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Washington, Wednesday, September 2, 1959

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Office of Defense Mobilization; Federal Civil Defense Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.121 and paragraphs (e) and (f) of § 6.123 are 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. 59-7297; Filed, Sept. 1, 1959; 8:49 a.m.]

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

#### Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2) and (3) of paragraph (a) of § 6.309 are amended as set out below.

#### § 6.309 Post Office Department.

(a) *Office of the Postmaster General.*

\*\*\*  
(2) One Executive Assistant to the Postmaster General.

(3) Six Special Assistants to the Postmaster General.

(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. 59-7298; Filed, Sept. 1, 1959; 8:49 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

#### SUBCHAPTER A—MISCELLANEOUS REGULATIONS

#### PART 361—BRITISH TOKEN IMPORT PLAN

#### Amendment to List of Commodities

Part 361, British Token Import Plan, is amended in the following particulars:

Section 361.13 *Commodities subject to the Plan*, is amended by deleting the following entries from the list set forth therein:

#### FOOD AND DRINK

- 85. Canned lobster.
- 75. Canned macaroni and spaghetti.
- 74. Canned soups.
- 84. Canned vegetables, including tomato juice, but excluding tomatoes and tomato puree.
- 87. Cheese rennet.
- 118. Glace cherries.
  - 1. Jelly powder.
- 120. Marshmallow (cooking ingredient).
- 82. Mustard.
- 83. Olives preserved in salt or brine.
- 188. Onion and garlic salt.
- 219. Pectin, domestic pack.
- 157. Pickles.
- 185. Quick-frozen fruits.
- 119. Quick-frozen peas.
- 73. Rolled or flaked oats.
- 178. Sugar confectionery of all kinds, excluding cocoa preparations.
- 86. Vegetable butter coloring.

#### LEATHER PRODUCTS

- 151. Fancy leather goods, excluding trunks, traveling bags, handbags, wallets and pouches.
- 221. Leather footwear.
- 138. Leather gloves, including industrial gloves.

#### RUBBER MANUFACTURES

- 91. Household rubber gloves.
- 68. Rubber bands.
- 67. Rubber bathing caps.
- 47. Rubber belting, other than conveyor belting.
- 69. Rubber erasers.

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(As of January 1, 1959)

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152. Rubber garden hose.
15. Rubber heels and soles.
80. Rubber hot-water bottles.
94. Rubber soiling slabs.
16. Surgeon's rubber gloves.
10. Waterproof rubber footwear of all types, including leather footwear with rubber soles.

**WOOD MANUFACTURES**

31. Domestic woodware (clothes pegs, etc.).
149. Furniture of bamboo, cane, wicker-work, or similar material.
222. Manufactures of mulga wood.
158. Wood wool (excelsior).
62. Wooden mouldings for picture and mirror frames.
61. Wooden picture and mirror frames.
70. Wooden spring blind or shade rollers.

**PAPER AND RELATED PRODUCTS**

117. Bristol boards.
65. Paper dress patterns, including incomplete tissue sheets.
113. Stationery paper in uncut form and writing paper in large sheets (bond ledger).
123. Yellow varnished paper for bottle-cap linings.

**GLASS, CLAY, AND MANUFACTURES**

148. Bottles other than ornamental, pharmaceutical, medicine, wine, and spirit bottles.
171. Colored sheet and plate window glass.
122. Glazed wall tiles.
154. Illuminating glassware of the following: Oil-lamp chimneys, hurricane-lamp glasses, globes, and shades.
4. Industrial porcelain insulators.
177. Mirrors conforming in shape and size to those in current use for utility furniture.
78. Table glassware as follows: Plain stemware, tumblers, tableware, and heat-resisting glassware.

**IRON AND STEEL MANUFACTURES**

49. Axes and axe handles.
197. Belt fasteners for conveyor belts and hand tools for conveyor-belt fasteners.
56. Bolts and nuts of all kinds, other than precision bolts and nuts.
99. Carpet sweepers and repair parts.
127. Domestic hand-operated meat mincers, coffee and spice mills.

- |   |
|---|
| 217. Furniture casters and parts thereof.   |
| 20. Furniture of metal (other than domestic furniture).   |
| 89. Gasoline and kerosene pressing irons.   |
| 21. Locks, padlocks, keys, and key blanks.  |
| 124. Machine knives.  |
| 55. Nails and staples of all kinds except for decorative purposes (including hob-nails and boot and shoe studs and spikes). |
| 125. Paper machine wires.   |
| 134. Pipe joints of iron and steel excluding malleable cast iron and nonmalleable cast iron.                                |
| 133. Pipe joints of nonmalleable cast iron.   |
| 184. Precision screws and other precision turned parts of metal.  |
| 57. Rivets of iron and steel.   |
| 25. Slide fasteners.  |
| 194. Spectacle frames other than of gold or gold-filled.  |
| 189. Stropping machines, razor grinders, and razor sharpeners, all hand-operated.   |
| 172. Weighing apparatus of less than 5-hundredweight capacity, and sold at a retail price not exceeding 50 pounds sterling. |

**ALUMINUM AND MANUFACTURES**

- |  |
|--|
| 174. Aluminum and aluminum alloys in sheets, disks, wire, tubes, rods, angles, shapes, and sections. |
| 54. Aluminum cooking utensils.   |
| 175. Aluminum kitchen utensils other than cooking utensils.  |
| 173. Beer barrels, made of aluminum or aluminum alloys.  |

**ELECTRICAL MACHINERY, SUPPLIES AND APPARATUS**

- |   |
|---|
| 2. Carbon electrodes.   |
| 29. Dry batteries (high tension).   |
| 28. Dry batteries (torch).  |
| 104. Electrical equipment for cycles and motorcycles.   |
| 130. Electric fans complete with motors for domestic use.   |
| 132. Electric-light bulbs.  |
| 103. Electric-light fixtures.   |
| 102. Electric meters.   |
| 101. Electric refrigerators and parts for domestic purposes.  |
| 131. Electrically operated domestic washing machines, including domestic electric dishwashing machines. (An ironer or drier also may be shipped with each washing machine under this commodity group. Not more than one-third of the quota available for this group may be used for shipment of ironers or driers independently of washing machines.) |
| 195. Portable electric generators.  |
| 27. Vacuum cleaners and parts.  |

**INDUSTRIAL MACHINERY AND APPARATUS**

- |                                    |
|------------------------------------|
| 129. Gear transmissions and gears. |
| 128. Pulley blocks.                |

**AGRICULTURAL AND GARDEN MACHINERY AND EQUIPMENT**

- |   |
|---|
| 46. Beehives and frames, bee veils, bee smokers, and other beekeepers' accessories. |
| 53. Hand cultivators for garden and farm use.                                       |
| 50. Forks for garden and farm use; fork handles.                                    |
| 51. Hoes for garden and farm use; hoe handles.                                      |
| 52. Rakes for garden and farm use; rake handles.                                    |
| 191. Hand seeders for garden and farm use.  |
| 17. Lawn mowers.  |
| 100. Milk churns, cans, pails, and strainers.                                       |

**AUTOMOTIVE EQUIPMENT**

- |                         |
|-------------------------|
| 19. Antiskid chains.    |
| 212. Automotive cables. |

- |   |
|---|
| 216. Chemical maintenance products for motorcars except oils and polishes (includes valve-grinding compounds; radiator leak stop, weather sealer, gasket cement, radiator flush, hydraulic-brake fluid, rubbing compound, mechanics' blue for marking valves, bearings, etc., and tar remover). |
| 30. Spark plugs.  |
| 213. Windshield wipers and parts.   |

**CHEMICALS AND RELATED PRODUCTS**

- |   |
|---|
| 204. Bone black.  |
| 136. Fuses and detonators.  |
| 110. Meta fuel (solidified mentholated spirits).  |
| 3. Paints and varnishes.  |
| 37. Petroleum-jelly preparations.   |
| 205. Porcelain enamel frit.   |
| 72. Powder for sporting cartridges.   |
| 155. Shampoos, nonliquid, in containers holding no more than 1 ounce.                       |
| 182. Toilet preparations, including tooth paste and powder, but excluding perfume and soap. |

**OFFICE SUPPLIES**

- |                          |
|--------------------------|
| 137. Typewriter ribbons. |
|--------------------------|

**SPORTING GOODS**

- |  |
|--|
| 214. Loaded sporting cartridges and loaded shotgun shells.                 |
| 71. Sporting cartridges, primed, empty.                                    |
| 135. Sporting guns, sporting rifles, and spare parts thereof. <sup>1</sup> |

**MISCELLANEOUS**

- |  |
|--|
| 193. Artificial teeth.   |
| 32. Brushes.   |
| 44. Buttons of all kinds other than vegetable-ivory and dum buttons. |
| 18. Cooking and heating appliances and parts.                        |
| 207. Laundry soap.   |
| 45. Lighter flints.  |
| 90. Manufactured abrasive cloths, papers, and disks.                 |
| 97. Musical boxes.   |
| 22. Oil lamps and lanterns for illumination.                         |
| 98. Outboard motors.   |
| 8. Papermakers' felts.   |
| 165. Saddlers' thread.   |
| 150. Sun goggles and sun glasses.                                    |

(R.S. 161; 5 U.S.C. 22)

LORING K. MACY,  
Director,

Bureau of Foreign Commerce.

[F.R. Doc. 59-7288; Filed, Sept. 1, 1959; 8:47 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

#### SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

#### PART 331—POLICIES AND AUTHORITIES

#### Territorial Subdivisions in Puerto Rico

Section 331.16 in Title 6, Code of Federal Regulations (21 F.R. 10441, 10446 22 F.R. 1269, 4436, 6549, 23 F.R. 6173), is

<sup>1</sup> Imported sporting guns and sporting rifles will be subject to the provisions of the British 1937 Firearms Act, except smooth-bore guns having a barrel not less than 20 inches in length.

amended with respect to areas designated as subdivisions in Puerto Rico by (1) revoking the designations of the subdivisions named Arroyo, Barranquitas, Humacao, Orocovis, and Yabucoa, and (2) designating the following subdivisions:

PUERTO RICO

*Name of Subdivision and Municipalities  
Comprising Subdivision*

Arroyo: Arroyo, Guayama, Maunabo, Patillas, Salinas.

Barranquitas: Aibonito, Barranquitas, Orocovis.

Humacao: Ceiba, Humacao, Naguabo, Yabucoa.

(Sec. 41, 50 Stat. 528, as amended, sec. 54, 50 Stat. 532, as amended; 7 U.S.C. 1015, 1028; Order of Acting Sec. of Agric., 19 F.R. 74, 77, 22 F.R. 8188)

Dated: August 26, 1959.

H. C. SMITH,  
Acting Administrator,  
Farmers Home Administration.

[F.R. Doc. 59-7283; Filed, Sept. 1, 1959;  
8:46 a.m.]

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

##### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1955 C.C.C. Grain Price Support Bulletin 1,  
Supp. 6, Corn]

#### PART 421—GRAINS AND RELATED COMMODITIES

##### Subpart—1955-Crop Corn Extended Re-extended Reseal Loan Program

An extension of the reseal loan program for 1955-crop corn has been announced for the period 1959-60. The 1955 C.C.C. Grain Price Support Bulletin 1 (20 F.R. 3017, 4563, and 21 F.R. 3211), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1955, supplemented by Supplements 1, 2, 3, 4, and 5, Corn (20 F.R. 4104, 7413, 7977, 21 F.R. 3411, 4038, 7711, 22 F.R. 3378 and 23 F.R. 2961), containing the specific requirements for the 1955-crop corn price support program, is hereby further supplemented as follows:

Sec.	
421.1182	Applicable sections of 1955 C.C.C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, 4, and 5, Corn.
421.1183	Availability.
421.1184	Eligible producer.
421.1185	Eligible corn.
421.1186	Approved storage.
421.1187	Quantity eligible for extended reseal loan.
421.1188	Service charges.
421.1189	Transfer of producer's equity.
421.1190	Personal liability of the producer.
421.1191	Storage and trackloading payments.
421.1192	Maturity and satisfaction.
421.1193	Foreclosure.
421.1194	Support rates, premium and discounts.

AUTHORITY: §§ 421.1182 to 421.1194 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 401, 63 Stat. 1051; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

#### § 421.1182 Applicable sections of 1955 C.C.C. Grain Price Support Bulletin 1, and Supplements 1, 2, 3, 4, and 5, Corn.

The following sections of the 1955 C.C.C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, 4, and 5, Corn, as amended, published in 20 F.R. 3017, 4104, 4563, 7413, 7977, 21 F.R. 3211, 3411, 4038, 7711, 22 F.R. 3378, and 23 F.R. 2961, shall be applicable to the 1955 Corn Extended Re-extended Reseal Loan Program: § 421.1001 *Administration*; § 421.1008 *Liens*; § 421.1011 *Interest rate*; § 421.1013 *Safeguarding the commodity*; § 421.1014 *Insurance on farm-storage loans*; § 421.1015 *Loss or damage to the commodity*; § 421.1017 *Release of the commodity under loan*; § 421.1140 *Determination of quantity*; § 421.1152 *Approved forms*; § 421.1156 *Set-offs* as amended by notice published in 23 F.R. 8439. Other sections of 1955 C.C.C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, 3, 4, and 5, Corn, as amended, shall be applicable to the extent indicated in this subpart.

#### § 421.1183 Availability.

(a) *Area and scope.* This program provides, under certain circumstances, for the extension of the reseal loan program on 1955-crop corn for the period 1959-60 and will be available in all counties where 1955-crop corn is under reseal loan except in angoumois moth areas designated by the ASC State committee: *Provided, however,* That the program will be available only where ASC State committees determine that the corn can be safely stored on the farm for the period of the extended re-extended reseal loan and that it will be advantageous to producers and CCC to permit producers to obtain reseal loans. This program is hereinafter called the extended reseal loan program. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has a reseal loan for the period 1958-59 and who desires to extend such loan must make application to the county committee which approved such reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

(c) *New forms.* Where required by State law, a new producer's note and chattel mortgage shall be completed when a reseal loan is extended. Where new forms are not completed, extension of the reseal loan for the period 1959-60 shall not affect the rights of CCC, including its right to accelerate the note, and the rights and responsibilities of the producer as set forth in this subpart and in the original forms completed by the producer.

#### § 421.1184 Eligible producer.

An eligible producer shall be any individual, partnership, association, corpo-

ration, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State or any agency thereof, producing corn in 1955 as landowner, landlord, tenant, or sharecropper who has a re-extended reseal farm-storage loan in effect on corn of the 1955 crop. Executors, Administrators, Trustees, or Receivers who represent an eligible producer or his estate may also qualify provided the reseal documents executed by them are legally valid. Where the county committee has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for an extension of his reseal loan under this program.

#### § 421.1185 Eligible corn.

(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under a reseal loan; (2) must meet the requirement set forth in § 421.1138 (a), (b), (c), and (e) of 1955 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Corn; and (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn; and (4) must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Inspection.* If a producer makes application to extend his reseal loan for the period 1959-60, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1141.

#### § 421.1186 Approved storage.

Corn covered by any extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1006 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1960, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1960.

#### § 421.1187 Quantity eligible for extended reseal loan.

The quantity of corn eligible for an extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

#### § 421.1188 Service charges.

When a reseal loan is extended for the period 1959-60, the producer will not be required to pay an additional service charge.

#### § 421.1189 Transfer of producer's equity.

The producer shall not transfer either his remaining interest in or his right to

redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. The producer may arrange with the county committee for partial release of the commodity prior to maturity after making payment to the holder of the note for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county committee. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined on a State-wide basis that partial redemption of loans and release of the commodity will not be permitted. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

#### § 421.1190 Personal liability of the producer.

The making of any fraudulent representation by the producer in the loan records, or in obtaining the loan, or any extension thereof, or the conversion or unlawful disposition of any portion of the commodity by him shall render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable for the amount of the loan (including interest at the rate of 6 percent per annum from the date of disbursement of the loan) and for any resulting expense incurred by any holder of the Note. A producer shall be personally liable for any damage resulting from tendering to CCC any commodity containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC.

#### § 421.1191 Storage and track-loading payments.

(a) *Storage payment for 1958-59 storage period.* (1) A producer who extends his farm-storage resale loan for the period 1959-60 will at the time of such extension receive a payment for earned storage during the 1958-59 resale loan period. This payment will be computed at the rate of 16 cents per bushel on the quantity of corn held in farm-storage for the full resale period, ending July 31, 1959. The resale storage payment will be disbursed to the producer by the office of the county committee.

