agent's terminal as "on duty not driving" (§ 195.2(a)(8)). He then forwards his log and his daily vehicle condition report to the home terminal at Springfield, Ill..

SPECIMEN LOG No. 3

FORM - BMC 59 - Prescribed by the INTERSTATE COMMERCE COMMISSION Washington, D. C.

DRIVER'S DAILY LOG
(One calendar day - 24 hours)

Form approved, Budget Bureau No. 60 - R253
ORIGINAL - File each day at home terminal for one year
DUPLICATE - Driver retains in his possession for one month

JUNE 1 1959 182 LA. 4657
(Month) (Day) (Year) (Total mileage today) (Vehicle or State license number)

ACE TRUCK LINES (12:01AM - 9:00A.M.)
DEUCE TRUCK LINES (9:00AM - 11:59AM)

I certify these entries are true and correct:
Carl B. Cole
(Driver's signature in full)

MEMPHIS, TENN.
NEW ORLEANS, LA.
(Main Office Address) (Home Terminal Address)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	Total Hours
1: OFF DUTY																									2 1/2
2: SLEEPER BERTH																									
3: DRIVING																									6 3/4
4: ON DUTY (Not Driving)																									9 3/4
REMARKS																									

ACE #4901V
DEUCE #14689
MC COMB MISS.
NEW ORLEANS LA.
MONROE LA.
LA PLACE LA.
AKERS LA.

ON DUTY 16 1/2 HOURS - VEHICLE PLACED "OUT OF SERVICE" BY I.C.C.
Check the time and enter name of place you reported and were released from work and when and where each change of duty occurred. Explain emergencies as provided in Rule 6(c)

FROM: **NEW ORLEANS, LA.** TO: **MEMPHIS TENN.**
(Starting point or place) (Destination or turn around point or place)

USE TIME STANDARD AT HOME TERMINAL

SPECIMEN LOG No. 3

This specimen log shows a driver's activities on a day he performs work for more than one motor carrier. The driver is employed by Ace Truck Lines and works out of that carrier's home terminal at Memphis, Tenn. On the previous day he was dispatched from Memphis with a truck load of fresh meat consigned to Quality Stores, New Orleans, La. He was instructed to report to Deuce Truck Lines after completing his delivery and to lease the vehicle to Deuce for a return shipment.

At the beginning of this day the driver was off duty in McComb, Miss., having parked his vehicle over night while he took eight hours off duty. He returned to the vehicle at 3:00 a.m., performed a pre-trip inspection (§§ 192.7 and 192.8), obtained fuel for the vehicle and refrigeration unit. He made entries upon his log to 3:30 a.m. (§ 195.2(a) (1) and (2)) making one extra copy of his log because he would be working for two carriers during this day (§ 195.8(r)), and started to drive at this time.

At 7:15 a.m. he arrived at the plant of Quality Stores in New Orleans and reported to the receiving platform. When one other vehicle already at the dock was unloaded he backed his trailer into the dock. The actual unloading was done by Quality Stores' employees. At 8:30 the unloading and count

of the freight was completed and he obtained the consignee's receipt for the shipment. He made entries upon his log to 8:30 a.m. showing this stop as "on duty not driving" (§ 195.2(a) (5)).

At 9:00 a.m. he arrived at the New Orleans terminal of Deuce Truck Lines and reported to the dispatcher on duty. He furnished Deuce with true and accurate copies of his driver's log covering the past six days, (§ 195.8(r)), a check was made to determine if Deuce had a doctor's certificate for him in its files, the vehicle was inspected by a mechanic in the Deuce shop, the vehicle was identified by means of Deuce placards and he was given instructions to go to Alpha Packing Company in New Orleans to pick up a trailer load of frozen meat to be returned to Memphis, Tenn. He then made entries upon his log to 10:00 a.m. showing this stop as "on duty not driving" (§ 195.2(a) (1) and (8)).

At 10:30 a.m. he arrived at the plant of Alpha Packing and reported to the shipping platform. He had to wait 30 minutes before he could back his trailer into the loading dock. The actual loading was done by Alpha Packing employees. At 12:15 p.m. the loading and count of the freight was completed and the driver signed for the shipment. He made entries upon his log to 12:15 p.m.

showing this stop as "on duty not driving" (§ 195.2(a) (5)).

At 12:45 p.m. he stopped at a diner near Kinner, La., for a meal. At 2:00 p.m. he was stopped at the State scales at La Place, La., where the vehicle was inspected by an I.C.C. representative. The vehicle was placed "Out of Service" by the I.C.C. inspector because of a blown brake chamber diaphragm. He then contacted a repairman who obtained a replacement diaphragm from New Orleans and made necessary repairs to the vehicle so that the "Red sticker" could be removed. He then made entries upon his log showing this stop as "on duty not driving" (§ 195.2(a) (7)).

At 6:45 he arrived at Akers, La., where he prepared a vehicle condition report (§ 196.7), completed his log for the day entering his total mileage traveled, his hours off duty, driving, on duty not driving and an explanation in the remarks section of the log as to the reason he had remained on duty in excess of 12 hours since his last 8 hours off duty. He then forwarded the original of his log, his daily vehicle condition report, the I.C.C. vehicle inspection report and the I.C.C. notice of vehicle placed out of service to Deuce Truck Lines in New Orleans, La. He also forwarded the first carbon copy of this day's log to his home terminal at Memphis, Tenn.

SPECIMEN LOG No 4

FORM - BMC 59 - Prescribed by the INTERSTATE COMMERCE COMMISSION Washington, D. C.

DRIVER'S DAILY LOG
(One calendar day = 24 hours)

Form approved, Budget Bureau No. 60 - R253
ORIGINAL - File each day at home terminal for one year
DUPLICATE - Driver retains in his possession for one month

JUNE 1, 1959 **332**
(Month) (Day) (Year) (Total mileage today)

ATLAS TRUCKING Co **JAMES E. LOE**
(Name of Carrier) (Driver's signature in full)

ST. LOUIS MO. **ST. LOUIS MO.**
(Main Office Address) (Home Terminal Address)

TRACTOR 100 - JONES 465
RILEY 15
(Vehicle or State license number)

I certify these entries are true and correct:

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	Total Hours
1: OFF DUTY																									12
2: SLEEPER BERTH																									
3: DRIVING																									10
4: ON DUTY (Not Driving)																									2

REMARKS: MANIFEST #9685 #13296, ST. LOUIS MO., AVENA ILL., W. TERRE HAUTE IND., ST. LOUIS MO.

Check the time and enter name of place you reported and were released from work and when and where each change of duty occurred. Explain emergencies as provided in Rule 6(c)

FROM: **ST. LOUIS, MO.** **W. TERRE HAUTE, IND. (AND RETURN)**
(Starting point or place) (Destination or turn around point of place)

USE TIME STANDARD AT HOME TERMINAL

SPECIMEN LOG No. 4

This specimen log shows a terminal to terminal turnaround trip approaching the maximum distance a motor vehicle can be driven in 10 hours.

The driver reported for duty at the carrier's St. Louis, Mo., terminal at 5:00 a.m. at which time he was given a manifest and related shipping papers covering the freight loaded in an interchange trailer owned by Jones Trucking Co., and was told to hook up to this trailer, pull it to the carrier's West Terre Haute, Ind., terminal and bring back another trailer.

He hooked his assigned company tractor onto the interchange trailer, made a pre-trip inspection of the vehicle (§§ 192.7 and 192.8), made entries upon his log to 5:30 a.m. (§ 195.2(a) (1) and (2)), and started driving at that time.

At 8:00 a.m. he stopped near Avena, Ill., at a diner for coffee. He then made entries upon his log to 8:30 a.m. showing this stop "on duty not driving."

At 10:45 a.m. he arrived at the West Terre Haute terminal, gave the manifest and bills to the dispatcher, prepared a daily vehicle condition report concerning the interchange trailer which was to be dropped at the terminal (§ 196.7), which he turned in at this time. He was told that by 1:00 p.m. another loaded interchange trailer owned by Riley Express would be hooked up to his assigned company tractor. He then went to a diner where he ate lunch and reported back to the dispatch office at 1:00 p.m. at which time he made a pre-trip inspection of the vehicle (§§ 192.7 and 192.8). He made entries upon his log to 1:15 p.m. showing "on duty not driving" from 10:45 to 11:15 (§ 192.2(a) (1)), "off duty" from 11:15 a.m. to 1:00 p.m. (he had left the vehicle at the carrier's terminal), "on duty not driving" from 1:00 p.m. to 1:15

p.m. (§ 195.2(a) (1) and (2)), and started driving his return trip at this time.

At 6:30 p.m. he arrived at the carrier's terminal, parked the vehicle combination, gave the manifest and bills to the dispatcher. He prepared daily vehicle condition reports (§ 196.7), completed his log for the day entering his total mileage traveled, his hours off duty, driving, and on duty not driving. He entered the carrier's company number for the tractor he drove on both segments of his turnaround trip and the name of the carrier and the company numbers of both of the interchange trailers he pulled during the day. He entered (and return) in the origin-destination portion of the log because he had performed a turnaround. He shows his ¼ hour at the terminal at the end of his trip "on duty not driving" (§ 195.2(a) (8)). He then gives his log and his daily vehicle condition report to the dispatcher and goes off duty.

[F.R. Doc. 59-4237; Filed, May 21, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

COTTON STANDARDS

Notice of Proposed Revision

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Agricultural Marketing Service is con-

sidering revisions in the Official Cotton Standards of the United States for the grade of American Upland Cotton (7 CFR 28.401-28.427), also termed "Universal Standards for American Cotton," pursuant to authority contained in section 10 of the United States Cotton Standards Act, as amended (42 Stat. 1519; 7 U.S.C. 61) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. 4854).

The proposed revisions as outlined herein will be considered at the Universal Cotton Standards Conference to be held at the United States Department of Agriculture, Washington, D.C., May 25-27. The 14 foreign cotton signatory associations to the Universal Cotton Standards Agreement will have representatives at this conference. In addition, cotton industry associations in the United States have been invited to send representatives to participate in the work of the conference.

Most of the proposed revisions have been offered by the foreign signatory associations to the Universal Cotton Standards Agreement or by cotton industry associations in the United States. Others are being suggested by the Agricultural Marketing Service.

The proposed revisions are as follows:

1. To change the present official descriptive standards for spotted cotton in the grades Strict Middling Spotted, Middling Spotted, Strict Low Middling Spotted, and Low Middling Spotted to

[7 CFR Part 51]

UNITED STATES STANDARDS FOR
SWEETPOTATOES FOR CANNING¹

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 Sweetpotatoes for Canning (§§ 51.1660-51.1671) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

The proposed revision would eliminate U.S. No. 2 grade from the present standards; change the requirements of the U.S. No. 1 grade so as to meet current processing practices; and class as culls any potatoes not meeting the requirements of the No. 1 grade. Minor changes are included for clarification where required.

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 May 30, 1959.

The proposed standards, as revised, are as follows:

Sec.	GRADE
51.1660	U.S. No. 1.
51.1661	CULLS
	APPLICATION OF STANDARDS
51.1662	Application of standards.
	DEFINITIONS
51.1663	Similar type.
51.1664	Reasonably firm.
51.1665	Fairly well shaped.
51.1666	Fairly well colored.
51.1667	Damage.
51.1668	Usable piece.
51.1669	Cull material.
51.1670	Diameter.
51.1671	Length.

AUTHORITY: §§ 51.1660 to 51.1671 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GRADE

§ 51.1660 U.S. No. 1.

"U.S. No. 1" consists of sweetpotatoes of similar type which are reasonably firm, fairly well shaped, fairly well colored and which are free from soft rot, black rot, freezing injury, scald, cork or other internal discoloration, cull material and which are free from damage caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, stringiness, sunburn, insects, mechanical or other means.

(a) Unless otherwise specified, the diameter of each sweetpotato or usable

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.

piece shall be not less than 1 inch nor more than 2¼ inches, and the length shall be not less than 2 inches nor more than 7 inches.

(b) *Tolerances for off-size:* 15 percent, by weight, for sweetpotatoes in any lot which fail to meet the length and diameter requirements, including therein not more than the following amounts:

(1) 3 percent for sweetpotatoes which are smaller than the specified minimum diameter;

(2) 10 percent for sweetpotatoes which are larger than the specified maximum diameter;

(3) 5 percent for sweetpotatoes which are shorter than the specified minimum length; and,

(4) 10 percent for sweetpotatoes which are longer than the specified maximum length.

CULLS

§ 51.1661 Culls.

"Culls" consist of sweetpotatoes which fail to meet the requirements of the foregoing grade other than for size.

APPLICATION OF STANDARDS

§ 51.1662 Application of standards.

In the application of this grade to determine the percentage of the lot which meets the requirements of the U.S. No. 1 grade, tolerances shall not apply, except for size. (See § 51.1660(b).)

(a) *Tolerances.* When a lot of sweetpotatoes is required to meet the U.S. No. 1 grade, the following tolerances, by weight, shall apply:

(1) *For defects.* 10 percent for sweetpotatoes which fail to meet the requirements of the grade other than for off-size and cull material: *Provided*, That not more than one-fifth of this amount, or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot; and,

(2) *For cull material.* 5 percent.

DEFINITIONS

§ 51.1663 Similar type.

"Similar type" means that each sweetpotato has the same character of flesh and the same general color of flesh as other sweetpotatoes in the lot. For example, dry type and moist type shall not be mixed, and white-fleshed and yellow or orange-fleshed varieties shall not be mixed.