(2) Upon delivery of the 1955-crop corn to CCC, the actual quantity of corn held in farm storage under the extended resale loan program will be determined

by weighing. The storage payments previously made to the producer covering the 1956-57, 1957-58, and 1958-59 storage periods, will be recomputed on the basis of the actual quantity determined to have been in storage during such period. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the documents for the resale loans or any extension thereof will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time of any extension of the resale loan shall be collected from the producer.

(3) No storage payment will be made for the 1958-59 resale loan period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to the 1958-59 resale loan period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer, or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(b) *Storage payment for 1959-60 storage period.* A storage payment for the 1959-60 resale storage period will be made as follows:

(1) *Storage payment for full extended resale period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1960, (ii) delivers corn to CCC on or after July 31, 1960, or (iii) delivers corn to CCC prior to July 31, 1960, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of \$0.00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of corn was in store after September 30, 1959, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1960, and (iii) in the case of corn delivered to CCC prior to July 31, 1960, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) *No storage payments.* Notwithstanding the foregoing, in no case will any storage payment be made for the 1959-60 extended resale storage period where the producer has made any false representation in the loan documents or in obtaining the loan, or where during or prior to such period (i) the corn has been abandoned, (ii) there has been conversion on the part of the producer or (iii) the corn was damaged or otherwise impaired due to negligence on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with in-

structions of the county office, on track at a country point.

#### § 421.1192 Maturity and satisfaction.

Resale loans extended under this program will mature on demand but not later than July 31, 1960. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county office. If the producer desires to deliver the corn he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under extended resale loan is stored. The provisions of §§ 421.1018 (a), (c), (f), and (g) and 421.1145(a)(1) shall be applicable thereto: *Provided*, that if upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals the corn shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price: *Provided further*, that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value as determined by CCC as of the date of delivery.

#### § 421.1193 Foreclosure.

If the loan (i.e. the amount of the note, interest, and charges) is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from storage; and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, either by separate contract or after pooling it with other lots of a commodity similarly held. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. The holder or his agent shall pay to the producer or his personal rep-

representative only without right of assignment to, or substitution of any other party, the higher of (a) any overplus remaining from the sales proceeds, or if the commodity is pooled the producer's ratable share from the liquidation of a pool, after deducting the amount of the note, interest, and charges and any expenses of conducting the pool, in the case of pooled commodities; or (b) the amount by which the settlement value of the mortgaged or pledged commodity may exceed the principal amount of the loan. If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest. The settlement value shall be determined in accordance with the provisions of the applicable commodity supplement and Producer's Note and Supplemental Loan Agreement concerning settlement of commodities delivered by the producer to CCC. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural problem administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States. The term "charges" as used in this subpart means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning and marketing of the commodity, and otherwise protecting the interest in the mortgaged commodity of any holder of the note or the producer, including foreclosure costs.

§ 421.1194 Support rates, premium and discounts.

(a) The support rate for an extended reseed loan shall remain the same as for the original loan.

(b) Any discounts or premium established for variation in classification and quality as shown in § 421.1146(b), shall be applicable in determining the settlement value.

Issued this 27th day of August 1959.

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

[F.R. Doc. 59-7310; Filed, Sept. 1, 1959;  
8:50 a.m.]

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

**PART 421—GRAINS AND RELATED  
COMMODITIES**

**Subpart—1959-Crop Wheat Loan and  
Purchase Agreement Program**

**BASIC COUNTY SUPPORT RATE; LAKE  
COUNTY, OREGON**

The regulations issued by the Commodity Credit Corporation and the Com-

modity Stabilization Service published in (24 F.R. 1633, 3151, 6315, 6232, and 6314), containing the specific requirements of the 1959-crop wheat price support program are hereby amended as follows:

Section 421.4047(b) is amended by increasing the basic county support rate for Lake County, Oregon, from \$1.64 per bushel to \$1.78 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, U.S.C. 1441, 1421)

Issued this 27th day of August 1959.

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

[F.R. Doc. 59-7312; Filed, Sept. 1, 1959;  
8:51 a.m.]

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

**PART 421—GRAINS AND RELATED  
COMMODITIES**

**Subpart—1959-Crop Rye Loan and  
Purchase Agreement Program**

**BASIC COUNTY SUPPORT RATE; LAKE  
COUNTY, OREGON**

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in (24 F.R. 2937 and 4449), containing the specific requirements of the 1959-crop rye price support program are hereby amended as follows:

Section 421.4387(b) is amended by increasing the basic county support rate for Lake County, Oregon, from \$.81 per bushel to \$.94 per bushel.

(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 27th day of August, 1959.

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

[F.R. Doc. 59-7311; Filed, Sept. 1, 1959;  
8:51 a.m.]

**SUBCHAPTER C—EXPORT PROGRAMS**

[Revision 1]

**PART 484—FEED GRAINS**

**Subpart—Feed Grain Export Program  
Payment in Kind (GR-368)—Terms  
and Conditions**

The terms and conditions of the Feed Grain Export Program, Payment in Kind (GR-368), 23 F.R. 3226, as amended, 23 F.R. 3313, 4998, 6100, 7905 and 24 F.R. 5777, are further amended herein and are reissued as Revision 1, as follows:

**GENERAL**

Sec.  
484.101 General statement.

**REQUIREMENTS FOR PARTICIPATION**

484.105 General provisions.  
484.106 Submission of offers.

Sec.  
484.107 Acceptance by CCC.  
484.108 Exportation requirement.  
484.109 Quantity tolerance.

**FEED GRAIN EXPORT PAYMENT CERTIFICATE**

484.115 Application for feed grain export payment.  
484.116 Documents required as evidence of export.  
484.117 Description of certificate.

**REDEMPTION OF FEED GRAIN EXPORT  
PAYMENT CERTIFICATE**

484.120 Offer to purchase feed grain with certificates.  
484.121 Creation of contracts.  
484.122 Price.  
484.123 Payment terms and financial arrangement.  
484.124 Delivery.  
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484.127 Evidence of export.  
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**MISCELLANEOUS PROVISIONS**

484.134 Covenant against contingent fees.  
484.135 Performance guarantee.  
484.136 Good faith.  
484.137 Assignments.  
484.138 Records and accounts.  
484.139 Reports.  
484.140 CSS commodity offices.  
484.141 Officials not to benefit.  
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**DEFINITIONS**

484.150 Eligible country.  
484.151 Export.  
484.152 Exporter.  
484.153 Feed grains.  
484.154 United States.  
484.155 Vice President.  
484.156 Official weight certificate.

**AUTHORITY:** §§ 484.101 to 484.154 issued under sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply Sec. 407, 63 Stat. 1051, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851.

**GENERAL**

**§ 484.101 General statement.**

Commodity Credit Corporation (referred to in this subpart as "CCC") will conduct an export program pursuant to the following terms and conditions (referred to in this subpart as the "program") under which an exporter may agree to export feed grain, as defined in § 484.153, and may apply for an export payment in the form of a certificate which is redeemable in feed grains owned by CCC. The program is designed to encourage the exportation through normal trade channels of surplus feed grains held in private inventories and in CCC stocks in order (a) to aid the price support program by strengthening the domestic market price to producers, (b) to reduce the quantity of feed grains which would otherwise be taken into CCC's stocks under its price support program, (c) to promote the orderly liquidation of CCC stocks, and (d) to maintain and expand the market in friendly countries for United States produced feed grains. The program will be administered by Commodity Stabilization Service, United States Department of Agriculture (referred to in this subpart as CSS). Information pertaining to the program may be obtained from any CSS Commodity Office listed in § 484.140.

REQUIREMENTS FOR PARTICIPATION

§ 484.105 General provisions.

(a) Persons desiring to participate in this program shall submit offers as provided in section 484.106 for the exportation of feed grains during a specified period at a stated export payment rate. CCC will consider and accept offers on a competitive basis. Export payments under this program will be made on the basis of the net quantity, excluding dockage, of the feed grains exported.

(b) Feed grains exported under this program must have been produced in the United States.

(c) Feed grains shall be exported under this program only to an eligible country and the feed grains so exported (1) shall not be transshipped to an eligible country through Canada unless transshipment occurs via the Great Lakes through a port on the St. Lawrence River, or (2) shall not be transhipped or caused to be transhipped by the exporter to any country other than an eligible country.

(d) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export of a quantity of feed grain as required in § 484.116, which has not been used, or will not subsequently be used as evidence of export of the same quantity of feed grain in connection with any other contract entered into pursuant to § 484.107 of this program or in connection with any other export program under which CCC has paid or has agreed to pay an export allowance, or in connection with any other export program which involves the sale of feed grains for export at prices which reflect any export allowance. Nothing herein shall be construed as precluding exportation of feed grain under this program from fulfilling sales under Purchase Authorizations pursuant to Public Law 480, 83d Congress. Documentary evidence of export of a quantity of feed grain submitted under § 484.127 in connection with purchases of feed grains from CCC may also be submitted to CCC as evidence of export of the same quantity of feed grain in connection with Applications for Feed Grain Export Payments.

(e) Feed grains exported under this program must be exported within one of the three periods as specified in the offer submitted by the exporter. The three periods of export shall be (1) the period beginning with the date of the opening of the offer and ending the last day of the next succeeding calendar month, (2) the two calendar months next succeeding the last day of the period described in subparagraph (1) of this paragraph, and (3) the two calendar months next succeeding the last day of the period described in subparagraph (2).

(f) Exportation by or to a United States Government agency shall not qualify as an exportation under the provisions of this announcement. (United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the

Federal Government as, for example, the Departments of the Army, Navy and Air Force, the International Cooperation Administration, the Army and Air Force Exchange Service, and the Panama Canal Company.) Sales to foreign buyers, including foreign governments, though financed with funds made available by a United States agency such as the International Cooperation Administration or the Export-Import Bank, are not sales to a United States Government agency, provided the commodity is not for transfer by such buyer to a United States Government agency.

§ 484.106 Submission of offers.

(a) *Place and time.* Exporters desiring to participate in this program shall submit offers in writing, by letter, telegram, TWX, or the teletypewriter to:

Director, Grain Division, CSS,  
3090 South Building,  
U.S. Department of Agriculture,  
Washington 25, D.C.,  
TWX-WA 595.

Such offers must be received in the Department of Agriculture by 3:30 p.m. (e.s.t. or e.d.t. whichever is in effect) of the day on which the exporter desires the offer to be opened, i.e. considered by CCC for acceptance. Offers will be considered daily except that offers will not be considered for any Saturday, National Holiday or day upon which the major grain exchanges are closed, unless public announcement by CCC provides otherwise.

(b) *Form.* All offers must be signed by the exporter or his authorized agent and shall specifically state the following:

(1) The offer is subject to all of the terms and conditions of this subpart, and any amendments effective at the time the offer is submitted. The use of the term "GR-368" in the offer shall signify that it is submitted subject to all such terms and conditions.

(2) The date for which the offer is submitted for opening.

NOTE: This date must show on the offer and may also appear in the lower left hand corner of the envelope in which written offers are submitted.

An offer will be considered for acceptance only on the day specified and will not be considered on any other day unless the offer is re-submitted.

(3) The specific feed grain to which the offer applies, i.e. "Corn," "Barley," "Grain Sorghums," "Oats," or "Rye."

(4) The net quantity of feed grain to be exported. Grain sorghums shall be expressed in hundredweights and other feed grains in bushels.

(5) The export payment expressed in whole cents per bushel (or cwt.) for which the feed grain will be exported.

(6) The period within which the feed grain will be exported, which shall be one of the three periods described in § 484.105(e).

(7) The name and address of the offerer.

EXAMPLE: The following represents an offer to export 100,000 bushels of corn during July and August for an export payment of 10 cents per bushel submitted by John Doe Export Company.

GR-368 Corn—Open May 8  
100,000 bushels  
July–August, 10 cents bushel  
Signed: John Doe Export Company  
By: Richard Roe, President  
400 Blank Street  
New York, New York

(c) An offer shall not specify more than one kind of feed grain, one quantity of feed grain, one export rate, and one export period. An exporter may separately submit more than one offer for opening on any stated date. CCC reserves the right to accept or reject any or all offers or to waive any informality in connection with such offers. Offers will be considered in their entirety only, and offers containing conditions other than those authorized in this subpart will not be considered.

§ 484.107 Acceptance by CCC.

In the event CCC accepts an exporter's offer CCC will attempt to notify the exporter by telephone by 4:30 p.m. (e.s.t. or e.d.t. whichever is in effect) of the day on which the exporter desires the offer to be opened, and by the close of business of such day will forward to the exporter CCC Form 399 "Acceptance of Offer to Export," which shall constitute CCC's written acceptance of exporter's offer. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's written acceptance, the terms and conditions of this subpart and any amendments in effect on the date of submission of the offer.

§ 484.108 Exportation requirements.

(a) The exporter shall export or cause exportation of the feed grain to an eligible country in accordance with his contract with CCC and within the period of time specified therein. Exportation in a different period will be acceptable only if approved in writing by the Vice President, CCC, before or after such exportation subject to such reduction in the export payment (expressed in a rate per bushel or hundredweight) as may be specified by such Vice President.

(b) The exporter shall promptly furnish to CCC evidence of exportation as specified in § 484.116. Failure to furnish evidence of exportation within 214 calendar days from the date of CCC's acceptance of the exporter's offer or within 30 calendar days from the last date of any extension in time for exportation approved by the Vice President pursuant to paragraph (a) of this section, whichever is later, shall constitute prima facie evidence of failure to export.

(c) Failure of the exporter to export in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to an eligible country without transshipment through Canada, unless transshipment is via the Great Lakes through a port on the St. Lawrence River, and within the period of time specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, are of the essence of the contract and are conditions precedent to any right to payment under this program. Exportation to an ineligible country, or trans-

shipment through Canada, unless transshipment is via the Great Lakes through a port on the St. Lawrence River, or exportation during a period of time other than that specified in the exporter's contract with CCC or approved in writing by the Vice President, CCC, as provided in paragraph (a) of this section, shall not entitle the exporter to any payment under this subpart. Moreover, if the exporter does not export the quantity of feed grain specified in the exporter's contract with CCC, except as provided in § 484.109, such breach shall give rise to liquidated damages. Inasmuch as failure of the exporter to export will cause serious and substantial losses to CCC, such as damages to CCC's export and price support programs, and the incurrence of storage, administrative and other costs, and it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC liquidated damages promptly upon demand for each bushel or hundredweight of such grain not exported at the following applicable rates:

Barley -----	20 cents per bushel.
Corn -----	25 cents per bushel.
Grain Sorghums	40 cents per hundredweight.
Oats -----	20 cents per bushel.
Rye -----	20 cents per bushel.

The foregoing rates are agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC. For the purposes of assessing liquidated damages, an exportation which has not been made within 184 calendar days after the date of CCC's acceptance of the exporter's offer or which has not been made by the last day of any extension in time for exportation approved in writing by the Vice President, CCC, whichever date is the later, shall be deemed not to have been made at all. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contract with CCC.

(d) If any quantity of feed grains exported pursuant to the exporter's contract with CCC is reentered into the United States, including Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any feed grain exported is transshipped or caused to be transshipped by the exporter to any country excluded by § 484.150, the exporter shall be in default, shall refund any payment made by CCC, and with respect to any feed grain reentered into the United States, shall pay to CCC the liquidated damages specified in paragraph (c) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that (1) the reentry resulted from causes without his fault or negligence and promptly after he received notice of reentry he exported the feed grain required to be exported under his contract with CCC to an eligible country, or (2) the feed grains reentered were lost, damaged or destroyed and the physical condition is such that their reentry into the United States will not impair CCC's price support program.

#### § 484.109 Quantity tolerance.

In the event an exporter exports or causes exportation in accordance with the requirements of § 484.108 of a net quantity of feed grain less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity he shall not be required to pay liquidated damages for failure to export the undershipped quantity under the particular contract. In the event, an exporter exports or causes exportation in accordance with the requirements of § 484.108 of a net quantity greater than the net quantity provided in the exporter's contract with CCC, but not in excess of 105 percent of such quantity, he may include such quantity in his application for export payment and receive payment for the quantity overshipped at the same rate as provided in his contract with CCC.

#### FEED GRAIN EXPORT PAYMENT CERTIFICATE

#### § 484.115 Application for feed grain export payment.

An original and two (2) copies of Application for Feed Grain Export Payment, CCC Form 397, must be prepared and submitted together with the evidence of export, as provided in § 484.116, to the CSS Commodity Office shown on the acceptance of the exporter's offer. Supplies of CCC Form 397 and detailed instructions regarding the preparation and submission of the form may be obtained from the CSS Commodity Offices in Dallas, Evanston (Illinois), Kansas City (Missouri), Minneapolis, and Portland (Oregon).

#### § 484.116 Documents required as evidence of export.

Each Application for Feed Grain Export Payment (CCC Form 397) must be supported by the following documentary evidence, as applicable:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading certified by the exporter as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the feed grain, the number or description of the hold or tank in which the feed grain was stowed, the country to which the feed grain was shipped, and if exported under Public Law 480, 83d Congress, the purchase authorization number. Where loss, destruction or damage to the feed grain occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(b) If exportation is by rail or truck, one copy of the Shipper's Export Declaration, authenticated by the appropriate United States Customs official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the feed grain.

(c) A copy of an official loading weight certificate as defined in § 484.156 applicable to the feed grain described in the on-board-ship bill of lading or Shipper's

Export Declaration and showing (1) date and place of issuance, and (2) name of vessel, and description of hold or tank in which grain was stowed, or where exportation is by rail-car or truck, description of such rail-car or truck. In the case of bagged feed grain, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the feed grain and either the tare or the number of bags and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate applicable to the feed grain described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of feed grain, and (3) name of vessel and description of the hold or tank in which grain was stowed, or where exportation is by rail-car or truck, a description of such rail-car or truck in which exported. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the grain determined in accordance with the Official Grain Standards of the United States.

(e) In the event of exportation from a point in Canada, Alaska, Hawaii, or Puerto Rico, (1) the bill of lading and other documentary evidence covering the movement of the feed grain from the continental United States to the export vessel described in the on-board-ship bill of lading issued at the point of export and (2) a certification by the exporter that the feed grain exported was produced in the continental United States.

(f) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligations to export.

(g) If the shipper or consignee named in the on-board bill(s) of lading or the Shipper's Export Declaration(s), is other than the exporter named in the offer to export, waiver by such shipper or consignee of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the on-board bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(h) Where exportation of the feed grain has been made by anyone or transshipment made or caused by the exporter to one or more countries or areas identified in § 484.150(b) (1) and (2) the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the exporter that a specific license was not required.

(i) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of feed grain which is applied against the exporter's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

#### § 484.117 Description of certificate.

Upon receipt of an Application for Feed Grain Export Payment (CCC Form 397) and satisfactory evidence of export the CSS Commodity Office will determine the amount of payment due and issue to the exporter a Feed Grain Export Payment Certificate (CCC Form 398) hereinafter referred to as "certificate" for the amount due. Such certificate will be subject to the provisions contained therein and the applicable provisions of this subpart.

(a) *Payee.* Except as provided in § 484.137, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

(b) *Face value.* The amount shown in the space provided for the face value of the certificate will be the amount obtained by multiplying the number of net bushels (or hundredweight) of feed grain exported in accordance with the exporter's contract with CCC by the agreed export payment rate. Certificates will be accepted by CCC at face value if applied to the purchase of feed grain under contracts with CCC entered into pursuant to this subpart which specify a date of sale by CCC not more than 60 days after the date of export shown on the certificate. If a certificate is applied to the purchase of feed grain under a contract with CCC, as provided in this subpart, which specifies a date of sale by CCC more than 60 days after the date of export shown on the certificate, the value at which the certificate will be accepted will be the face value reduced by one-fiftieth of one percent for each day beginning on the 61st day after such date of export and ending on the date of sale specified in the CCC contract to which it is applied.

(c) *Date of export.* The date of export shown on the certificate will be the date of export as defined in § 484.151.

(d) *General provisions.* The certificate will be redeemable in feed grain which CCC makes available from its stocks for sale under this subpart. The certificate may be presented to the Evanston, Dallas, Kansas City, Minneapolis and Portland Offices of CSS, as provided in § 484.140 for feed grain handled by the office to which submitted. The certificate may be transferred by endorsement subject to all terms and conditions contained in this section and

in the sections beginning with § 484.120 through the end of this subpart applicable to the person or firm to whom it was originally issued.

#### REDEMPTION OF FEED GRAIN EXPORT PAYMENT CERTIFICATE

#### § 484.120 Offer to purchase feed grain with certificates.

Offers to purchase CCC feed grain with certificates may be submitted by letter, telegram, or orally to any CSS Commodity Office from which the exporter desires delivery. The exporter must specify the kind of feed grain, class, grade, quality and quantity desired, and the desired port or Border point of delivery. CCC reserves the right to determine the kind of feed grain, classes, grades, qualities and quantities and port or Border point of delivery for which offers will be considered, and to reject any offer in whole or in part.

#### § 484.121 Creation of contracts.

Preliminary negotiations for purchase of feed grain under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the CSS Commodity Office in duplicate. One copy shall be signed and returned by the exporter whose offer to purchase feed grain is accepted by CCC. Such exporter is hereinafter called "the purchaser". Confirmation of Sale, together with the terms and conditions of this subpart, and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used herein, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the Confirmation of Sale.

#### § 484.122 Price.

The price shall be basis f.o.b. vessel, instore, or track at port or other point of export (without export allowance) as determined by CCC and shall be specified in the Confirmation of Sale.

#### § 484.123 Payment terms and financial arrangements.

(a) The amount due CCC for feed grain purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face

value of certificates surrendered to CCC, the purchase price of the feed grain and any discount applicable to the portion of the certificates being applied to the purchase as provided in § 484.117.

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any feed grain purchased from CCC hereunder shall be made prior to delivery of the feed grain by CCC in one of the following ways:

(1) Surrender to the appropriate CSS Commodity Office of certificate(s) sufficient to pay for the feed grain.

(2) If a purchaser desires delivery prior to receipt by CCC of certificates he shall make payment in cash, certified check, or cashier's check for the feed grain to be delivered. To the extent that certificates are received by CCC within 90 days after delivery of the feed grain to the purchaser, CCC shall promptly make refund to the purchaser of cash received. Any such refund shall be in an amount equivalent to the value of certificates determined acceptable by CCC.

(c) The amount of the upward adjustment in price which is provided in § 484.128 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the Confirmation of Sale. Financial arrangements for such price adjustment shall be made in one of the following ways:

(1) Payment in cash, certified check, or cashier's check, or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery, specified in the Confirmation of Sale and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery, supported by a statement signed by the Chief or Acting Chief of the Fiscal Division of the CSS Commodity Office, specifying the amount due CCC.

(3) Promptly after CCC receives acceptable certificates in payment of the feed grain purchased as provided in paragraph (b)(2) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of cash received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraph (b) and (c) of this section shall be made:

(1) Prior to delivery of the feed grain by CCC on purchases which provide for delivery within 5 days following the date of the sale, and,

(2) On all other purchases, not less than 5 days prior to delivery of the feed grain by CCC, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make a financial arrangement acceptable to

CCC in accordance with paragraph (d) of this section CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

#### § 484.124 Delivery.

(a) The method, time, and place of delivery will be as specified in the Confirmation of Sale.

(b) If the feed grain is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of instore delivery the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman.

(c) If the feed grain is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing, including warehouse and loading out charges, in the case of instore delivery, shall be for the account of the purchaser: *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall make cash settlement with CCC for warehouse charges on the feed grain not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the final date for delivery specified in the Confirmation of Sale or any written extension thereof: *Provided further*, That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault or negligence of the purchaser.

(e) If on deliveries other than instore the purchaser fails to take delivery of the feed grain within the delivery period specified in the Confirmation of Sale, or any written extension thereof, CCC may at its option deliver the feed grain instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

#### § 484.125 Specifications.

(a) If the feed grain is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the kind of feed grain and the quantity, class, grade and/or quality stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the feed grain is to be delivered other than instore, the kind of feed grain and the quantity, class, grade and/or quality delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade, and/or quality of the feed grain delivered shall be made on the basis of official in-

spection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the feed grain delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser. If the feed grain delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the feed grain may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any over deliveries in quantity. Over deliveries in quantity accepted by the purchaser shall be settled for at the contract price unless a different price has been agreed to between CCC and the purchaser. In case of under deliveries a balance certificate shall be issued by CCC or if other financial arrangements were furnished the value of certificates the purchaser is required to surrender will be reduced. In the case of over deliveries the purchaser shall tender cash or certificates to CCC. If the value of feed grain delivered exceeds the value of certificates surrendered by \$3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of feed grain delivered by \$3.00 or less, a balance certificate will not be issued unless requested.

#### § 484.126 Export requirements.

(a) The purchaser shall, on or after the date of sale and within 60 days after delivery by CCC of the feed grain to him or within such extension of that period as may for good cause be approved by the Vice President in writing, before or after expiration of such 60-day period, export or cause exportation to an eligible country of the same kind of feed grain, of an equal quantity, as the feed grain sold and delivered by CCC. In the case of delivery of feed grain by CCC to the purchaser at Great Lakes ports, if exportation takes place other than from the place of delivery by CCC, the purchaser must within such 60-day period or within such extension of that period as may for good cause be approved by CCC in writing ship from the place of delivery by CCC to any export point not on the Great Lakes, feed grain of the same kind and quantity as the feed grain sold and delivered by CCC. Feed grains so shipped shall not be unloaded at any Lake Michigan or Lake Superior port. The feed grain exported shall not be reentered by anyone into the United States, including Hawaii, or Puerto Rico, nor shall the purchaser cause the feed grain exported to be transhipped to any country excluded by § 484.150.

(b) The purchaser shall, within 30 days after export, furnish to the CSS Commodity Office evidence of such export, as required in § 484.127. Failure of the purchaser to furnish CCC evidence of export within 90 days after delivery of the feed grain to him, or, in the case

of extension of the time for export, within 30 days from the last date specified for export under such extension, shall constitute prima facie evidence of failure to export.

#### § 484.127 Evidence of export.

Evidence of export shall consist of the following documentation, as applicable:

(a) If export is by water, a non-negotiable copy or photostat of the on-board-ship bill of lading certified by the purchaser as true and correct and signed by an agent of the ocean carrier. The bill of lading must show the name of the vessel, the date and place of issuance, the weight of the feed grain, the number or description of the hold or tank in which the feed grain was stowed, the country to which the feed grain was shipped, the CCC sales contract number and if exported under Public Law 480, 83d Congress, the purchase authorization number. Where loss, destruction or damage to the feed grain occurs subsequent to loading aboard the ocean carrier but prior to issuance of the on-board-ship bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(b) If export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the feed grain, and the CCC contract number. The unauthenticated copy, or photostat copy, shall bear the following statement certified by the purchaser, "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the CSS Commodity Office) with application for Feed Grain Export Payment under Acceptance of offer No. —."

(c) A copy of an official loading weight certificate as defined in § 484.156 applicable to the feed grain described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) date and place of issuance, and (2) name of vessel, and description of hold or tank in which grain was stowed, or where exportation is by rail-car or truck description of rail-car or truck. In the case of bagged feed grain, the official loading weight certificate and the bill of lading or Shipper's Export Declaration shall contain the gross weight of the feed grain, the number of bags, and an acceptable certification as to the weight of the bags.

(d) A copy of a grain inspection certificate applicable to the feed grain described in the on-board-ship bill of lading or Shipper's Export Declaration and showing (1) the date and place of issuance, (2) quantity of feed grain, and (3) name of vessel and description of the hold or tank in which grain was stowed, or where exportation is by rail-car or truck a description of such rail-car or truck. The grain inspection certificate shall be issued by an inspector licensed or authorized under the United States Grain Standards Act or the Agricultural Marketing Act of 1946 and shall show the grade of the grain determined in

accordance with the Official Grain Standards of the United States.

(e) In the event of exportation from a point in Canada, Alaska, Hawaii, or Puerto Rico, (1) the bill of lading and other documentary evidence covering the movement of the feed grain from the continental United States to the export vessel described in the bill of lading issued at the point of export and (2) a certification by the purchaser that the feed grain exported was produced in the continental United States.

(f) If the commodity is delivered by CCC at a Great Lakes port and if exportation takes place other than from the place of delivery by CCC, the purchaser must, in conformance with the requirement in § 484.126(a) submit a non-negotiable copy(s) of the applicable bill(s) of lading showing the shipment of a commodity of the required quantity and kind, from the place of delivery by CCC to an export point not on the Great Lakes. This evidence of shipment must be accompanied by an affidavit of the purchaser that the feed grain represented by such bill(s) of lading was not unloaded at a point other than the destination indicated on the evidence of shipment. The affidavit must also affirm that the bill(s) of lading submitted therewith has not or will not be used in any other instance as proof of such movement pursuant to a similar requirement except as permitted in § 484.116(a). Such evidence shall be submitted in the time required by § 484.126(f) or within such extension of that time as may be approved by CCC in writing.

(g) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligations to export.

(h) Where exportation of the feed grain has been made by anyone or transshipment made or caused by the purchaser to one or more of the countries or areas identified in § 484.150(b) (1), (2) or (3), the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, for such movement. With respect to any such movement to Hong Kong or Macao not requiring a specified license, the required documentary evidence shall contain a statement by the purchaser that a specific license was not required.

#### § 484.128 Adjusted sales price.

(a) Sales of feed grain under this announcement are made at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 484.123 and upon the further condition that all provision of §§ 484.126 and 484.127, are complied with. In the event of failure to comply with such conditions, the sales price with respect to the quan-

tity of feed grain for which certificates have not been received, or the quantity which is not exported, or which is reentered, or transhipped shall be the highest of the following prices in effect on the date of purchase or the date of default as determined by CCC:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade and quality of the feed grain as determined by CCC, or

(2) The sales price, announced by CCC for sale for unrestricted use of the same kind, class, grade and quality of the feed grain, or

(3) If no such sales price has been announced, the highest domestic market price at the point where CCC delivered the feed grain as determined by CCC.

(b) The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand. Any upward adjustment of the sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines (1) that the feed grain has not been exported or has been reentered into the Continental United States, Alaska, Hawaii, or Puerto Rico due to causes without the fault or negligence of the purchaser, that such feed grain was pursuant to written approval of CCC, subsequently actually exported to an eligible country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 484.127; or (2) that the feed grain placed in transit to an export location for export under this Announcement or reentered into the Continental United States, Alaska, Hawaii or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations; or (3) that the feed grain required to be moved from a Great Lakes port to an export point not on the Great Lakes was not moved as a result of its loss, damage, destruction, or deterioration after it was placed in transit for such shipment and the physical condition was such that its entry into domestic market channels will not impair CCC's price support operations.

#### § 484.129 Inability to perform.

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the feed grain due to any cause without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

#### MISCELLANEOUS PROVISIONS

#### § 484.134 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure acceptance of any offer under this subpart upon an agreement or understanding for a commission, percentage, brokerage, or con-

tingent fee, except bona fide employees or bona fide established commercial or selling agencies. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability or in its discretion to require the purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

#### § 484.135 Performance guarantee.

In addition to the performance guarantee required under § 484.123(c), CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or performance type letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

#### § 484.136 Good faith.

If the Vice President, CCC, after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be denied the right to continue participation in this program or the right to receive payment under this subpart in connection with any transaction previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the Government.

#### § 484.137 Assignments.

No exporter shall, without the written consent of CCC assign any right to an export payment under this subpart, except that certificates received by him may be transferred by endorsement as provided in § 484.117.

#### § 484.138 Records and accounts.

Each exporter shall maintain accurate records showing feed grains exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

#### § 484.139 Reports.

The exporter shall file such reports as may be required from time to time by the CCC subject to the approval of the Bureau of the Budget.

#### § 484.140 CSS commodity offices.

Information concerning this program may be obtained from CSS commodity offices listed below:

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 2201 Howard Street, Evanston, Illinois.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 560 Westport Road, Kansas City 11, Missouri.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis 10, Minnesota.

Director, Commodity Stabilization Service Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon.

**§ 484.141 Officials not to benefit.**

No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

**§ 484.142 Amendment and termination.**

This offer may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to contracts made prior to the time such amendment or termination becomes effective.

**§ 484.150 Eligible country.**

"Eligible country" means any destination outside the continental limits of the United States, excluding Alaska, Canada, Hawaii, or Puerto Rico, and also excluding (a) any country or area listed as Sub-Group A or Group R of the Comprehensive Export Schedule issued by the Bureau of Foreign Commerce, U.S. Department of Commerce unless license for shipment or transshipment thereto has been obtained from such Bureau; (b) Hong Kong or Macao in the case of any commodity for which a specific license is required by regulations of the U.S. Department of Commerce under the Export Control Act of 1949, unless such specific license for shipment or transshipment thereto has been obtained from the Bureau of Foreign Commerce, U.S. Department of Commerce.