§ 51.1664 Reasonably firm.

"Reasonably firm" means that the sweetpotato is not soft, flabby or more than slightly shriveled.

§ 51.1665 Fairly well shaped.

"Fairly well shaped" means that the sweetpotato is not so curved, crooked, grooved, constricted, flattened or otherwise misshapen that one or more usable pieces cannot be obtained from the potato.

§ 51.1666 Fairly well colored.

"Fairly well colored" means that sweetpotatoes of the white-fleshed varieties shall be no lighter in color than a light straw color, and that yellow or orange-fleshed varieties shall be no

physical form standards (boxes of samples). Proposed physical standards for these grades of spotted cotton will be displayed at the conference.

2. To consider establishment of official descriptive standards for light spotted cotton in grades Good Middling Light Spotted, Strict Middling Light Spotted, Middling Light Spotted, Strict Low Middling Light Spotted, and Low Middling Light Spotted.

3. To consider establishment of a physical form standard for Strict Good Ordinary Spotted cotton.

4. To consider establishing an official definition for below grade cotton which is lower in grade than cotton represented or defined in the official standards.

5. To consider changing the term "Universal Standards for American Cotton" in § 28.427 to "Universal Standards for United States Upland Cotton."

6. To consider changing § 28.426 or the rule for averaging factors of grade of cotton when such factors do not match a single standard, to provide that the grade for color and for leaf be designated separately.

7. To consider revising the present descriptive standards for gray cotton, §§ 28.422 to 28.425.

8. To consider establishing official descriptive standards for the long recognized split grade descriptions of plus used with the white grades Middling through Good Ordinary and of light gray used with the grades Good Middling Gray through Strict Low Middling Gray.

9. To consider findings of the Agricultural Marketing Service with respect to surveys of the 1957 and 1958 crops. A set of grade survey boxes will be displayed at the conference which are considered more representative of these crops than the present Universal Standards. The 1959 Universal Cotton Standards Conference may want to consider a general revision of the standards on the basis of these crop surveys and grade survey boxes.

It is proposed that any new or revised standards adopted will become effective July 1, 1960.

Interested persons and associations that will be represented at the 1959 Universal Cotton Standards Conference may present data, views, or arguments concerning the proposed revisions orally or in writing at the conference. Any interested person may attend the May 27 session or any other session of the conference at which proposed revisions of the standards will be discussed and may examine the proposed physical standards. Written data, reviews, or arguments may also be submitted by interested persons by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than June 1, 1959.

Done at Washington, D.C., this 19th day of May 1959.

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

lighter in color than, a light salmon-orange color.

§ 51.1667 Damage.

"Damage" means any defect which materially affects the canning quality, and which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent of the total weight of the sweetpotato, excluding peel covering the defective area.

§ 51.1668 Usable piece.

"Usable piece" means a portion of the sweetpotato which meets the requirement of the specified minimum length, and which when processed will have essentially the appearance of a whole sweetpotato.

§ 51.1669 Cull material.

"Cull material" means pieces other than usable pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter.

§ 51.1670 Diameter.

"Diameter" means the greatest dimension of the sweetpotato, or usable piece, measured at right angles to the longitudinal axis.

§ 51.1671 Length.

"Length" means the dimension of the sweetpotato, or usable piece, measured in a straight line between points at or near each end of the sweetpotato where it is at least five-eighths inch in diameter.

Dated: May 19, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F.R. Doc. 59-4333; Filed, May 21, 1959;
8:49 a.m.]

17 CFR Part 51 I

UNITED STATES STANDARDS FOR BERMUDA-GRANEX TYPE ONIONS¹

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Bermuda-Granex Type Onions pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627). If made effective, these standards will supersede United States Standards for Bermuda Onions which have been in effect since May 29, 1937.

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

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.

Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than July 1, 1959.

The proposed standards are as follows:

GRADES	
Sec.	
51.3195	U.S. No. 1.
51.3196	U.S. Combination.
51.3197	U.S. No. 2.
UNCLASSIFIED	
51.3198	Unclassified.
SIZE	
51.3199	Size.
APPLICATION OF TOLERANCES	
51.3200	Application of tolerances.
DEFINITIONS	
51.3201	Similar varietal characteristics.
51.3202	Mature.
51.3203	Fairly well shaped.
51.3204	Wet sunscald.
51.3205	Doubles.
51.3206	Bottlenecks.
51.3207	Damage.
51.3208	Serious damage.
51.3209	Diameter.

Authority: §§ 51.3195 to 51.3209 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GRADES

§ 51.3195 U.S. No. 1.

"U.S. No. 1" consists of onions of similar varietal characteristics which are mature, fairly well shaped and free from decay, wet sunscald, doubles and bottlenecks and free from damage caused by seedstems, splits, moisture, roots, dry sunscald, sunburn, sprouting, staining, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.3199.)

(a) In order to allow for variations, other than size, incident to proper grading and handling, not more than 10 percent, by weight, of the onions in any lot may fail to meet the requirements of the grade, including therein not more than 2 percent for onions which are affected by decay or wet sunscald.

§ 51.3196 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 onions: *Provided*, That, at least 50 percent, by weight, of the onions in each lot meet the requirements of U.S. No. 1 grade. (See § 51.3199.)

(a) In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the onions in any lot may fail to meet the requirements of the U.S. No. 2 grade, but not more than one-fifth of this amount, or 2 percent, shall be allowed for onions which are affected by decay or wet sunscald.

(b) Individual containers may have not more than 10 percentage points less than the percentage of U.S. No. 1 quality specified: *Provided*, That the entire lot averages within the percentage specified.

§ 51.3197 U.S. No. 2.

"U.S. No. 2" consists of onions of similar varietal characteristics which are not soft or spongy and which are free from

decay, wet sunscald and bottlenecks and free from serious damage caused by seedstems, dry sunscald, sprouting, staining, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.3199.)

(a) In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the onions in any lot may fail to meet the requirements of the grade, including therein not more than 2 percent for onions which are affected by decay or wet sunscald.

UNCLASSIFIED

§ 51.3198 Unclassified.

"Unclassified" consists of onions which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE

§ 51.3199 Size.

(a) Size shall be specified in connection with the grade in terms of minimum diameter, range in diameter, minimum diameter with a percentage of a certain size and larger, or in accordance with one of the size classifications listed below: *Provided*, That, unless otherwise specified, onions shall meet the requirements of medium:

(1) Small shall be from 1 to 2¼ inches in diameter;

(2) Medium shall be from 2 to 3¼ inches in diameter; and,

(3) Large shall be 3 inches and larger in diameter with not less than 10 percent over 3½ inches.

(b) Tolerances for size: In order to allow for variations incident to proper sizing, not more than 5 percent, by weight, of the onions in any lot may be smaller than the minimum diameter specified. In addition, not more than 10 percent, by weight, of the onions in any lot may be larger than the maximum diameter specified. When a percentage of the onions is specified to be of a certain size and larger, individual packages containing more than 10 pounds shall have not less than one-half of the percentage specified.