**§ 484.151 Export and exportation.**

"Export" and "exportation" mean, except as hereinafter provided, a shipment of grain that originated in the Continental United States and that is ultimately directed to a destination other than Alaska, Hawaii, or Puerto Rico. This definition includes a shipment of grain from a point in the United States with transshipment from a port in Canada, Alaska, Hawaii, or Puerto Rico to a destination other than the Continental United States, Alaska, Hawaii, or Puerto Rico and with the handling and storage performed in such manner as to preserve the United States identity of the grain. A shipment of feed grain shall be deemed to have been exported on the date which appears on the applicable on-board export vessel bill of lading, which in the case of transshipment through a port in Canada, Alaska, Hawaii or Puerto Rico will be the on-board ship ocean bill of lading issued at such port, or if shipment from the Continental United States is by truck or rail, the date the shipment clears United States Customs. If feed grain is lost, destroyed or damaged after loading on board an export ship, exportation shall be deemed to have been made as of the date of the on-board ship ocean bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to

loading on board an export ship, exportation on-board ship ocean bill of lading: *Provided*, That if the "lost" or "damaged" grain remains in the Continental United States it shall be considered as reentered grain and shall be subject to the provisions of § 484.108(d).

**§ 484.152 Exporter.**

"Exporter" means an individual, corporation, partnership, association or other business entity, which is regularly engaged in the business of buying and selling food grain for export and for this purpose maintains a bona fide business office in the Continental United States, and therein has a person, principal, or resident agent upon whom service of process may be had.

**§ 484.153 Feed grains.**

"Feed grains" mean barley, corn, grain sorghums, oats and rye as defined in the Official Grain Standards of the United States and produced in the United States, and when specifically approved by the Director, Grain Division, CSS, will also include crushed, cracked, ground or otherwise similarly processed forms of such grains, provided all of the ingredients of the whole grain are included. Feed grains shall not include mixtures of barley, corn, grain sorghums, oats and rye. The net quantity of feed grains exported means the quantity determined by deducting from the total weight of the feed grain exported, the weight of any dockage indicated on the inspection certificate issued at the time of loading for export. The following quantities shall be deemed to constitute one bushel: 56 pounds of corn, 32 pounds of oats, 48 pounds of barley and 56 pounds of rye.

**§ 484.154 United States.**

"United States" or "Continental United States" unless otherwise qualified means the states on the North American continent excluding Alaska.

**§ 484.155 Vice President.**

"Vice President" means the Executive Vice President of the Commodity Credit Corporation or his designee.

**§ 484.156 Official weight certificate.**

An official weight certificate is a weight certificate issued (a) by Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations having qualified, independent, impartial paid employees stationed at elevators, or (b) by or on authority of Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations where weighing is performed by elevator employees under the supervision of a qualified, independent impartial supervising weighmaster employed by one of the above organizations.

*Effective date.* This Revision 1, Feed Grain Export Program, Payment in Kind (GR-368), Terms and Conditions shall become effective September 2, 1959.

*NOTE:* The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

APPENDIX—NOTICE TO EXPORTERS

(Revision of October 21, 1958)

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce. A validated license is also required for shipment to Hong Kong or Macao unless the commodity is included on the general license GHK list.

These regulations generally require that exporters in or in connection with their contracts with foreign purchasers, where the contract involves \$10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgement of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8 (15 CFR 371.4 and 371.8)) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Hong Kong or Macao unless the commodity is on the General License GHK list (CES § 371.23 (15 CFR 371.23)), and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgement from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgement from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule § 379.10(c) 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

Issued this 31st day of August 1959.

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

[F.R. Doc. 59-7314; Filed, Sept. 1, 1959;  
8:51 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7369 c.o.]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

Nichimen Co., Inc., et al.

Subpart—*Misbranding or mislabeling:*  
§ 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regula-*

*tory and statutory requirements: Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition: Wool Products Labeling Act; § 13.1852 Formal regulatory and statutory requirements: Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat 1128-1130; 15 U.S.C. 45, 68-68(c)) [Cease and desist order, Nichimen Co., Inc., et al., New York, N.Y., Docket 7369, August 1, 1959]

*In the Matter of Nichimen Co., Inc., a Corporation, and K. Fujiwara, S. Uyeda and N. Nara, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City seller with violating the Wool Products Labeling Act by labeling as "camel 60%, wool 40%", woolen fabrics which contained substantially less camel's hair than so represented, by failing to set forth the correct percentage of camel's hair in other wool products, and by failing to tag certain wool products as required.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 1 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Nichimen Co., Inc., a corporation, and its officers, and K. Fujiwara, S. Uyeda, and N. Nara, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act of 1939, of woolen fabrics composed of camel's hair and wool, or other "wool products" as such products are defined in said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage, by weight, of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale or distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

3. Failing to disclose the true percentage of specialty fibers present in wool products when the name of the specialty fiber is used in lieu of the word "wool", as provided for in Rule 18 of the rules and regulations.

*It is further ordered*, That respondent Nichimen Co., Inc., a corporation, and its officers, and K. Fujiwara, S. Uyeda, and N. Nara, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen fabrics or any other such products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Misrepresenting the character or amount of the constituent fibers contained in such products on contracts, correspondence, sales invoices and memoranda applicable thereto, or in any other manner.

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

*It is ordered*, That respondents Nichimen Co., Inc., a corporation, and K. Fujiwara, S. Uyeda and N. Nara, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 3, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-7291; Filed, Sept. 1, 1959; 8:47 a.m.]

[Docket 7067 c.o.]

**PART 13—DIGEST OF CEASE AND DESIST ORDERS**

**Pressman Toy Corp.**

*Subpart—Discriminating in price under section 2, Clayton Act, as amended—Price Discrimination Under 2(a): § 13.755 Pooling orders of chain stores and buying groups.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Pressman Toy Corp., New York, N.Y., Docket 7067, August 1, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a toy manufacturer in New York City with discriminating in price in violation of section 2(a)

of the Clayton Act by such practices as giving an organization of toy jobbers and wholesalers a special rebate of 2 percent on purchases which was not granted to its competitors.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 1 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent Pressman Toy Corp., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of toys in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in price by selling such toys of like grade and quality to any purchaser at prices higher than those granted any other purchaser:

(1) Where such other purchaser competes in fact with the unfavored purchaser in the resale and distribution of such products, or

(2) Where respondent in the sale of such products is in competition with any other seller.

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

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

Issued: August 3, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-7292; Filed, Sept. 1, 1959; 8:47 a.m.]

[Docket 7432 c.o.]

**PART 13—DIGEST OF CEASE AND DESIST ORDERS**

**Wells International Corp. and Ned Goldsmith**

*Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1056 Preticketing merchandise misleadingly. Subpart—Misbranding or mislabeling: § 13.1185 Composition; § 13.1280 Price. Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Wells International Corporation et al., New York, N.Y., Docket 7432, Aug. 1, 1959]

*In the Matter of Wells International Corporation, a Corporation, and Ned Goldsmith, Individually, and as Officer of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City

distributor with misrepresenting the price and composition of neckties it sold to retailers for resale by labeling them falsely as "Pure Silk", "All Silk", etc. and by attaching labels bearing fictitious prices represented thereby as the regular retail prices.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 1 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Wells International Corporation, a corporation, and its officers, and Ned Goldsmith, individually and as an officer of said corporation, respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of neckties or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing by preticketing, or in any other manner, that certain amounts are the regular and usual retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail prices of merchandise.

3. Misrepresenting, in any manner, and by any means, the fibers or materials of which merchandise is composed.

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

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

Issued: August 3, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-7293; Filed, Sept. 1, 1959;  
8:48 a.m.]

## Title 25—INDIANS

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

#### SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES

#### PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COM- PETENCY, SALE OF CERTAIN IN- DIAN LANDS, AND REINVESTMENT OF PROCEEDS

##### Miscellaneous Amendments

On pages 478-480 of the FEDERAL REGISTER of January 21, 1959, there was published a notice of intention to amend portions of Part 121 of 25 CFR. In the

main, these amendments consist of the realignment of material under the sub-heading "Sales" to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes.

Interested persons were given an opportunity to submit their comments, suggestions, or objections in writing on the proposed amendment within 30 days from the date of publication of the notice in the FEDERAL REGISTER. During the 30-day period several comments, suggestions, and objections were received. These were thoroughly considered and discussed, and as a result of such consideration and discussions changes have been made as set forth below:

1. The phrasing of § 121.2(a), regarding the issuance of patents in fee, has been changed to the positive; and "it is determined" connotes a more formal action and constitutes, in fact, the action that is taken.

2. Section 121.10 has been rewritten to put into clearer language what was intended to be said.

3. Section 121.11 has been changed to provide that written notice of a proposed sale need not be given to a tribe which has indicated by resolution that it is not interested in acquiring land.

4. Section 121.12, regarding the acceptance of bids that are less than the appraised value, has been clarified.

5. Section 121.14 has been changed in the sentence regarding oral auction by adding "provided the tribe is not the high bidder in such cases." Section 121.14 has been further changed since it has been pointed out that the deleted provision would have added an unnecessary and cumbersome administrative step. "United States Treasury Check" has been added to the provision relating to the deposit to accompany sealed bids to accommodate those cases in which a tribe is a bidder. An added sentence excepts the tribe from the requirement of submitting a sealed bid of 75 percent or more of the appraised value of the land. Since this requirement could possibly result in the tribe not being eligible to participate in the oral auction, and since such auction is to be held primarily for the benefit of the tribes, the change is appropriate.

6. Section 121.15 has been changed to reflect the present practice which was not intended to be changed.

7. Section 121.17 *Bidding by employees*, has been changed to more fully encompass the prohibition contained in the statute.

8. Section 121.19 has been changed to make regulatory a practice regarding delivery of title documents which has always been followed.

9. Section 121.21 has been combined with § 121.20 since the statutory authority for the charge for cost of conveyance and for the additional sales fee is the same, and there is no apparent reason for having two different sections. Further, no reason is seen for basing the cost of conveyance on the amount of the purchase price, as set forth in the present § 121.20. The provision for waiving the

collection of the cost of conveyances where the purchaser is a tribe which contributes to the expenses of the realty functions will help avoid unnecessary bookkeeping procedures.

10. Section 121.22 has been renumbered § 121.21, since § 121.21, as published, has been combined with § 121.20. The section has also been changed to more accurately reflect the present procedure with regard to preparation of the appraisal of the land.

11. Section 121.23 has been renumbered § 121.22.

The proposed amendment to the regulations, as so changed, is hereby adopted, and is set forth below. The amendment is effective upon publication in the FEDERAL REGISTER.

FRED A. SEATON,  
Secretary of the Interior.

AUGUST 27, 1959.

1. Section 121.2(a) is amended to read as follows:

#### § 121.2 Issuance of patents in fee.

(a) The Secretary of the Interior may, in his discretion, and pursuant to the Acts of February 8, 1887, as amended (24 Stat. 388, as amended; 25 U.S.C. 349); June 25, 1910, as amended (36 Stat. 855, as amended; 25 U.S.C. 372); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and pursuant to other authorizing Acts, issue patents in fee to Indians applying therefor in accordance with § 121.1. A patent in fee will be issued pursuant to this paragraph if it is determined that the applicant is competent and capable of managing his or her own affairs. At the time of the issuance of a patent in fee, an inventory of the estate covered thereby shall be delivered to the patentee. If an application is denied, the applicant shall be so notified in writing.

2. The heading "Method of Sales" is deleted and §§ 121.9 through 121.31 are consolidated into 14 sections under the following heading to read as follows:

#### SALES AND EXCHANGES OF INDIVIDUALLY OWNED TRUST OR RESTRICTED LAND, EX- CLUSIVE OF FIVE CIVILIZED TRIBES LAND

Sec.	
121.9	Authority.
121.10	Statutory prohibitions.
121.11	Petition for sale.
121.12	Appraisal.
121.13	Advertisement.
121.14	Bids.
121.15	Action at close of bidding.
121.16	Rejection of bids; disapproval of sale.
121.17	Bidding by employees.
121.18	Negotiated sales.
121.19	Deferred payment sales.
121.20	Cost of conveyances; payment.
121.21	Irrigation fees; payment.
121.22	Preference right to purchase lands in Oklahoma.

#### § 121.9 Authority.

(a) Pursuant to the Acts of May 27, 1902 (32 Stat. 275; 25 U.S.C. 379); March 1, 1907 (34 Stat. 1018; 25 U.S.C. 405); May 29, 1908 (35 Stat. 444; 25 U.S.C. 404); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and pursuant to other authorizing Acts, the following classes of land may be sold or exchanged

by the Indian owner(s) with the approval of the Secretary of the Interior:

(1) Allotted land, and devised and inherited interests therein;

(2) Land acquired by purchase, exchange or gift, and devised and inherited interests therein, held under an instrument of conveyance which recites either that title is in the United States in trust for the Indian or that the land shall not be sold or alienated without the consent or approval of the Superintendent, the Commissioner of Indian Affairs, the Secretary of the Interior, or other official of the Federal Government.

(b) Pursuant to the Act of June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), as amended, in certain circumstances the Secretary of the Interior or his duly authorized representative may sell interests in trust allotments acquired by Indians through inheritance or devise.

#### § 121.10 Statutory prohibitions.

Trust or restricted Indian lands, or any interest therein, may not be conveyed without the approval of the Secretary of the Interior or his authorized representative (see 25 U.S.C. 348, in addition to Acts cited above). Moreover, inducing an Indian to execute any instrument purporting to convey any trust or restricted land or interest therein, or the offering of any such instrument for record, is prohibited and criminal penalties may be incurred. (See 25 U.S.C. 202.)

#### § 121.11 Petition for sale.

Petitions for the sale of trust or restricted land shall be filed on approved forms with the Superintendent or other officer in charge of the Indian Agency or other local facility having administrative jurisdiction over the land. Sales will be authorized only if, after careful examination of the circumstances in each case, a sale appears to be clearly justified in the light of the long-range best interests of the owner(s). Written notice of the approval of petitions for sale of land shall be given to the tribe, occupying the reservation where the land is located, a sufficient time in advance of public advertising to reasonably enable the tribal authorities to consider the possibility of tribal interest in the land being sold. Such notice need not be given where a tribe has, by appropriate resolution, expressed a lack of interest in acquiring land on the reservation.

#### § 121.12 Appraisal.

Prior to making or approving a sale, exchange, or gift of trust or restricted land, an appraisal shall be made indicating the fair market value of such land. If the highest bid received at an advertised sale is less than the appraised value, the bid may be accepted with the consent of the owner(s) if the bid price approximates the appraised value and is, in the judgment of the Secretary, the highest price that may be realized in the circumstances.

#### § 121.13 Advertisement.

Upon approval of an application for an advertised sale, notice of the sale will be published not less than 30 days prior to the date fixed for the sale, unless a

shorter period is authorized. Notice of sale will state the terms, conditions, and method of sale; and will include the date, hour, and place of sale; description of the tract or tracts; a list of all reservations to which title will be subject; where and how bids shall be submitted; and a statement warning all bidders against violation of the provisions of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders. With the consent of the owner(s), the notice may afford to the tribe, to members of such tribe, or to any reasonably defined class of Indians, a right to meet the high bid.

#### § 121.14 Bids.

Advertised sales may be made under sealed bid or under sealed bid followed by an oral auction. The notice of sale (§ 121.13) shall state the method of bidding. Sealed bids may be submitted either by mail or personally by the principal or an agent, and in either event, will be considered only if received by the officer in charge prior to the hour fixed for the sale. Sealed bids must be enclosed in a sealed envelope, and must be accompanied by a certified check, cashier's check, money order, or United States Treasury Check, payable to the Bureau of Indian Affairs, for not less than 10 percent of the amount of the bid. The sealed envelope must be marked as prescribed in the notice of sale. The sealed envelopes will be publicly opened by the officer in charge only at the time fixed for the sale. The bids will be announced and will be appropriately recorded. The advertisement will provide for an oral auction to follow the opening of sealed bids in all cases in which a preference right to meet the high bid has not been granted to a tribe seeking such a right, provided the tribe is not the high bidder in such cases. The auction will be held provided one or more acceptable sealed bids are received. The auction shall be limited to bidders who, in their sealed bids, offer 75 percent or more of the appraised value of the land. The provision for holding an oral auction is based on a policy which recognizes that in many instances a tribe has a valid interest in acquiring lands of individual Indians which are offered for sale and which is designed to provide an additional opportunity to Indian tribes to acquire the lands. In furtherance of this policy, it will not be required that the sealed bid of the tribe amount to 75 percent or more of the appraised value of the land, in order for the tribe to be eligible to participate in the oral auction. At the conclusion of the auction, the highest bidder shall be required to increase his deposit to not less than 10 percent of the amount of his bid.

#### § 121.15 Action at close of bidding.

The officer in charge of the sale shall publicly announce the highest bid, and the deposit submitted by the unsuccessful bidders shall be returned immediately to them. The deposit submitted by the successful bidder shall be held in special deposits. The awarding of bid shall be made by the Area Director, who shall appropriately notify the successful bidder and require the deposit of the remainder

of the purchase price within 30 days from the date of notification. Upon a showing of cause, the Area Director may, in his discretion, extend the time for payment of the balance due. The issuance of patent or delivery of deed to the purchaser will not be authorized until the balance has been paid. If the remainder of the bid is not paid within the time allowed, the bid will be rejected and the bidder's deposit will be forfeited to the use of the owner(s) of the land.

#### § 121.16 Rejection of bids; disapproval of sale.

The officer in charge of the sale shall have the right to reject any and all bids prior to award. The Secretary of the Interior reserves the right to reject any bid at any time prior to the issuance of patent or approval of deed, when he shall have determined such action to be in the best interests of the Indian owner(s).

#### § 121.17 Bidding by employees.

Except as authorized by the provisions of § 251.5 of this chapter, no person employed in Indian affairs shall directly or indirectly bid, or make or prepare any bid, or assist any bidder in preparing his bid. Sales between Indians, either of whom is an employee of the United States Government, are governed by the provisions of § 251.5 of this chapter (see 25 U.S.C. 68 and 441).

#### § 121.18 Negotiated sales.

(a) The following types of conveyances may be negotiated: (1) A sale to another Indian, an Indian tribe, or a conveyance to a member of the Indian's immediate family pursuant to the provisions of paragraph (b) of this section; (2) the United States or an agency thereof, or a state or local government or agency thereof, or such other sale as may be for a public purpose; (3) a sale to a non-Indian when the Secretary determines that it is impractical to advertise; (4) an exchange; (5) temporary easements for rights of way not to exceed fifty years. Except as provided in paragraphs (b) and (c) of this section, the consideration for a negotiated sale shall be not less than the appraised value of the land. The consideration for an exchange shall be either land, or a combination of land and money or other thing of value, the fair market value of which is not less than the appraised value of the trust or restricted land.

(b) An Indian owner of trust or restricted land may, with the approval of the Secretary, convey land to a member of his or her immediate family for a consideration less than that prescribed in paragraph (a) of this section, or for no consideration. For purposes of this section, immediate family is defined as the Indian's spouse, brothers and sisters, lineal ancestors of Indian blood, and lineal descendants.

(c) Indian owners of trust or restricted land may, with the approval of the Secretary, convey land to any Indian who is a co-owner of the land for a consideration less than that prescribed in paragraph (a) of this section, or for no consideration. If more than one of the Indian co-owners wish to buy the land, and if the owners agree, all such co-

owners interested will submit sealed bids. With the consent of the owners, the award will be made to the highest such bidder.

#### § 121.19 Deferred payment sales.

When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. The terms of the sale will be incorporated in a Memorandum of Sale which shall constitute a contract for delivery of title upon payment in full of the amount of the agreed consideration. The deed executed by the grantor or grantors will be held by the Superintendent and will be delivered only upon full compliance with the terms of the sale. If conveyance of title is to be made by fee patent, request therefor will be made only upon full compliance with the terms of the sale. If the purchaser, whether Indian or non-Indian, is to take title in a non-trust and unrestricted status, the purchaser shall pay not less than 25 percent of the purchase price in advance, and shall execute notes on Form 5-110g for the balance payable in three equal payments on or before 1, 2, and 3 years after date. If the purchaser is an individual Indian or Indian tribe, and if the purchaser is to take title in a trust or restricted status, the purchaser shall pay not less than 10 percent of the purchase price in advance; terms for the payment of the remaining installments are within the discretion of the Secretary of the Interior. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

#### § 121.20 Cost of conveyances; payment.

In all cases involving the sale of restricted allotted Indian lands, either on a cash basis or on deferred payments, the purchasers will be required to deposit with the Superintendent, in addition to the consideration for the land, the sum of \$22.50, such amount to be paid when the purchaser is notified that he is the successful bidder. Such fees should not be included in checks covering payment for the land, but collected separately and deposited to the credit of the United States as general fund receipts, except when the expenses of the work are paid from Indian tribal funds, in which event they shall be credited to such funds. This fee is collected for the purpose of paying, at least in part, for the work incident to the sale as required by the Act of February 14, 1920, as amended by the Act of March 1, 1933 (47 Stat. 1417; 25 U.S.C. 413). The fee may be reduced to a lesser amount than \$22.50 or to a nominal amount if the circumstances justify such reduction in the discretion of the Secretary of the Interior. When the purchaser is an Indian tribe which bears all or any part of the expenses of the realty functions, the collection of the fee shall be waived.

(Sec. 1, 41 Stat. 415, as amended; 25 U.S.C. 413)

#### § 121.21 Irrigation fees; payment.

Where irrigable lands are to be sold, a statement for use in preparing the ap-

praisal will be obtained from the supervising or project engineer as to the proportionate per acre construction cost of the project to be assessed against the land, the amount of such assessment which has not been paid, and the amount of unpaid operation and maintenance charges assessed against the lands. In such sales the purchaser will be required to pay the proportionate per acre construction cost of the particular project to be assessed against the land; and in addition, the purchaser will be required to pay the annual operation and maintenance charges assessed against the land which will be based on the annual cost of the operation of the system. All such charges, remaining unpaid as of the date of the acceptance of the bid, must be paid by the purchaser. In all cases purchasers will be required to enter into an agreement for the payment of all such charges. A lien clause covering the cost of all irrigation charges, past and future, will be inserted in the patent or other instrument issued to the purchaser.

**CROSS REFERENCES:** For regulations pertaining to construction costs, see Parts 211, 214, 215 of this chapter. For additional regulations pertaining to the payment of fees and charges in connection with the sale of irrigable lands, see Parts 128, 129, and § 211.4 of this chapter.

#### § 121.22 Preference right to purchase lands in Oklahoma.

In the case of any sale of restricted Indian land at public auction or by sealed bids in Oklahoma, except in the case of the Osage Reservation, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501-509), provides in part that whenever any restricted Indian land or interests in land other than sales or leases of oil, gas, or other minerals therein, are offered for sale, pursuant to the terms of this or any other Act of Congress, the Secretary of the Interior shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians of the same or any other tribe, at a fair valuation to be fixed by the appraisal satisfactory to the Indian owner(s), or if offered for sale at auction, said Secretary shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians by meeting the highest bid otherwise offered therefor. Such preference right to purchase is placed in the Secretary of the Interior under the Act and is recognized as remaining in full force and effect until released by said Secretary or his authorized representative through endorsement on deeds of conveyance or in an appropriate order, the form of which is "Preference right of purchase resting in the Secretary of the Interior under section 2 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 502), is hereby waived as to the lands herein described."

(Sec. 9, 49 Stat. 1968; 25 U.S.C. 509)

3. A new § 121.33 is added under the heading "Removal of Restrictions and Sale of Lands, Five Civilized Tribes, and Reinvestment of funds in Nontaxable Lands," to read as follows:

#### § 121.33 Applicability of other sections.

Sections 121.18(a) (5) and 121.22 are applicable to the Five Civilized Tribes.

[F.R. Doc. 59-7276; Filed, Sept. 1, 1959; 8:45 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

#### Tolerances for Residues of 2,4-Dichloro-6-(o-Chloroanilino) Triazine

A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Hawthorn Road, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of 2,4-dichloro-6-(o-chloroanilino) triazine in or on garlic, onions (dry bulb), green onions, leeks, and shallots. The request for tolerances for green onions, leeks, and shallots was later withdrawn. Data in the petition do not show that a tolerance greater than 1.0 part per million is necessary to cover residues in or on garlic and onions (dry bulb).

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which these tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a. (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR, 1958 Supp., 120.158 (24 F.R. 1460)) are amended as follows:

In § 120.158 *Tolerances for residues of 2,4-dichloro-6-(o-chloroanilino) triazine*, paragraph (b) is amended by inserting the item "garlic" and "onions (dry bulb)". As amended, paragraph (b) reads as follows:

(b) 1 part per million in or on garlic, onions (dry bulb), potatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objec-

tionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 27, 1959.

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

[F.R. Doc. 59-7294; Filed, Sept. 1, 1959; 8:48 a.m.]

SUBCHAPTER C—DRUGS

**PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTI-BIOTIC AND ANTIBIOTIC-CONTAINING DRUGS**

**Animal Feed Containing Antibiotic Drugs**

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500), the general regulations for the certification of antibiotic and antibiotic-containing drugs (23 F.R. 6421) are amended as indicated below:

Section 146.26(b) is amended by adding a new subparagraph (43) to read as follows:

(43) It is intended for use solely as an aid in reducing the incidence of vibrionic abortion in breeding sheep; its labeling bears adequate directions and warnings for such use, including information that it is to be administered continuously during pregnancy; and it contains chlortetracycline in a quantity that, when administered as directed in its labeling, will provide a total daily dose of 80 milligrams per animal.

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

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502(l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy.

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1050, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: August 27, 1959.

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

[F.R. Doc. 59-7295; Filed, Sept. 1, 1959; 8:48 a.m.]

**Title 46—SHIPPING**

**Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce**

SUBCHAPTER G—EMERGENCY OPERATIONS

[Gen. Order 75, Revised, Amdt. 3]

**PART 308—WAR RISK INSURANCE**

**Change in Expiration Dates**

Section 308.4 *Period of interim binders if insurance thereunder does not attach*, § 308.106 *Standard form of war risk hull insurance interim binder*, § 308.205 *Standard form of war risk protection and indemnity insurance interim binder*, and § 308.305 *Standard form of Second Seamen's war risk interim binder*, are hereby amended by changing the expiration dates therein from "midnight, September 7, 1959, G.M.T." to "midnight, September 7, 1960, G.M.T."

(Sec. 204, 49 Stat. 1987 as amended, 46 U.S.C. 1114)

Dated: August 27, 1959.

By order of the Acting Maritime Administrator.

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 59-7271; Filed, Sept. 1, 1959; 8:45 a.m.]

**Title 49—TRANSPORTATION**

**Chapter I—Interstate Commerce Commission**

[S.O. 931, Amdt. 1]

**PART 95—CAR SERVICE**

**Movement of Ores Restricted; Appointment of Agent**

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 28th day of August A.D. 1959.

Upon further consideration of Service Order No. 931 (24 F.R. 5186), and good cause appearing therefor:

*It is ordered, That:*

Section 95.931 *Movement of ores restricted; appointment of agent*, of Service Order No. 931, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., September 30, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

**Effective date.** This amendment shall become effective at 11:59 p.m., August 31, 1959.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

*It is further ordered,* That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-7313; Filed, Sept. 1, 1959; 8:51 a.m.]

**PROPOSED  
RULE MAKING**

**DEPARTMENT OF THE TREASURY**

Internal Revenue Service

[ 26 CFR (1954) Part 1 ]

**INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953**

**Notice of Proposed Rule Making**

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,  
Acting Commissioner  
of Internal Revenue.

The regulations set forth below under sections 1242 and 1243, which were added to the Internal Revenue Code of 1954 by the Technical Amendments Act of 1958 (72 Stat. 1645), and the following amendments to the regulations under sections 243 and 533 to conform such sections to changes made by such Act, are hereby prescribed for taxable years beginning after September 2, 1958:

PARAGRAPH 1. The following sections are inserted immediately after § 1.1241-1:

**§ 1.1242 Statutory provisions; losses on small business investment company stock.**

SEC. 1242. *Losses on small business investment company stock.* If—

(1) A loss is on stock in a small business investment company operating under the Small Business Investment Act of 1958, and

(2) Such loss would (but for this section) be a loss from the sale or exchange of a capital asset,

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset. For purposes of section 172 (relating to the net operating loss deduction) any amount of loss treated by reason of this section as a loss from the sale or exchange of property which is not a capital asset shall be treated as attributable to a trade or business of the taxpayer.

[Sec. 1242 as added by sec. 57, Technical Amendments Act of 1958 (72 Stat. 1645)]

**§ 1.1242-1 Losses on small business investment company stock.**

(a) *In general.* A taxpayer who sustains a loss for a taxable year beginning after September 2, 1958, as a result of the worthlessness, or from the sale or exchange, of the stock of a small business investment company shall treat such loss as a loss from the sale or exchange of property which is not a capital asset, if at the time of such loss—

(1) The company which issued the stock is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107), and

(2) Such loss would, but for the provisions of section 1242, be a loss from the sale or exchange of a capital asset.

(b) *Treatment of losses for purposes of section 172.* For the purposes of section 172 (relating to the net operating loss deduction), any amount of loss treated by reason of section 1242 as a loss from the sale or exchange of property which is not a capital asset shall be treated as attributable to the trade or business of the taxpayer. Accordingly, for the purposes of section 172(d) (4), relating to nonbusiness deductions of a taxpayer other than a corporation, the deduction for any loss on the stock of a small business investment company, as described in paragraph (a) of this section, shall be considered as a loss attributable to the taxpayer's trade or business. See section 172(d) and § 1.172-3.

(c) *Statement to be filed with return.* A taxpayer claiming a deduction for a loss on the stock of a small business investment company shall file with his income tax return a statement containing: the name and address of the

small business investment company which issued the stock, the number of shares, basis, and selling price of the stock with respect to which the loss is claimed, the respective dates of purchase and sale of such stock, or the reason for its worthlessness and approximate date thereof. For the rules applicable in determining the worthlessness of securities, see section 165 and the regulations thereunder.

**§ 1.1243 Statutory provisions; loss of small business investment company.**

SEC. 1243. *Loss of small business investment company.* In the case of a small business investment company operating under the Small Business Investment Act of 1958, if—

(1) A loss is on convertible debentures (including stock received pursuant to the conversion privilege) acquired pursuant to section 304 of the Small Business Investment Act of 1958, and

(2) Such loss would (but for this section) be a loss from the sale or exchange of a capital asset,

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset.

[Sec. 1243 as added by sec. 57, Technical Amendments Act 1958 (72 Stat. 1645)]

**§ 1.1243-1 Loss of small business investment company.**

(a) *In general.* A small business investment company which sustains a loss for a taxable year beginning after September 2, 1958, as a result of the worthlessness, or on the sale or exchange, of the securities of a small business concern (as defined in section 103(5) of the Small Business Investment Act of 1958 (72 Stat. 689) and in 13 CFR 107.103-1) shall treat such loss as a loss from the sale or exchange of property which is not a capital asset if—

(1) The securities are either the convertible debentures, or the stock issued pursuant to the conversion privilege thereof, acquired in accordance with the provisions of section 304 of the Small Business Investment Act of 1958 (72 Stat. 693) and the regulations thereunder,

(2) Such loss would, but for the provisions of section 1243, be a loss from the sale or exchange of a capital asset, and

(3) At the time of the loss, the company is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107).

(b) *Material to be filed with return.* A small business investment company which claims a deduction for a loss on the convertible debentures or stock of a small business concern shall submit with its income tax return a statement that it is a Federal licensee under the Small Business Investment Act of 1958. The statement shall also set forth: the name and address of the small business concern with respect to whose securities the loss was sustained, the number of shares of stock or the number and denomination of bonds with respect to which the loss is claimed, the basis and selling price thereof, and the respective dates of purchase and sale of the securities, or the reason for their worthlessness

and the approximate date thereof. For the rules applicable in determining the worthlessness of securities, see section 165 and the regulations thereunder.

PAR. 2. Section 1.243 is amended to read as follows:

**§ 1.243 Statutory provisions; dividends received by corporations.**

SEC. 243. *Dividends received by corporations—(a) General rule.* In the case of a corporation (other than a small business investment company operating under the Small Business Investment Act of 1958), there shall be allowed as a deduction an amount equal to 85 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(b) *Small business investment companies.* In the case of a small business investment company operating under the Small Business Investment Act of 1958, there shall be allowed as a deduction an amount equal to 100 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(c) *Special rules for certain distributions.* For purposes of subsections (a) and (b)—

(1) Any amount allowed as a deduction under section 691 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend.