APPLICATION OF TOLERANCES

§ 51.3200 Application of tolerances.

(a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package; and,

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided*, That not more than one-tenth of the packages may have more than one onion or more than 4 percent of the onions (whichever is the larger amount) affected by decay or wet sunscald.

DEFINITIONS

§ 51.3201 Similar varietal characteristics.

"Similar varietal characteristics" means that the onions in any container are similar in color, shape and character of growth.

§ 51.3202 Mature.

"Mature" means that the onion is fairly well cured, and at least fairly firm.

§ 51.3203 Fairly well shaped.

"Fairly well shaped" means that the onion shows the characteristic shape, not appreciably three, four or five-sided, thick necked or badly pinched.

§ 51.3204 Wet sunscald.

"Wet sunscald" means any sunscald which is soft, mushy or wet.

§ 51.3205 Doubles.

"Doubles" means onions which have developed more than one distinct bulb joined only at the base.

§ 51.3206 Bottlenecks.

"Bottlenecks" means onions which have abnormally thick necks with only fairly well developed bulbs.

§ 51.3207 Damage.

"Damage", unless otherwise specifically defined in this section, means any defect which materially affects the appearance, or the edible or shipping quality of the onions. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Seedstems which are tough or woody, or which are more than one-fourth inch in diameter;

(b) Splits when well cured onions are not practically covered by an outer scale, or when fairly well cured onions are not completely covered by one outer scale;

(c) Dry sunscald when the injury is more than slight and is readily apparent without peeling the onion;

(d) Sunburn when dark green in color and affecting an area equivalent to that of a circle 1 inch in diameter on an onion $2\frac{3}{4}$ inches in diameter or correspondingly smaller or larger areas on smaller or larger onions, or when medium to light green in color and affecting more than 10 percent of the surface of the onion;

(e) Sprouting when any sprout is visible, or when concealed within the neck scales and are more than three-fourths inch in length;

(f) Staining, dirt or other foreign material when the onions in any lot are affected in appearance to a more serious degree than of a lot of yellow onions having 15 percent appreciably stained and 5 percent badly stained, or a lot of white onions having 10 percent ap-

preciably stained and 5 percent badly stained:

(1) "Appreciably stained" means that there is sufficient staining or discoloration caused by weathering or other means to materially affect the appearance of the individual onion; and,

(2) "Badly stained" means that there is sufficient staining caused by weathering or other means to seriously affect the appearance of the individual onion; and,

(g) Mechanical when any cut extends deeper than one fleshy scale, or when any bruise breaks a fleshy scale.

§ 51.3208 Serious damage.

"Serious damage", unless otherwise specifically defined in this section, means any defect which seriously affects the appearance, or the edible or shipping quality of the onions. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Seedstems when more than one-half inch in diameter;

(b) Dry sunscald when extending deeper than one fleshy scale, or when affecting an area equivalent to that of a circle 1 inch in diameter on an onion $2\frac{3}{4}$ inches in diameter, or correspondingly lesser or greater areas on smaller or larger onions;

(c) Sprouting when any visible sprout is more than one-half inch in length;

(d) Staining, dirt or other foreign material when the onions in any lot are affected in appearance to a more serious degree than that of a lot of onions having 25 percent badly stained:

(1) "Badly stained" means that there is sufficient staining caused by weathering or other means to seriously affect the appearance of the individual onion; and,

(e) Mechanical when any cut extends deeper than two fleshy scales, or when cuts seriously damage the appearance of the onion.

§ 51.3209 Diameter.

"Diameter" means the greatest dimension of the onion at right angles to a line running from the stem to the root.

Dated: May 19, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-4334; Filed, May 21, 1959;
8:49 a.m.]

[7 CFR Part 1023]

[Docket No. AO-295-A1]

MILK IN DES MOINES, IOWA, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby

given of a public hearing to be held in the Hotel Fort Des Moines, Des Moines, Iowa, beginning at 10 a.m., 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 Des Moines, Iowa, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency 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 proposed amendments set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Des Moines Cooperative Dairy:

Proposal No. 1. Discontinue the use of the Chicago order supply-demand ratio as a factor in determining the Des Moines order Class I price.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. 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, P.O. Box 834, Des Moines, Iowa, 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 19th day of May 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-4336; Filed, May 21, 1959;
8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 12867]

AVIATION SERVICES; AUTHORIZATION OF NON-TYPE-ACCEPTED TRANSMITTERS

Order Extending Time for Filing Comments

In the matter of amendment of § 9.187 Part 9 Aviation Services, to provide, under certain circumstances, for the authorization of non-type-accepted transmitters.

1. The Commission has before it for consideration a petition of Aeronautical Radio, Inc., filed on May 13, 1959, requesting an extension of time from May 19, 1959 to June 19, 1959 for the filing of comments in the above-entitled proceeding.

2. In support of its request, the petitioner states that the airline industry has followed the practice in communication matters, and particularly with respect to FCC Rule Making, of effecting

industry-wide coordination in the development of its position through ARINC and the Air Transport Association. It is urged that the additional time requested is needed to afford ARINC sufficient time to circulate the Notice of Proposed Rule Making with appropriate comments, receive the airline views, coordinate a common expression of views and then prepare in appropriate form and forward to the FCC.

3. The Commission is of the view that an extension of time for the filing of

comments in the above-entitled proceeding would serve the public interest, convenience, and necessity and is warranted. We believe, however, in view of the fact that type-acceptance has been before the public, previously, in Docket 11619, that the necessary information can be submitted by May 29, 1959, and that it is not necessary to extend the time for filing comments beyond that date.

4. In view of the foregoing: *It is ordered*, That the date for filing comments

in the above-entitled matter is extended to May 29, 1959; and the date for filing replies to such comments is extended to June 9, 1959.

Adopted: May 18, 1959.

Released: May 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-4322; Filed, May 21, 1959;
8:48 a.m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEXICAN LINE ET AL.

Notice of Agreements Filed for Approval

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

(1) Agreement No. 7892-1, between Mexican Line, "Th. Brovig", and Bull Insular Line, Inc., modifies approved Agreement No. 7892, which covers a through billing arrangement in the trade from Mexico to Puerto Rico, with transshipment at New York. The purpose of the modification is to include Baltimore, Mobile, New Orleans, and Philadelphia as ports of transshipment under the agreement.

(2) Agreement No. 8007-1, between The Shinnihon Steamship Co., Ltd. and Bull Insular Line, Inc., modifies approved Agreement No. 8007, which covers a through billing arrangement in the trade from Japan and the Philippines to Puerto Rico, with transshipment at Baltimore, New York, or Philadelphia. The purpose of the modification is to include Mobile and New Orleans as ports of transshipment under the agreement.