(2) A dividend received from a regulated investment company shall be subject to the limitations prescribed in section 854.

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (72 Stat. 1645)]

**§ 1.243-1 [Amendment]**

PAR. 3. Section 1.243-1 is revised as follows:

(A) By striking out paragraph (a) and inserting in lieu thereof the following:

(a) (1) A corporation is allowed a deduction under section 243 for dividends received from a domestic corporation which is subject to taxation under chapter 1 of the Internal Revenue Code of 1954.

(2) Except as provided in section 243 (c) and in section 246, the deduction is:

(i) For the taxable year, an amount equal to 85 percent of the dividends received from such domestic corporations during the taxable year (other than dividends to which subdivision (ii) of this subparagraph applies).

(ii) For a taxable year beginning after September 2, 1958, an amount equal to 100 percent of the dividends received from such domestic corporations if at the time of receipt of such dividends the taxpayer corporation is a Federal licensee under the Small Business Investment Act of 1958. However, to claim the deduction provided by section 243(b) the company must file with its return a statement that it was a Federal licensee under the Small Business Investment Act of 1958 at the time of the receipt of the dividends.

(3) To determine the amount of the distribution to a recipient corporation and the amount of the dividend, see §§ 1.301-1 and 1.316-1.

(B) By changing the first sentence of paragraph (b) to read as follows: "The deductions allowed by section 243 (a) and (b) shall be determined without regard to any dividends described in paragraph (1) of section 244 (relating to dividends on the preferred stock of a public utility)."

(C) By striking out "such deduction" in the second sentence of paragraph (b) and substituting "such deductions".

(D) By striking out "section 243(a)" at the end of the last sentence of paragraph (b) and inserting in lieu thereof "section 243 (a) or (b)".

§ 1.243-2 [Amendment]

PAR. 4. Section 1.243-2 is amended as follows:

(A) By striking out "section 243(a)" in paragraph (a) and substituting the words "section 243 (a) or (b)".

(B) By striking out "section 243(a)" in paragraph (b) and substituting the words "section 243 (a) or (b)".

§ 1.246 [Amendment]

PAR. 5. In § 1.246, section 246(b) (1) is amended by striking out "243" each place it appears therein and inserting in lieu thereof "243(a)" and by inserting at the end of section 246 a historical note reading as follows:

[Sec. 246 as amended by sec. 57(c) (2), Technical Amendments Act 1958 (72 Stat. 1646)]

§ 1.246-2 [Amendment]

PAR. 6. Section 1.246-2 is amended as follows:

(A) By striking out "243" in the first and second sentences of paragraph (a) and inserting in lieu thereof "243(a)".

(B) By striking out "243" in the second and fourth sentences of paragraph (b) and inserting in lieu thereof "243 (a)".

PAR. 7. Section 1.533-1 is amended by adding the following new paragraph at the end thereof:

§ 1.533-1 Evidence of purpose to avoid income tax.

(d) *Small business investment companies.* A corporation which is licensed to operate as a small business investment company under the Small Business Investment Act of 1958 (72 Stat. 689) and the regulations thereunder (13 CFR Part 107) will generally be considered to be a "mere holding or investment company" within the meaning of section 533(b). However, the presumption of the existence of the purpose to avoid income tax with respect to shareholders which results from the fact that such a company is a "mere holding or investment company" will be considered overcome so long as such company:

(1) Complies with all the provisions of the Small Business Investment Act of 1958 and the regulations thereunder; and

(2) Actively engages in the business of providing funds to small business concerns through the purchase of convertible debenture bonds of such concerns or through the disbursement of long-term loans to such concerns (see sections 304 and 305 of the Small Business Investment Act of 1958).

On the other hand, if such a company violates or fails to comply with any of the provisions of the Small Business Investment Act of 1958 or the regulations thereunder or ceases to invest its funds actively in small business concerns as provided in subparagraph (2) of this paragraph, it will not be considered to have overcome the presumption by reason of any rules provided in this paragraph.

PAR. 8. Pursuant to subsection (d) of section 57 of the Technical Amendments Act of 1958 (72 Stat. 1645), the amendments to the regulations provided in the foregoing paragraphs of this Treasury decision are made applicable to taxable years beginning after September 2, 1958.

[F.R. Doc. 59-7290; Filed, Sept. 1, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[ 50 CFR Part 31 ]

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise § 31.93 and to revoke §§ 31.94, 31.95, and 31.98 of Subpart—Deer Flat National Wildlife Refuge, Idaho, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit the hunting of waterfowl and coots, except geese, on certain lands of the Deer Flat National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revision and revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

D. H. JANZEN,  
Director, Bureau of  
Sport Fisheries and Wildlife.

HUNTING

§ 31.93 Migratory waterfowl (except geese) and coot hunting permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, migratory waterfowl and coot, except geese, hunting is permitted on the hereinafter described lands and waters of the Deer Flat National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Checking stations.* Hunters, upon entering or leaving the hunting areas, shall report at such checking sta-

tions as may be established for the purpose of regulating the hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Boats.* The use of boats without motors for the purpose of hunting waterfowl and coots is permitted: *Provided,* That the use of scull boats is prohibited.

(e) *Hunting areas.* The following described areas are open to hunting:

1. All refuge lands and waters lying west of a straight line beginning at the NW corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 17, T. 3 N., R. 3 W., and ending at the  $\frac{1}{4}$  corner common to Sections 3 and 4, T. 2 N., R. 3 W., except that portion NW of the Lower Embankment.

2. All refuge lands and waters north and east of a line starting at the NW corner of Sec. 6, T. 2 N., R. 2 W., thence south to the W $\frac{1}{4}$  corner of said Sec. 6, thence southeasterly to the NE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec 16, T. 2 N., R. 2 W., at the mouth of the New York Canal.

[F.R. Doc. 59-7277; Filed, Sept. 1, 1959; 8:45 a.m.]

[ 50 CFR Part 31 ]

TULE LAKE NATIONAL WILDLIFE REFUGE, CALIFORNIA

Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.351 to Subpart—Tule Lake National Wildlife Refuge, California, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit the hunting of pheasants on certain lands of the Tule Lake National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed addition to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

D. H. JANZEN,  
Director, Bureau of  
Sport Fisheries and Wildlife.

HUNTING

§ 31.351 Pheasant hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, pheasant hunting is permitted on the hereinafter described lands of the Tule Lake National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Entry.* A valid State hunting license, if required under State law, will serve as a Federal permit for hunting on

that portion of the refuge opened to hunting.

(c) *Dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Seasons and hunting area.* (1) During the period from November 14 to November 29, 1959, both dates inclusive, the hunting of pheasants is permitted on that part of the Tule Lake National Wildlife Refuge lying and being north of the following described line:

Beginning on the east boundary of the refuge at the E $\frac{1}{4}$  corner of Sec. 20, T. 47 N., R. 5 E., M.D.M., thence west along the center line of secs. 20 and 19, T. 47 N., R. 5 E., and the center line of secs. 24, 23, 22, 21, 20, and 19, T. 47 N., R. 4 E., to the point of intersection with the west boundary of the refuge.

(2) On November 14 and 15, 1959, the hunting of pheasants is permitted on those lands of the refuge commonly known as the Frog Pond and Lower Sump areas of the refuge:

Bounded on the south by the Lava Beds Road, on the east by the refuge boundary, on the north by the center line of secs. 20 and 19, T. 47 N., R. 5 E., and the center line of secs. 23 and 24, T. 47 N., R. 4 E., and on the west by the east dike of the Upper Sump and the west berm of the west dike of the Lower Sump, and on those lands of the refuge commonly known as the Panhandle buffer strip, as posted by the officer in charge, situated west of the west bank of the N Canal in the S $\frac{1}{2}$ N $\frac{1}{2}$  sec. 16, T. 46 N., R. 5 E., M.D.M., and east of the west perimeter road around the Panhandle area in the S $\frac{1}{2}$ N $\frac{1}{2}$  sec. 17.

[F.R. Doc. 59-7278; Filed, Sept. 1, 1959; 8:45 a.m.]

#### [ 50 CFR Part 32 ]

### MONTE VISTA NATIONAL WILDLIFE REFUGE, COLORADO

#### Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to revise §§ 32.109 and 32.110 of Subpart—Monte Vista National Wildlife Refuge, Colorado, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to prohibit the taking of geese and to make more inclusive the regulations governing the hunting of pheasants and rabbits on certain lands of the Monte Vista National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed revisions to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 27, 1959.

D. H. JANZEN,  
Director, Bureau of  
Sport Fisheries and Wildlife.

#### HUNTING

### § 32.109 Hunting of waterfowl and coots, except geese, permitted.

Subject to compliance with the provisions of Parts 6, 18, and 21 of this chapter, the hunting of waterfowl and coots, except geese, is permitted on the hereinafter described lands of the Monte Vista National Wildlife Refuge, Colorado, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The following described area is open to hunting:

Those lands of the Monte Vista National Wildlife Refuge lying east of the east line of Sec. 6, T. 37 N., R. 8 E., bounded on the north by Spring Creek, on the east by the Empire Canal, and on the south by the Resettlement Ditch; and that portion of Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch, more particularly described as those lands in Secs. 27, 28, 32, 33, and 34, T. 38 N., R. 8 E., lying south of Spring Creek and west of the Empire Canal; those lands in Secs. 2, 3, 4, 5, 8, 9, and 10, T. 37 N., R. 8 E., lying north of the Resettlement Ditch and west of the Empire Canal; and those lands in Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch.

(b) *State laws.* Strict compliance with all State laws and regulations is required.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Boats prohibited.* The use of boats is prohibited.

(e) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

### § 32.110 Hunting of pheasants and rabbits permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of pheasants and rabbits is permitted on the hereinafter described lands of the Monte Vista National Wildlife Refuge, Colorado, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The hunting of pheasants and rabbits is permitted on the following described area:

Those lands of the Monte Vista National Wildlife Refuge lying east of the east line of Sec. 6, T. 37 N., R. 8 E., bounded on the north by Spring Creek, on the east by the Empire Canal, and on the south by the Resettlement Ditch; and that portion of Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch, more particularly described as those lands in Secs. 27, 28, 32, 33, and 34, T. 38 N., R. 8 E., lying south of Spring Creek and west of the Empire Canal; those lands in Secs. 2, 3, 4, 5, 8, 9, and 10, T. 37 N., R. 8 E., lying north of the Resettlement Ditch and west of the Empire Canal; and those lands in Sec. 9, T. 37 N., R. 8 E., lying south of the Resettlement Ditch.

(b) *State laws.* Strict compliance with all State laws and regulations is required, and the period during which hunting is permitted shall correspond with State seasons, except that rabbit hunting shall be permitted only during the waterfowl season.

(c) *Hunting dogs.* Hunting dogs, not to exceed two per hunter, may be used for the purpose of hunting and retrieving, but such dogs shall not be permitted to run at large on the refuge.

(d) *Checking stations.* Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for regulating the hunting.

(e) *Firearms.* Shotguns only will be permitted on the area open to hunting.

[F.R. Doc. 59-7279; Filed, Sept. 1, 1959; 8:45 a.m.]

#### [ 50 CFR Part 34 ]

### WHITE RIVER NATIONAL WILDLIFE REFUGE, ARKANSAS

#### Hunting

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to amend § 34.271 and to revoke §§ 34.272, 34.273, 34.274, and 34.275 of Subpart—White River National Wildlife Refuge, Arkansas, Chapter I, Title 50, Code of Federal Regulations, to read as set forth in tentative form below. The purpose is to permit hunting by firearms and bow and arrow during the 1959 season and to make more inclusive upland game regulations on the White River National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed amendment and revocations to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 28, 1959.

A. V. TUNISON,  
Acting Director, Bureau of  
Sport Fisheries and Wildlife.

#### HUNTING

### § 34.271 Hunting of upland game permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, the hunting of deer, squirrels, rabbits, and bobcats is permitted on the White River National Wildlife Refuge, Arkansas, subject to the following conditions, restrictions, and regulations:

(a) *Hunting area.* The entire refuge is open to hunting with the exception of clearly posted closed areas, including the refuge headquarters, refuge subheadquarters, Big Island Shoot Farm Area, and the recreational area and boat landing at Jack's Bay. Hunters shall follow such routes of travel as may be designated by the officer in charge.

(b) *State laws.* Strict compliance with all pertinent State laws and regulations is required.

(c) *Hunting licenses and permits.* Any persons who hunt within the refuge

must be in possession of a valid State permit or hunting license if such is required. In addition, each person shall possess a Federal permit to hunt. Hunters must comply with the restrictions imposed by this permit for the regulation of the hunt.

(d) *Dogs.* No dogs will be allowed in connection with either the gun or archery hunts.

(e) *Hunting methods and seasons.* The hunting of squirrels, rabbits, and bobcats with legal firearms is permitted October 1-7, 1959, inclusive. The hunting of deer of either sex and small game, including rabbits, squirrels, and bobcats with legal bows and arrows, is permitted October 16-31, 1959, inclusive.

[F.R. Doc. 59-7301; Filed, Sept. 1, 1959; 8:49 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 909 ]

#### ALMONDS GROWN IN CALIFORNIA

##### Expenses of Almond Control Board and Rate of Assessment for 1959-60 Crop Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Almond Control Board and rate of assessment for the 1959-60 crop year which began July 1, 1959. The proposal, which is based on the recommendation of the Almond Control Board and other available information would be established in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Consideration will be given to data, views, or arguments pertaining to the proposal which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds is presently estimated at 70 million pounds (kernel weight) for the 1959-60 crop year. On this basis, an assessment rate of .09 cent per pound of almond kernels would assure the availability of sufficient funds to meet the estimated expenses of the Board for the 1959-60 crop year. The aforesaid amended marketing agreement and order provide that funds which are collected as assessments for a crop year and not expended in connection with such crop year's operations, may be used temporarily by the Board during the four-month period subsequent to such crop year in paying the expenses of the Board incurred in connection with

the subsequent crop year, but must be made available to the handlers from whom collected within five months from the beginning of such new crop year.

The proposal is as follows:

**§ 909.309 Budget of expenses of the Almond Control Board and rate of assessment for the 1959-60 crop year.**

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1959, shall be in the total amount of \$47,700, such amount being reasonable and likely to be incurred for maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) The rate of assessment for the said crop year, payable by each handler to the Almond Control Board on demand, shall be nine hundredths of a cent (.09¢) per pound of almonds, kernel weight basis, received by each handler for his own account, except almonds received from other handlers on which assessments have been paid.

Dated: August 28, 1959.

S. R. SMITH,  
Director,

Fruit and Vegetable Division.

[F.R. Doc. 59-7307; Filed, Sept. 1, 1959; 8:50 a.m.]

#### [ 7 CFR Part 958 ]

[Area 2]

#### IRISH POTATOES GROWN IN COLORADO

##### Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

**§ 958.231 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and this part, to enable such committee to perform its functions pursuant to the

provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1960, will amount to \$10,584.00.

(b) The rate of assessment for Area No. 2 to be paid by each handler, pursuant to Marketing Agreement No. 97 and this part, shall be \$0.0035 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and this part.

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

Dated: August 28, 1959.

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

[F.R. Doc. 59-7308; Filed, Sept. 1, 1959; 8:50 a.m.]

#### Agricultural Research Service

[ 7 CFR Part 319 ]

#### FOREIGN QUARANTINE NOTICES

##### Administrative Instructions Prescribing Method of Treatment of Imported Yams

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Director of the Plant Quarantine Division, pursuant to § 319.56-2 of the regulations supplemental to the fruit and vegetable quarantine (7 CFR 319.56-2) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 162), is considering the amendment of administrative instructions effective December 20, 1958, issued as 7 CFR, 1958 Supp., § 319.56-2m to read as follows:

**§ 319.56-2m Administrative instructions prescribing method of treatment of imported yams.**

(a) *Fumigation upon arrival.* Except as otherwise provided in paragraph (b) of this section, approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival at the port of entry, is hereby prescribed as a condition of importation under permit under § 319.56-2 for shipments of yams from all foreign countries.

(1) *Ports of entry.* Yams to be offered for entry may be shipped, under permit under § 319.56-2, direct from the country of origin to ports in the United States where approved fumigation facilities are available.