(3) Agreement No. 8122-1, between Ward Garcia, S.A. (Ward Line) and Bull Insular Line, Inc., modifies approved Agreement No. 8122, which covers a through billing arrangement in the trade from Mexico to Puerto Rico, with transshipment at Baltimore, New York, or Philadelphia. The purpose of the modification is to include Mobile and New Orleans as ports of transshipment under the agreement.

(4) Agreement No. 8214-1, between Mitsubishi Shipping Co., Ltd. (Mitsubishi Kaiun Kaisha, Ltd.) and Bull Insular Line, Inc., modifies approved Agreement No. 8214, which covers a through billing arrangement in the trade from Japan and the Philippines to Puerto Rico with transshipment at New York, N.Y. The purpose of the modification is to include Baltimore, Mobile, New Orleans and Philadelphia as ports of transshipment under the agreement.

(5) Agreement No. 8252-1, between Booth Steamship Co., Ltd. and Bull Insular Line, Inc., modifies approved Agreement No. 8252, which covers a through billing arrangement in the trade from Brazil and Peru to Puerto Rico, with transshipment at Baltimore, Md., New York, N.Y., or Philadelphia, Pa. The purpose of the modification is to include Mobile and New Orleans as ports of transshipment under the agreement.

(6) Agreement No. 8254-1, between Mitsui Steamship Company, Ltd. (Mitsui Line) and Bull Insular Line, Inc., modifies approved Agreement No. 8254, which covers a through billing arrangement in the trade from Japan, the Philippines, the Federation of Malaya, Colony of Singapore, and Burma to Puerto Rico, with transshipment at New York, N.Y. The purpose of the modification is to include Baltimore, Mobile, New Orleans and Philadelphia as ports of transshipment under the agreement.

(7) Agreement No. 8256-1, between Rederiaktiebolaget Disa, Rederiaktiebolaget Poseidon, Angfartygsaktiebolaget Tirfing (Brodin Line), and Bull Insular Line, Inc., modifies approved Agreement No. 8256, which covers a through billing arrangement in the trade from Argentina, Uruguay and Brazil to Puerto Rico, with transshipment at Baltimore, New York, or Philadelphia. The purpose of the modification is to include Mobile and New Orleans as ports of transshipment under the agreement.

(8) Agreement No. 8287-1, between Compagnie Maritime Des Chargeurs Reunis and Bull Insular Line, Inc., modifies approved Agreement No. 8287, which covers a through billing arrangement in the trade from French Equatorial Africa to Puerto Rico, with transshipment at New York, Baltimore, or Philadelphia. The purpose of the modification is to include Mobile and New Orleans as ports of transshipment under the agreement.

(9) Agreement No. 8312-1, between N.Y.K. Line (Nippon Yusen Kaisha) and Bull Insular Line, Inc., modifies approved Agreement No. 8312, which covers a through billing arrangement in the trade from Hong Kong, Philippines, and Japan to Puerto Rico with transshipment at New York, Baltimore, or Philadelphia. The purpose of the modification is to include Mobile and New Orleans as ports of transshipment under the agreement.

(10) Agreement No. 8326-1, between Flota Mercante Gran Colombiana, S.A. and Waterman Steamship Corporation of Puerto Rico, modifies approved Agreement No. 8326, which covers a through billing arrangement in the trade from Ecuador, Colombia, Honduras, Costa Rica, and Guatemala to Puerto Rico, with transshipment at Mobile or New Orleans. The purpose of the modification is to include Peru as a port of loading served by Flota.

(11) Agreement No. 8329-1, between Flota Mercante Del Estado (Argentine State Line) and Bull Insular Line, Inc., modifies approved Agreement No. 8329, which covers a through billing arrangement in the trade from Argentina, Brazil and Uruguay to Puerto Rico with transshipment at New York, Baltimore, or Philadelphia. The purpose of the modification is to include Mobile and New Orleans as ports of transshipment under the agreement.

(12) Agreement No. 8377, between The Yamashita Steamship Co., Ltd., and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Japan to Puerto Rico, with transshipment at New York, Baltimore, Philadelphia, Mobile or New Orleans. Agreement No. 8377, upon approval, will supersede and cancel present Agreement No. 7897, between the parties in the same trade, with transshipment at North Atlantic ports.

(13) Agreement No. 8378, between the carriers comprising the Norton Line joint service and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Argentina, Uruguay and Brazil to Puerto Rico, with transshipment at New York, Baltimore, Philadelphia, Mobile or New Orleans. Agreement No. 8378, upon approval, will supersede and cancel present Agreement No. 7863, between the parties in the same trade with transshipment at North Atlantic ports.

(14) Agreement No. 8379, between the carriers comprising the Barber-Wilhelmsen Line joint service and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Japan and the Philippine Islands to Puerto Rico, with transshipment at New York, Baltimore, Philadelphia, Mobile or New Orleans. Agreement No. 8379, upon approval, will supersede and cancel present Agreement No. 8146, between the parties

in the same trade, with transshipment at North Atlantic ports.

(15) Agreement No. 8381, between Flota Argentina De Navegacion De Ultramar (Dodero Lines) and Bull Insular Lines, Inc., covers a through billing arrangement in the trade from Argentina, Uruguay and Brazil to Puerto Rico, with transshipment at New York, Baltimore, Philadelphia, Mobile or New Orleans.

(16) Agreement No. 8383, between the carriers comprising the M.A.N.Z. Line joint service and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Australia, New Zealand, and certain South Sea Islands to Puerto Rico, with transshipment at New York, Baltimore, Philadelphia, Mobile or New Orleans.

(17) Agreement No. 8384, between Dampskibsselskabet Torm A/S (Torm Lines) and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Argentina, Uruguay and Brazil, to Puerto Rico with transshipment at New York, Baltimore or Philadelphia. Agreement No. 8384, upon approval, will supersede and cancel approved Agreement No. 8278, between the same parties in the same trade.

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

Dated: May 18, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-4300; Filed, May 21, 1959;
8:45 a.m.]

Office of the Secretary
EDWARD A. ULVESTAD

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. Edward A. Ulvestad.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of Appointment: May 8, 1959.
4. Title of position: Consultant (Forgings).
5. Name of private employer: Kropp Forge Company, 5301 West Roosevelt Road, Chicago, Illinois.

CARLTON HAYWARD,
Director of Personnel.

APRIL 20, 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.

Kropp Forge Company.
Armco Steel Company.
American Airlines Company.
American & Foreign Power Company.
American Tel & Tel.
Pioneer Trust & Savings.
Banks Deposits.

EDWARD A. ULVESTAD.

MAY 12, 1959.

[F.R. Doc. 59-4317; Filed, May 21, 1959;
8:47 a.m.]

LEONARD J. DOYLE

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. Leonard J. Doyle.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of Appointment: April 30, 1959.
4. Title of position: Consultant (Advisor to Director).
5. Name of private employer: Union Bag-Camp Paper Corporation, 233 Broadway, New York 7, N.Y.

JOHN F. LUKENS,
Acting Director of Personnel.

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.

Union-Bag Camp Corporation.
Lazard Fund.
Air Reduction.
American Natural Gas.
General Electric.
West Penn Electric Co.
United Air Kraft Corp.
Georgia-Pacific Plywood.
Firestone Tire & Rubber.
Jones & Laughlin.
Sinclair Oil.
Worthington Pump.

Associated Investment.
Dow Chemical.
Sperry Rand.
Eagle Fire Insurance.
Webb & Knapp, Inc.
City of Memphis.
Port of New York Authority.
Bank Deposits.

LEONARD J. DOYLE.

MAY 11, 1959.

[F. R. Doc. 59-4318; Filed, May 21, 1959;
8:47 a.m.]

GEORGE A. SANDS

Statement of Changes in Financial
Interests

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

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

This statement is made as of May 9, 1959.

GEORGE A. SANDS.

MAY 9, 1959.

[F.R. Doc. 59-4319; Filed, May 21, 1959;
8:48 a.m.]

CHARLES F. McCAHILL

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

Bratton Mining Co.
Allied Chemical & Dye Corp.
Aluminium, Ltd.
Illinois State Service Recognition Bonds Series A.

B. Additions

Baltimore City Md Met Dist 27th Bonds.
California State Veterans 1956 P Bonds.
Elizabeth City NJ School Bonds
Harris County Texas Road 1958 Bonds
Massachusetts Commonwealth Improvement Bonds.
New York City Corporate Stock Bonds.
Orlando Utilities Commission Fla Revenue Bonds.
Tacoma School District 10 Wash Bonds.
Pierce Co Bonds.
Dow Chemical Co.
Goodyear Tire & Rubber Co.
Interlake Iron Corp.
Minneapolis-Honeywell Regulator Co.
Phillips Gloellampfabrickem Lamp Works Coupon Stock Florins.
Phillips Petroleum Co.
Southern Co.

This statement is made as of April 26, 1959.

CHARLES F. McCAHILL.

MAY 12, 1959.

[F.R. Doc. 59-4320; Filed, May 21, 1959;
8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF URBAN RE-
NEWAL, REGION VII (PUERTO RICO
AND VIRGIN ISLANDS)

Additional Redlegation of Authority
With Respect to the Slum Clearance
and Urban Renewal Program

The Regional Director of Urban Re-
newal, Region VII (Puerto Rico and
Virgin Islands), Housing and Home
Finance Agency, is hereby authorized
within such Region to take the following
actions under Title I of the Housing Act
of 1949, as amended (63 Stat. 414-421,
as amended, 42 U.S.C. 1450-1460), and
under section 312 of the Housing Act of
1954 (68 Stat. 629, 42 U.S.C. 1450, note):

1. Concur in proposed cooperation
agreements, commitments, and schedul-
ing of provision of local grants-in-aid.

2. Concur in insurance and bonding
matters.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954
(1947); 62 Stat. 1283 (1948), as amended by
64 Stat. 80 (1950), 12 U.S.C. 1952 ed. 1701c;
Delegation of Authority effective Dec. 23, 1954
(20 F.R. 428-9, Jan. 19, 1955), as amended)

Effective as of the 1st day of February
1959.

PAUL COSTE,
Regional Administrator, Region VII.

[F.R. Doc. 59-4321; Filed, May 21, 1959;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12835; FCC 59M-646]

CITY OF TROY, MICHIGAN

Order Continuing Hearing

In re application of City of Troy, Mich-
igan, for authorization in the local gov-
ernment radio service, Docket No. 12835,
File No. 19276-P1-P/L-59.

Pending disposition of various plead-
ings: *It is ordered*, This 19th day of May
1959, that the hearing now scheduled for
May 20, 1959 is indefinitely continued.

Released: May 19, 1959.

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

[F.R. Doc. 59-4323; Filed, May 21, 1959;
8:48 a.m.]

[Docket No. 12870; FCC 59M-635]

NORTHEAST RADIO, INC. (WCAP)

Order Scheduling Hearing

In re application of Northeast Radio,
Inc. (WCAP), Lowell, Massachusetts,
Docket No. 12870, File No. BP-12014; for
construction permit.

It is ordered, This 15th day of May
1959, that J. D. Bond will preside at the
hearing in the above-entitled proceeding
which is hereby scheduled to commence
on July 20, 1959, in Washington, D.C.

Released: May 19, 1959.

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

[F.R. Doc. 59-4324; Filed, May 21, 1959;
8:48 a.m.]

[Docket No. 12864; FCC 59M-643]

VIRGIN ISLANDS BROADCASTING
SYSTEM

Order Scheduling Prehearing
Conference

In re application of Mary Louise Vick-
ers, tr/as Virgin Islands Broadcasting
System, Christiansted, Virgin Islands,
Docket No. 12864, File No. BMP-8149;
for additional time to construct Station
WDTV.

On the Examiner's own motion, *It is
ordered*, This 18th day of May, 1959,
that all parties, or their counsel, in the
above-entitled proceeding are directed
to appear for a prehearing conference
pursuant to the provisions of Section
1.111 of the Commission's rules, at 10:00
o'clock a.m., on Friday, June 12, 1959,
in the offices of the Commission, Wash-
ington, D.C.

Released: May 19, 1959.

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

[F.R. Doc. 59-4325; Filed, May 21, 1959;
8:48 a.m.]

[Docket Nos. 12831, 12832; FCC 59M-641]

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

Order Continuing Hearing

In re applications of North Shore
Broadcasting Co., Inc., Wauwatosa, Wis-
consin, Docket No. 12831, File No. BP-
11768; Suburbanaire, Inc., West Allis,
Wisconsin, Docket No. 12832, File No.
BP-12511; for construction permits.

Pursuant to the agreements reached
at the prehearing conference on May 14,
1959, the evidentiary hearing in the
above-entitled proceeding is continued
from June 10, 1959 to a date to be an-
nounced following the conclusion of the
further prehearing conference now
scheduled to resume on June 29, 1959:

It is so ordered, This the 15th day of
May 1959.

Released: May 19, 1959.

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

[F.R. Doc. 59-4326; Filed, May 21, 1959;
8:48 a.m.]

[Docket No. 12815; FCC 59M-644]

SOUTHLAND BROADCASTING CO.
(WLAU)

Order Advancing Date of Hearing

In re application of Southland Broad-
casting Company (WLAU), Laurel,
Mississippi, Docket No. 12815, File No.
BMP-8053; for construction permit for
standard broadcast station.