(2) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber that has been approved for that purpose by the Plant Quarantine Division. The dosage shall be applied at the following rates:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90-96	2.5	4
80-89	3.0	4
70-79	3.5	4

(ii) Yams to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The four-hour exposure period shall begin when all the fumigant has been introduced into the chamber and volatilized. Cubic feet of space shall include the load of yams to be fumigated. The required temperatures apply to both the air and the yams. Good circulation above and below the load shall be provided as soon as the yams are loaded in the chamber and shall continue during the full period of fumigation and until the yams have been removed to a well-ventilated location. Fumigation of yams below the minimum temperature prescribed in the fumigation schedule may result in injury to the yams and should be avoided. Yams are sensitive to bruising and should be carefully packed to prevent this. At the same time they should be given as much aeration as possible.

(3) *Other conditions.* (i) Inspectors of the Plant Quarantine Division will supervise the fumigation of yams and will specify such safeguards as may be necessary for their handling and transportation before and after fumigation, if, in the opinion of the inspector, this is necessary to assure there will be no pest risk associated with the importation and treatment. Final release of the yams for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of approved fumigation chambers will, if practicable, be carried on as a part of normal port inspection activities. When so available such supervision will be furnished without cost to the owner of the yams or his representative.

(4) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the yams, or his representative.

(5) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with yams, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pre-treatment or posttreatment safeguards.

(b) *Alternate procedures.* (1) Yams produced in Japan and offered for entry under a permit issued in accordance with § 319.56-2 shall be subject to examination by an inspector at the port of entry. If this examination shows the yams to be free of plant pests, they may be imported without the fumigation required by paragraph (a) of this section.

(2) Yams produced in Cuba, if satisfactorily treated in Cuba and otherwise

handled and certified as provided in this subparagraph will be eligible for entry under permit under § 319.56-2.

(i) *Approved fumigation.* The yams shall be fumigated at approved plants in Cuba in accordance with paragraph (a) (2) of this section.

(ii) *Approval of fumigation plants; costs of supervision.* Fumigation in Cuba will be contingent upon the availability of a fumigation plant, approved by the Director of the Plant Quarantine Division, to apply the treatment prescribed in paragraph (a) (2) of this section and upon the availability of qualified personnel for assignment to approve the plant and to supervise the treatment and posttreatment handling of the yams in Cuba. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all transportation, per diem, and other incidental expenses of such personnel and compensation for such personnel for their services in excess of 40 hours weekly, in connection with such approval and supervision, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(iii) *Supervision of fumigation and subsequent handling.* The fumigation prescribed in this paragraph and the subsequent handling of the yams so fumigated must be under the supervision of a representative of the Plant Quarantine Division. The treated yams must be safeguarded against insect infestation during the period prior to shipment from Cuba, in a manner required by such representative.

(iv) *Certification.* Yams will be certified by a representative of the Plant Quarantine Division in Cuba for entry into the United States upon the basis of treatment under this subparagraph and compliance with the posttreatment safeguard requirements imposed by such representative. The final release of the yams for entry into the United States will be conditioned upon compliance with such requirements and upon satisfactory inspection on arrival to determine efficacy of treatment.

(v) *Costs.* All costs incident to fumigation, including those for construction, equipping, maintaining and operating fumigation plants and facilities, and carrying out requirements of posttreatment safeguards, and all costs as indicated in subdivision (ii) of this subparagraph incident to plant approval and supervision of treatment and subsequent handling of the yams in Cuba shall be borne by the owner of the yams or his representative.

(vi) *Department not responsible for damage.* The treatment prescribed in paragraph (a) (2) of this section is judged from experimental tests to be safe for use with yams. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of posttreatment safeguards.

(vii) *Ports of entry.* Yams to be offered for entry in accordance with the

alternate procedure provided for in this subparagraph may be entered under permit under § 319.56-2 at any United States port where an inspector is stationed.

(viii) *Ineligible shipments.* Any shipments of yams produced in Cuba that are not eligible for certification under the alternate procedure provided for in this subparagraph may enter only upon compliance with paragraph (a) of this section.

The proposed amendment would extend to all countries the privilege of shipping yams to the United States under permit subject to fumigation at the port of entry. This privilege is now limited to yams from the West Indies. A further exception would be made in the case of yam importations from Japan, since there are no yam pests of plant quarantine significance known to exist in that country. Unless inspection of such imports indicates their infestation or infection with important plant pests, the yams will be eligible for importation without fumigation.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159; 19 F.R. 74, as amended; 7 CFR 319.56-2)

Done at Washington, D.C., this 28th day of August 1959.

[SEAL]

H. S. DEAN,  
Acting Director,  
Plant Quarantine Division.

[F.R. Doc. 59-7309; Filed, Sept. 1, 1959; 8:50 a.m.]

#### [ 7 CFR Part 351 ]

### IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL

#### Notice of Proposed Rule Making

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 7 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 160, 162) and secs. 103, 105, and 106 of the Federal Plant Pest Act of May 23, 1957 (7 U.S.C. 150bb, 150dd, 150ee) is considering the revision of 7 CFR, Part 351, relating to the importation of plants or plant products by mail to read as follows:

- Sec.
- 351.1 Joint treatment generally.
  - 351.2 Location of inspectors.
  - 351.3 Procedure on arrival.
  - 351.4 Records.
  - 351.5 Return or destruction.
  - 351.6 Packages in closed mail dispatches.
  - 351.7 Regulations governing importation by mail of plant material for immediate export.

CROSS REFERENCE: For customs regulations governing importation of plants and plant products, see 19 CFR Part 12.

AUTHORITY: §§ 351.1 to 351.7 issued under sec. 9, 37 Stat. 318, and sec. 106, 71 Stat. 33, 7 U.S.C. 162, 150ee. Interpret or apply sec. 7, 37 Stat. 317, and secs. 103, 105, 71 Stat. 32, 7 U.S.C. 160, 150bb, 150dd; 19 F.R. 74, as amended.

**§ 351.1 Joint treatment generally.**

Under various orders, quarantines, and regulations promulgated by the Administrator of the Agricultural Research Service under authority of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315, 7 U.S.C. 154), as amended, and the Federal Plant Pest Act of May 23, 1957 (71 Stat. 31-35; 7 U.S.C. 150aa-150jj), the entry into the United States of certain plants, plant products, and soil is prohibited or restricted. As an aid in enforcing these or subsequent orders, quarantines, and regulations, provisions have been made by the Plant Quarantine Division of the United States Department of Agriculture, concurrently with the Postal and Customs Services, to insure closer inspection of such importations.

**§ 351.2 Location of inspectors.**

Inspectors of the Plant Quarantine Division and customs officers are stationed at the following locations:

- Agana, Guam.
- Arlington, Va.
- Atlanta, Ga.
- Baltimore, Md.
- Baton Rouge, La.
- Blaine, Wash.
- Boston, Mass.
- Brownsville, Tex.
- Buffalo, N.Y.
- Calexico, Calif.
- Charleston, S.C.
- Charlotte Amalie, St. Thomas, V.I.
- Chicago, Ill.
- Christiansted, St. Croix, V.I.
- Cleveland, Ohio.
- Corpus Christi, Tex.
- Dallas, Tex.
- Del Rio, Tex.
- Detroit, Mich.
- Douglas, Ariz.
- Dover, Del.
- Eagle Pass, Tex.
- El Paso, Tex.
- Galveston, Tex.
- Hidalgo, Tex.
- Hilo, Hawaii.
- Hoboken, N.J.
- Honolulu, Hawaii.
- Houston, Tex.
- Jacksonville, Fla.
- Key West, Fla.
- Laredo, Tex.
- Memphis, Tenn.
- Miami, Fla.
- Mobile, Ala.
- New Orleans, La.
- New York, N.Y.
- Nogales, Ariz.
- Norfolk, Va.
- Pensacola, Fla.
- Philadelphia, Pa.
- Port Arthur, Tex.
- Port Everglades, Fla.
- Portland, Ore.
- Presidio, Tex.
- Roma, Tex.
- St. Albans, Vt.
- St. Paul, Minn.
- San Antonio, Tex.
- San Diego, Calif.
- San Francisco, Calif.
- San Juan, P.R.

- San Luis, Ariz.
- San Pedro, Calif.
- San Ysidro, Calif.
- Savannah, Ga.
- Seattle, Wash.
- Tampa, Fla.
- Washington, D.C.
- Weslaco, Tex.
- West Palm Beach, Fla.
- Wilmington, N.C.
- Ysleta, Tex.

**§ 351.3 Procedure on arrival.**

All parcel post or other mail packages from foreign countries which, either from examination or external evidence, are found or are believed to contain plants or plant products, shall be dispatched for submission, or actually submitted, to the plant quarantine inspector at the most accessible place. The inspector shall pass upon the contents under the Plant Quarantine Act and Federal Plant Pest Act and with the cooperation of the customs and postal officers either (a) release the package from further plant quarantine examination and endorse his decision thereon; or (b) divert it to the Plant Quarantine Station at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., for disposition. If so diverted, the plant quarantine inspector shall attach to the package the yellow and green special mailing tag addressed to the proper quarantine station. If the package is diverted, it shall be accompanied by customs card Form 3511 and transmitted to the appropriate Customs office for referral to the Plant Quarantine Station. Envelopes containing customs card Form 3511 addressed to the collector of customs, New York, N.Y., shall contain a notation that the material is to be referred to the Plant Quarantine Division, Hoboken, N.J.

**§ 351.4 Records.**

The customs officers at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P.R., San Pedro, Calif., or Seattle, Wash., shall keep a record of such packages as may be delivered to representatives of the Department of Agriculture, and upon the return thereof shall prepare a mail entry to accompany the dutiable package and deliver it to the postmaster for delivery or onward dispatch or in appropriate cases subject the shipment to formal customs entry procedure.

**§ 351.5 Return or destruction.**

Where the plant quarantine inspector requires the entire shipment to be returned to the country of origin as a prohibited importation (in which event he shall endorse his action thereon) and delivers the shipment to the collector of customs, the collector shall in turn deliver it to the postmaster for dispatch to the country of origin. If, upon examination, the plant material is deemed dangerous to plant life, the collector of customs shall permit the plant quarantine inspector to destroy immediately both the container and its contents. In either case the plant quarantine inspector shall notify the addressee of the ac-

tion taken and the reason therefor. If the objectionable plant material forms only a portion of the contents of the mail package and in the judgment of the inspector the package can safely be delivered to the addressee, after removing and destroying the objectionable material, such procedure is authorized. In the latter case the inspector shall place in the package a memorandum (Form PQ-387) informing the addressee of the action taken by the inspector and describing the matter which has been seized and destroyed and the reasons therefor.

**§ 351.6 Packages in closed mail dispatches.**

The foregoing instructions shall be followed in the treatment of packages containing plants or plant products received in closed mail dispatches made up for transmission directly to a post office located at a customs port at which no plant quarantine inspector is stationed. Such packages (accompanied by customs card Form 3511) shall be forwarded by the collector of customs through the postmaster to the most accessible location listed in § 351.2 for appropriate treatment in the manner hereinbefore provided for. This procedure shall also be followed in respect to such packages which are forwarded to unlisted post offices from the post office of original receipt, without having received plant quarantine examination. Packages discovered at post offices where no customs officer is located shall be forwarded by the postmaster under his official penalty envelope addressed to the collector of customs at the most accessible location listed for appropriate treatment as prescribed herein.

**§ 351.7 Regulations governing importation by mail of plant material for immediate export.**

To collectors of customs and others concerned:

(a) Shipments of plant material may be imported by mail free of duty for immediate exportation by mail subject to the following regulations, which have been approved by the Department of Agriculture and the Post Office Department:

(1) Each shipment shall be dispatched in the mails from abroad, accompanied by a yellow and green special mail tag bearing the serial number of the permit for entry for immediate exportation or immediate transportation and exportation, issued by the United States Department of Agriculture, and also the postal form of customs declaration.

(2) Upon arrival, the shipment shall be detained by, or redispached to, the postmaster at Washington, D.C., Brownsville, Tex., Hoboken, N.J., Honolulu, Hawaii, Laredo, Tex., Miami, Fla., San Francisco, Calif., San Juan, P. R., San Pedro, Calif., or Seattle, Wash., as may be appropriate, according to the address on the yellow and green tag, and there submitted to the customs officer and the Federal quarantine inspector. The merchandise shall under no circumstances be permitted to enter the commerce of the United States.

(3) After inspection by the customs and quarantine officers, and with their

approval, the addressee, or his authorized agent, shall repack and readdress the mail parcel under customs supervision; affix to the parcel the necessary postage, and comply with other mailing requirements, after which the parcel shall be delivered to the postmaster for exportation by mail pursuant to 19 CFR 9.11(a). The contents of the original parcel may be subdivided and exported in separate parcels in like manner.

(4) Each parcel imported shall be subject to the payment of the clearance and delivery fee prescribed by the postal service.

(5) It will not be necessary to issue a customs mail entry nor to require formal entry of the shipments.

(6) The mail shipments referred to shall be accorded special handling only at the points specified in subparagraph (2) of this paragraph.

(7) The foregoing procedure shall not affect the movement of plant material in the international mails in transit through the United States.

The purpose of this revision of Part 351 is to bring up to date the list of locations at which Plant Quarantine Inspectors are stationed and to conform the contents to the most recent regulations and procedures of the Bureau of Customs and the Post Office Department.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of August 1959.

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

[F.R. Doc. 59-7282; Filed, Sept. 1, 1959; 8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 3, 7, 8, 9, 10, 11, 16, 19 ]

[Docket No. 13083]

### MICROWAVE FREQUENCIES FOR PRIVATE COMMUNICATIONS SYSTEMS, EXCLUDING BROADCASTERS

#### Technical Standards Governing Grant of Applications for Use

Commission Order dated August 19, 1959 in the above entitled matter and published August 25, 1959, 24 F.R. 6876, under Proposed Rule Making (F.R. Doc. 59-7044) reading "[47 CFR Part 3]" should have read "[47 CFR Parts 7, 8, 9, 10, 11, 16, 19]."

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
*Secretary.*

[F.R. Doc. 59-7305; Filed, Sept. 1, 1959; 8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[ 21 CFR Part 53 ]

#### TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

##### Tomato Puree; Standard of Identity

Notice is hereby given that a petition has been filed by the following listed persons, proposing that the standard of identity for tomato puree (21 CFR 53.20) be amended as hereinafter set forth:

H. J. Heinz Company, Pittsburgh, Pa.  
Schuckl and Company, Sunnyvale, Calif.  
Tri-Valley Packing Association, San Francisco, Calif.  
Thornton Canning Company, Lodi, Calif.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all

interested persons are hereby invited to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that § 53.20 *Tomato puree, tomato pulp; identity; label statement of optional ingredients*, be amended by inserting therein a new paragraph:

(—) The name specified for the food covered by this section is "tomato puree" or alternatively "tomato pulp." However, if the only optional tomato ingredient used is the ingredient specified in paragraph (a) (1) of this section and it is seasoned with salt and contains not less than 21 percent of salt-free tomato solids, the name "concentrated tomato juice" may be used in lieu of the name "tomato puree" or "tomato pulp."

Dated: August 27, 1959.

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

[F.R. Doc. 59-7296; Filed, Sept. 1, 1959; 8:49 a.m.]

## NOTICES

### CIVIL AERONAUTICS BOARD

[Docket No. 10744]

#### LINEA EXPRESA BOLIVAR, C.A.

##### Notice of Hearing

In the matter of the application of Linea Expresa Bolivar, C.A., for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on September 17, 1959, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., August 27, 1959.

[SEAL] THOMAS L. WRENN,  
*Associate Chief Examiner.*

[F.R. Doc. 59-7302; Filed, Sept. 1, 1959; 8:49 a.m.]

[Docket No. 5463 et al.]

#### PACIFIC AIRLINES, INC.; REOPENED PACIFIC NORTHWEST LOCAL SERVICE CASE

##### Notice of Prehearing Conference

In the matter of the reopened record in the above-entitled proceeding for further hearing on the application of Pacific Airlines, Inc. for extension of segment 4 of

route No. 76 beyond Sacramento, California to Reno, Nevada to determine the extent to which the probable expenses incident to Pacific's proposed Sacramento-Reno operation would be affected by the reinstatement of the second DC-3 round trip between San Francisco and Sacramento via San Jose and Stockton.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 22, 1959, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., August 28, 1959.