On the Examiner's own motion, and
with the agreement of counsel for the
parties herein: *It is ordered*, This 18th
day of May 1959, that the hearing in this
matter heretofore scheduled for June 23,
1959 is advanced to Thursday, May 28,
1959, at 9:30 a.m., in the offices of the
Commission, Washington, D.C.¹

Released: May 19, 1959.

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

[F.R. Doc. 59-4327; Filed, May 21, 1959;
8:48 a.m.]

[Docket Nos. 12871, 12872; FCC 59M-636]

JACK W. HAWKINS AND UINTAH
BROADCASTING AND TELEVISION
CO., INC. (KVEL)

Order Scheduling Hearing

In re applications of Jack W. Hawkins,
Blanding, Utah, Docket No. 12871, File
No. BP-11920; Uintah Broadcasting and
Television Co., Inc. (KVEL), Vernal,
Utah, Docket No. 12872, File No. BP-
12000; for construction permits.

It is ordered, This 15th day of May
1959, that Elizabeth C. Smith will preside
at the hearing in the above-entitled
proceeding which is hereby scheduled to
commence on July 20, 1959, in Washing-
ton, D.C.

Released: May 19, 1959.

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

[F.R. Doc. 59-4328; Filed, May 21, 1959;
8:48 a.m.]

[Docket No. 12873; FCC 59M-637]

BENJAMIN C. BROWN

Order Scheduling Hearing

In re application of Benjamin C.
Brown, Oceanside, California, Docket
No. 12873, File No. BP-12088; for con-
struction permit.

It is ordered, This 15th day of May
1959, that Basil P. Cooper will preside
at the hearing in the above-entitled pro-
ceeding which is hereby scheduled to

¹ The instant advancement of the hearing
date will eliminate an existing conflict in the
Hearing Examiner's hearing schedule.

commence on July 20, 1959, in Washington, D.C.

Released: May 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-4329; Filed, May 21, 1959;
8:48 a.m.]

[Docket No. 12874; FCC 59M-638]

RADIO AMERICAS CORP. (WORA)

Order Scheduling Hearing

In re application of Radio Americas Corporation (WORA), Mayaguez, Puerto Rico, Docket No. 12874, File No. BP-11925; for construction permit.

It is ordered, This 15th day of May 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 20, 1959, in Washington, D.C.

Released: May 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-4330; Filed, May 21, 1959;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Noticé 124]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 19, 1959.

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

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

No. MC-FC 61938. By order of May 13, 1959, The Transfer Board approved the transfer to Lewis W. McCurdy and Margaret J. McCurdy, a partnership, doing business as McCurdy's Trucking Co., Latrobe, Pennsylvania, of that portion of the operating rights in Permit No. MC 19575 Sub 11, issued February 3, 1950, to R. Lengle Trucking Co., Inc., Cleveland, Ohio, authorizing the transportation of malt beverages, over irregular routes, from Baltimore, Md., to points in Ohio, Indiana, and Michigan.

The Transfer Board also approved the substitution of Lewis W. McCurdy and Margaret J. McCurdy, a partnership, doing business as McCurdy's Trucking Co., as an applicant in Docket No. MC 19575 Sub 13 to the extent it pertains to the operating rights proposed to be transferred. Paul L. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C., for applicants.

No. MC-FC 62138. By order of May 13, 1959, The Transfer Board approved the transfer to Maurice L. Evenstad, doing business as Ada-Fargo Truck Line, 104 East Third Street, Ada, Minn., of Certificate in No. MC 3245, issued July 27, 1949, to Albert L. Anderson, doing business as Ada-Fargo Truck Line, 305 East Third Avenue, Ada, Minn., authorizing the transportation of: General commodities (including household goods), excluding commodities in bulk between Ada, Minn., and Fargo, N. Dak.

No. MC-FC 62186. By order of May 13, 1959, The Transfer Board approved the transfer to Harvey R. Shipley & Sons, Inc., of Pinksburg, Md., of a portion of Certificate No. MC 25570 issued October 25, 1949, to Myers Coal Company, Inc., of Charles Town, W. Va., authorizing the transportation of animal and poultry feed, seed, lumber, insecticides and spray material, fertilizer, tobacco stems, sulphur and blue stone, sand, lime, crushed stone, limestone, and limestone dust, stone products and mineral wool, marl, machinery, chemicals, and fertilizer, paper box board and mill lining and machinery, and waste paper, from and to specified points in the states of Connecticut, Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and, household goods as defined by the Commission, and general commodities, excluding commodities in bulk, and other specified commodities, between points in Jefferson County, W. Va., on the one hand, and, on the other, points in Clarke and Loudoun County, Va. Donald E. Freeman, Box 24, Uniontown Road, Westminster, Md., for applicants.

No. MC-FC 62196. By order of May 13, 1959, The Transfer Board approved the transfer to Curtis Elbie Hines of Rutherfordton, N.C., of a portion of the operating rights set forth in Certificate No. MC 103909 Sub 4, issued December 3, 1947, acquired by James W. Lee of Forest City, N.C., pursuant to MC-FC 61596, authorizing the transportation of passengers and their baggage, over regular routes, between Drayton, S.C., and Rutherfordton, with service authorized to and from all intermediate points. Restriction: The service is restricted to traffic originating at or destined to the Drayton Mills, Drayton, S.C. Tracy J. Gaines, Main Street, Inman, S.C., for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-4314; Filed, May 21, 1959;
8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 19, 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. 35431: *TOFC rates between Louisville, Ky., and points in Arkansas.* Filed by Southwestern Freight Bureau, Agent (No. B-7548), for interested rail carriers. Rates on property loaded in or on trailers and transported on railroad flat cars between Louisville, Ky., on the one hand, and points in Arkansas, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 3 to Southwestern Freight Bureau tariff I.C.C. 4318.

FSA No. 35432: *TOFC rates—Advance, La., to southwestern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7549), for interested rail carriers. Rates on paper and paper articles, loaded in or on trailers and transported on railroad flat cars from Advance, La., to specified points in Arkansas, Louisiana, and Texas.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 55 to Southwestern Freight Bureau tariff I.C.C. 4285.

FSA No. 35433: *Substituted service—C. R. I. & P. for Consolidated Forwarding Co., Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 160), for interested rail and motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., and Chicago (Burr Oak), Ill., or St. Louis, Mo., on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 99 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35434: *Substituted service—C. R. I. & P. for Consolidated Forwarding Co., Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 161), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., or Kansas City, Kans., on the one hand, and Dallas or Ft. Worth, Tex., or Oklahoma City, Okla., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 99 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35435: *Substituted service—C. R. I. & P. for Freight Ways, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 162), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars be-

tween St. Louis, Mo., and Wichita, Kans., on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 99 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35436: *Substituted service— I.C.R.R. for Motor Carriers.* Filed by Middlewest Motor Freight Bureau, Agent (No. 163), for the Illinois Central Railroad Company and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Council Bluffs, or Ft. Dodge, or Sioux City, or Waterloo, Iowa, on the other, on traffic originating at or destined to points in territories beyond the named points, as described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 99 to Middlewest Motor Freight Bureau, tariff MF-I.C.C. 223.

FSA No. 35437: *Pulpwood to Chattahoochee, Fla.* Filed by O. W. South, Jr., Agent (SFA No. A3802), for interested rail carriers. Rates on pulpwood, carloads from Lanett, Ala., and West Point, Ga., to Chattahoochee, Fla., applicable only on traffic destined to Port St. Joe, Fla., and intermediate points on the Apalachicola Northern Railroad Company.

Grounds for relief: Carrier competition with a longer circuitous route to Chattahoochee.

Tariff: Supplement 231 to Southern Freight Tariff Bureau tariff I.C.C. 1293.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-4313; Filed, May 21, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-4695]

DE LYS THEATRE ASSOCIATES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 18, 1959.

I. De Lys Theatre Associates, Inc. (issuer), a New York corporation, 133 West 72d Street, New York 23, N.Y., filed with the Commission on June 20, 1958 a notification on Form 1-A and an offering circular relating to an offering of 600,000 shares of its 1 cent par value common stock and 120,000 shares of its 6 percent \$1 par value preferred stock, to be offered in units of 50 shares of common stock and 10 shares of preferred stock at \$10.50 per unit, for an aggregate offering of \$126,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the

No. 100—5

provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification on Form 1-A fails to disclose the name and address of the issuer's predecessor and affiliate, as required by Item 2(a);

2. The notification on Form 1-A fails to set forth information about unregistered securities issued or sold within one year prior to the filing of its notification, as required by Item 9;

3. The issuer has failed to file copies of the governing instruments defining the rights of the common stock and the preferred stock proposed to be offered, as required by Item 11(a) of Form 1-A;

4. The issuer has failed to file the written consent of its counsel who is named in the offering circular as passing upon legal matters with respect to the offering, as required by Item 11(g) of Form 1-A;

5. The issuer sent written communications to more than 10 persons in connection with the offering without filing such material with the Commission at least five days prior to the use thereof, as required by Rule 258;

6. The issuer made written offers of its securities without giving or sending each person to whom such offer was made an offering circulated at the time of such written offer or prior thereto, as required by Rule 256(a);

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose adequately the percentage of outstanding securities of the issuer which will be held by officers, directors, and promoters as a group, and the percentage of such securities which will be held by the public if all the securities to be offered are sold, and the respective amounts of cash paid therefor by such group and by the public, as required by Item 9(d) of Schedule I;

2. The failure to disclose the amount of the issuer's expenses in connection with the offering, as required by Item 4(a) of Schedule I;

3. The failure to set forth a reasonably itemized statement of the purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose, indicating in what order of priority the proceeds will be used for the respective purposes, as required by Item 6(a) of Schedule I;

4. The failure to disclose whether there will be a return of funds to subscribers if all the shares being offered are not sold, as required by Item 6(b) of Schedule I;

5. The failure to disclose adequately all direct and indirect interests (by security holdings or otherwise) of each promoter, director, and officer of the issuer, as required by Item 9(c) of Schedule I;

6. The failure to set forth a statement of cash receipts and disbursements for the issuer and its predecessor, as required by Item 11(a) (2) of Schedule I;

C. The offering would be in violation of section 17 of the Securities Act of 1933.

III. *It is ordered.* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-4303; Filed, May 21, 1959; 8:45 a.m.]

[File No. 24W-2142]

MACINAR, INC.

Amended Notice of and Order for Hearing

MAY 18, 1959.

The Stanford Corporation was named and acted as an underwriter for the securities of Macinar, Incorporated whose Regulation A exemption was temporarily suspended by order, dated March 30, 1959. A hearing has been scheduled for June 15, 1959 upon the aforesaid order. By reason of said temporary suspension order, Stanford is barred by Rule 252(e) (2) of Regulation A from acting as underwriter for any Regulation A offering. The Stanford Corporation has, accordingly, filed an application pursuant to Rule 252(f) of Regulation A for relief from such disability.

It appearing to the Commission that the aforesaid temporary suspension order and the Rule 252(f) application of The Stanford Corporation involve common questions of fact,

It is ordered. That the notice of and order for hearing dated April 30, 1959, be and it hereby is amended to include the following matter for consideration during the proceeding:

Whether The Stanford Corporation has shown good cause for relief under Rule 252(f) of Regulation A from the

disability arising out of the aforesaid temporary suspension order against Macinar, Incorporated.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 59-4305; Filed, May 21, 1959;
8:46 a.m.]

[File Nos. 24NY-4223, 24NY-4318]

**"DIS MUS BE DER PLACE CO." AND
CENTRAL PUBLICATIONS SERVICE,
INC.**

**Order Temporarily Suspending Ex-
emption, Statement of Reasons
Therefor, and Notice of Opportunity
for Hearing**

MAY 18, 1959.

In the matter of George Wiener as "Dis Mus Be Der Place Co.", File No. 24NY-4223; Central Publications Service, Inc., File No. 24NY-4318.

I. George Wiener as "Dis Mus Be Der Place Company", 1619 Broadway, New York 19, N.Y., filed with the Commission on February 14, 1956 a notification on Form 1-A and an offering circular relating to a proposed offering of pre-formation limited partnership interests in the aggregate of \$250,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

Central Publications Service, Inc., a New York corporation, 11 West 42d Street, New York 36, New York, filed with the Commission on June 5, 1956 a notification on Form 1-A and an offering circular relating to a proposed offering of 750 shares of its no par common stock at \$100 per share for an aggregate offering of \$75,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of

1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of said Regulation A have not been complied with in that each issuer has failed to file on form 2-A reports of sales as required by Rule 224 of Regulation A despite repeated requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, temporarily suspended in each instance.

Notice is hereby given that any person having any interest in either matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 59-4304; Filed, May 21, 1959;
8:46 a.m.]

TARIFF COMMISSION

[Investigation 80]

RED FESCUE SEED

Notice of Investigation and Hearing

Investigation No. 80 under section 7, Trade Agreements Extension Act of 1951, as amended.

Investigation instituted. Upon application of the Pacific Northwest Chewings and Creeping Red Fescue Association, La Grande, Oregon, and others, received May 8, 1959, the United States Tariff Commission, on the 18th day of May 1959, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted an investigation to determine whether red fescue (*festuca rubra*) seed, including chewings fescue (*festuca rubra* var. *commutata*) seed, classifiable under paragraph 763 of the Tariff Act of 1930 is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Public hearing ordered. A public hearing in this investigation will be held beginning at 10 a.m., e.d.s.t., on August 11, 1959, in the Hearing Room, Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets N.W., Washington, D.C., and at the New York City office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: May 19, 1959.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 59-4315; Filed, May 21, 1959;
8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

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