[SEAL] THOMAS L. WRENN,  
*Associate Chief Examiner.*

[F.R. Doc. 59-7303; Filed, Sept. 1, 1959; 8:50 a.m.]

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

#### IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM KOREA

##### Available Certifications by Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the

United States directly, or on a through bill of lading, from Korea of the following additional commodities:

- Abalone, canned or dried.
- Crabmeat, canned.
- Cuttlefish, dried.
- Fish, salted.
- Floor coverings, grass, including seagrass mats and squares.
- Mushrooms, dried.
- Seaweeds, dried.

[SEAL] ELTING ARNOLD,  
*Acting Director,*  
*Foreign Assets Control.*

[F.R. Doc. 59-7289; Filed, Sept. 1, 1959; 8:47 a.m.]

## CIVIL SERVICE COMMISSION

### SKILLS CRITICAL TO NATIONAL SECURITY EFFORT

#### Notice of Positions for Which There Is Determined To Be a Manpower Shortage

Under the provisions of Public Law 85-749, the Civil Service Commission has determined that for the position of Inhalation Therapist, GS-699-7, there is a manpower shortage in skills critical to the national security effort.

Geographic coverage is restricted to positions located at Walter Reed Army Medical Center, Washington, D.C.

For appointees to this position, the employing agency may pay travel and transportation costs in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 59-7299; Filed, Sept. 1, 1959; 8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12880; FCC 59M-1087]

### JACKSON GRIFFIN

#### Memorandum Opinion and Order Continuing Hearing

In the matter of Jackson Griffin, P.O. Box 393, Golden Meadow, Louisiana, order to show cause why there should not be revoked the license for Radio Station WG-8506 aboard the vessel "Jackson".

1. Counsel for Jackson Griffin, respondent herein, filed on August 24, 1959, a document which, inter alia, included a request that the show cause order in this proceeding be dismissed. Counsel for Safety and Special Radio Services Bureau informally advised the Acting Chief Hearing Examiner this date that a further pleading in reply to the document referred to above would be filed by that Bureau.

2. The hearing is now scheduled for September 3, 1959, and there has not to

date been a waiver of § 1.43 of the Commission's rules.

3. Since it is contemplated that additional pleadings will be filed herein, it appears appropriate that the hearing should be continued without date in order to afford ample time for the consideration of all pleadings by the Commission.

Accordingly it is ordered, This 27th day of August 1959, that the hearing herein now scheduled for September 3, 1959, be, and the same is hereby, continued without date.

Released: August 28, 1959.

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

[F.R. Doc. 59-7306; Filed, Sept. 1, 1959; 8:50 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-18254]

### MOUNTAIN FUEL SUPPLY CO.

#### Notice of Application and Date of Hearing

AUGUST 27, 1959.

Take notice that on April 8, 1959, Mountain Fuel Supply Company (Applicant) filed in Docket No. G-18254 an application, and on July 1, 1959, a supplement thereto, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of 24.4 miles of 20-inch pipeline extending northeast from Coalville, Utah, into Uinta County, Wyoming, looping Applicant's existing 18-inch looped transmission pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the proposed looping is to enable Applicant to meet the normal expected growth of its market in general and its firm peak-load requirements for the 1959-60 winter season in particular.

The total estimated cost of the proposed facilities for which authorization is sought herein is \$1,527,200, including overhead, engineering, inspection, and contingencies, which will be financed from internal sources, treasury funds presently on hand, and short-term bank loans.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 6, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,*

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

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

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 59-7272; Filed, Sept. 1, 1959; 8:45 a.m.]

[Docket No. G-19256]

### SUNRAY MID-CONTINENT OIL CO. Order for Hearing and Suspending Proposed Change in Rate

AUGUST 26, 1959.

Sunray Mid-Continent Oil Company (Sunray), on August 3, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated July 31, 1959.

Purchaser: Phillips Petroleum Company (Phillips).

Rate schedule designation: Supplement No. 5 to Sunray's FPC Gas Rate Schedule No. 83.

Effective Date: September 3, 1959. (Stated effective date is the date proposed by Sunray.)

The proposed increased rate is based on an increase of the spiral escalation type and is dependent upon the final determined amount of increase allowed Phillips in its related rate increase, which is now in effect subject to refund in Docket No. G-13069.

In support of the proposed increase, Sunray cites the contract provisions, states that they were negotiated through arm's length bargaining and are just and reasonable. Sunray also states that the price of its gas would currently be in excess of 40 cents per Mcf if based on Btu value.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement

No. 5 to Sunray's FPC Gas Rate Schedule No. 83 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Sunray's FPC Gas Rate Schedule No. 83.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until February 3, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 59-7273; Filed, Sept. 1, 1959;  
8:45 a.m.]

[Docket Nos. G-19252, G-19254]

## WESTERN NATURAL GAS CO. AND BRITISH-AMERICAN OIL PRODUCING CO.

### Order for Hearing and Suspending Proposed Changes in Rates<sup>1</sup>

AUGUST 26, 1959.

In the matters of Western Natural Gas Company, Docket No. G-19252; The British-American Oil Producing Company, Docket No. G-19254.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing the purchaser is El Paso Natural Gas Company.

In support of its increases, Western Natural Gas Company cites its contract provisions and lists various other producers whose rates are equal to or greater

than its proposed rates and have been allowed to become effective subject to refund. The British-American Oil Producing Company cites the contract provisions and states that the contract was negotiated in good faith at arm's-length.

On August 18, 1959, El Paso Natural Gas Company filed a formal protest to

the acceptance for filing of the British-American Oil Producing Company's proposed increased rates.

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

Respondent	Rate schedule No.	Supplement No.	Notice of changes dated—	Date tendered	Effective date	Rate suspended and deferred until—	Rate in effect subject to refund in docket number
1. Western Natural Gas Co.	3	4	Undated	7-27-59	1-8-27-59	1-27-60	G-14013
2. The British-American Oil Producing Co.	14	5	7-23-59	7-29-59	1-8-29-59	1-29-60	G-14028

<sup>1</sup> The stated effective date is the first day after the required thirty days' notice.

[Docket No. G-18060]

## UNITED GAS PIPE LINE CO.

### Notice of Application and Date of Hearing

AUGUST 27, 1959.

Take notice that on March 13, 1959, United Gas Pipe Line Company (Applicant) filed in Docket No. G-18060 an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5.4 miles of 16-inch pipeline and appurtenant facilities extending southeasterly from a point on Applicant's existing facilities in Section 1, Township 18 South, Range 13 East, to a point in the Bayou Penchant Area, all in Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the facilities for which authorization is sought herein is to loop existing facilities to take natural gas from producers in said Bayou Penchant Area, thus enabling Applicant to take additional volumes as they become available by increasing the capacity of the existing supply pipeline facilities from 25,000 Mcf to 100,000 Mcf per day.

The total estimated initial cost of the facilities proposed herein is \$490,897, which will be financed from current working funds.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on October 6, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pur-

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the designated supplements to Respondents' FPC Gas Rate Schedules be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter 1), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and changes contained in the designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending hearing and decision thereon, the said supplement tendered by Western Natural Gas Company is hereby suspended and the use thereof deferred until January 27, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Pending hearing and decision thereon, the said supplement tendered by The British-American Oil Producing Company be and it hereby is suspended and the use thereof deferred until January 29, 1960, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) None of the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

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

By the Commission.

MICHAEL J. FARRELL,  
*Acting Secretary.*

[F.R. Doc. 59-7274; Filed, Sept. 1, 1959;  
8:45 a.m.]

<sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

suant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

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

MICHAEL J. FARRELL,  
Acting Secretary.

[F.R. Doc. 59-7275; Filed, Sept. 1, 1959; 8:45 a.m.]

## GENERAL SERVICES ADMINISTRATION

### MAGNESIUM SCRAP AND CADMIUM-MAGNESIUM SCRAP HELD IN NATIONAL STOCKPILE

#### Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 53 Stat. 811, as amended, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 4,413 short tons of cadmium-magnesium scrap and 451 short tons of magnesium scrap now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, that there is no longer any need for stockpiling these materials. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said magnesium scrap and cadmium-magnesium scrap are obsolescent for use in time of war.

General Services Administration proposes to offer said materials for sale, on a competitive basis. The offering of the cadmium-magnesium scrap will begin six months after the date of publication of this notice in the FEDERAL REGISTER, and the magnesium scrap will be offered on or after July 21, 1960.

This plan of disposition has been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: August 27, 1959.

FRANKLIN FLOETE,  
Administrator of General Services.

[F.R. Doc. 59-7800; Filed, Sept. 1, 1959; 8:49 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2020]

### CORN PRODUCTS CO. (DELAWARE)

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

AUGUST 27, 1959.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Corn Products Company, (Delaware), Common Stock, File No. 7-2020.

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

Upon receipt of a request, on or before September 11, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-7280; Filed, Sept. 1, 1959; 8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 285]

### MOTOR CARRIER APPLICATIONS

AUGUST 28, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 8989 (Sub No. 183), filed August 6, 1959. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, (other than automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of*, or *accessories for*, such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo, Ohio, to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., and Fort Wayne, Ind., and Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 8989 (Sub No. 184), filed August 20, 1959. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, P.O. Box 1228, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, and *parts or accessories for* such vehicles, by truckaway or driveaway method, in initial and secondary movements, from Cortland, N.Y., to all points in the United States including Alaska and *damaged or rejected motor vehicles*, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 21866 (Sub No. 42). Filed August 18, 1959. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal articles*, except metal building and shipbuilding materials, from Pottsville, Pa., to points in Connecticut, Kentucky, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, Vermont, and West Virginia; (2) *metal articles*, from Pottsville, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin; (3) *construction materials*, from points in Illinois, Indiana, Michigan, and Wisconsin to Pottsville, Pa. Applicant is authorized to conduct operations in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West Virginia, Kentucky, Ohio, North Carolina, South Carolina, Indiana,

Illinois, Michigan, Vermont, Maine, New Hampshire, and the District of Columbia.

**HEARING:** October 6, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 25798 (Sub No. 29), filed August 10, 1959. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Route No. 1, Hendersonville, N.C. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Waynesville, N.C., and points within five (5) miles thereof, and Asheville, N.C., to Macon, Ga., points in Florida, and points in Georgia on and south of U.S. Highway 80. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**HEARING:** October 12, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 30837 (Sub No. 263), filed August 6, 1959. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, an Ohio corporation, 4519 76th Street, Kenosha, Wis. Applicant's attorney: James K. Knudson, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, (other than passenger automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of*, or *accessories for*, such vehicles when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo, Ohio, to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., Fort Wayne, Ind., and Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 44639 (Sub No. 11), filed July 13, 1959. Applicant: SAM MATTA, IRVING LEVIN AND ABE LEVIN, doing business as, L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between New York, N.Y., and points in Hudson, Bergen, Passaic, and Essex Counties, N.J., on the one hand, and, on the other, points in Rowan County, N.C. Applicant is authorized to conduct operations in New Jersey, New York, Maryland, and Virginia.

**HEARING:** October 13, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 52657 (Sub No. 574), filed August 25, 1959. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water, oil, blast hole or quarry and mining drills*, self propelled or trailer mounted, and *accessories or parts thereof* when moving with such drills, from points in Wayne County, Ind., to points in the United States; and (2) *road construction machinery and equipment* as described by the Interstate Commerce Commission in Appendix VIII to Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, from Evansville, Ind., and Erie, Pa., to points in the United States. Applicant is authorized to operate throughout the United States.

**HEARING:** September 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Michael B. Driscoll.

No. MC 59014 (Sub No. 18), filed May 27, 1959. Applicant: TALLANT TRANSFER COMPANY, INC., 1341 Second Avenue SW., Hickory, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, Mecklenburg, McDowell, and Wilkes Counties, N.C., to points in Wisconsin on and south of Wisconsin Highway 64, Louisiana, Iowa, and those in the Minneapolis-St. Paul, Minn., Commercial Zone, and the Omaha, Nebr., Commercial Zone, as defined by the Commission. (2) From points in Rowan, Davidson, Guilford, and Forsyth Counties, N.C., to points in Mississippi, Louisiana, Arkansas, Missouri, Iowa, Wisconsin on and south of Wisconsin Highway 64, and those in the Minneapolis-St. Paul, Minn., Commercial Zone, and the Omaha, Nebr., Commercial Zone, as defined by the Commission. (3) From High Point and Rural Hall, N.C., to points in Alabama, Florida and Georgia, except from High Point, N.C., to points in Georgia. *Foam rubber used in the manufacture of furniture*, from points in Erie County, N.Y., to points in North Carolina on and west of U.S. Highway 29. *Cotton, cotton waste and linter*, from Boston and Worcester, Mass., to points in North Carolina on and west of U.S. Highway 29. *Mineral wool and mineral products*, from Manville, N.J., to points in North Carolina. *Damaged and rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**HEARING:** October 7, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 63417 (Sub No. 18), filed June 24, 1959. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., Railroad Avenue, Galax, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sumter, S.C., to points in Virginia, West Virginia, Maryland, Pennsylvania, Ohio, New York, Delaware, New Jersey, Kentucky, Illinois, Indiana, and Michigan, and *rejected and damaged shipments and empty containers*, on return. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Note: The purpose of this application is to eliminate the gateway of Stanelyton, Va., as required in Certificates Nos. MC 63417 and Subs 5 and 6.

**HEARING:** October 6, 1959, at the U.S. Court Rooms, Columbia, S.C., before Examiner Lyle C. Farmer.

No. MC 64994 (Sub No. 28), filed June 16, 1959. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's representative: Frank C. Phillips, P.O. Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in North Carolina to points in Wisconsin and to Minneapolis and St. Paul, Minn., and *rejected and damaged shipments* of new furniture, and *materials and supplies* used in the manufacture of furniture on return.

**HEARING:** October 14, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 64994 (Sub No. 29), filed July 31, 1959. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: A. W. Flynn, Jr., P.O. Box 127, Greensboro, N.C. Applicant's representative: Frank C. Phillips, P.O. Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, (a) from points in North Carolina to points in Indiana south of U.S. Highway 40; and (b) from points in North Carolina to points in Kentucky; and (2) *Rejected or damaged shipments* of new furniture and *materials and supplies* used in the manufacture of furniture, from the above-specified destination points to their respective origin points. Applicant is authorized to conduct regular and irregular route operations in Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

**HEARING:** October 14, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 69228 (Sub No. 15), filed August 6, 1959. Applicant: FUGATE & GIRON DRIVEAWAY COMPANY, INC., 1500 Mitchell Boulevard, Springfield, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (other than automobiles and trailers), and *chassis*, in secondary movements, in truckaway service, and *parts of, or accessories for, such vehicles* when transported therewith, from Fort Wayne, Ind., and Springfield and Toledo, Ohio, to points in the United States, restricted to the transportation of vehicles manufactured at Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

**HEARING:** October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 89697 (Sub No. 21), filed August 21, 1959. Applicant: KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank vehicles, between points in Massachusetts, Rhode Island, Connecticut, Maine, Vermont, and New Hampshire, on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Alabama, and Florida. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

**HEARING:** September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 100955 (Sub No. 11) (CLARIFICATION), filed August 12, 1959, published issue FEDERAL REGISTER August 26, 1959. Applicant: THE JACOBS TRANSFER COMPANY OF BALTIMORE, a Corporation, 606 South Sharp Street, Baltimore 30, Md. Applicant's attorney: Hugh M. Steinberger, 61 Pierce Street NE., Washington 2, D.C. Route (3) of the subject application reads: between Point of Rocks, Md., and Harpers Ferry, Md. The proposed operation is clarified to read: "between Point of Rocks, Md., and Harpers Ferry, Md.-W. Va."

**HEARING:** Remains as assigned September 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 107107 (Sub No. 122) filed, August 18, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from High Point, N.C.,

to points in Virginia, West Virginia, Illinois, Indiana, Ohio, Wisconsin, Minnesota, Iowa, New York, New Jersey, Pennsylvania, Vermont, New Hampshire, Maine, Connecticut, Massachusetts, Michigan, and Missouri. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Rhode Island, and Vermont.

**HEARING:** October 7, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 110698 (Sub No. 125), filed July 20, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Winston Road, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Anniston, Ala., to Lowell, N.C., and Greenville, S.C. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

**HEARING:** October 12, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 110988 (Sub No. 62). Filed August 18, 1959. Applicant: KAMPO TRANSIT INC., Congress Road, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Elwood, Ill., and points within ten (10) miles thereof, to points in Indiana, Iowa, Kentucky, Missouri, Michigan, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Wisconsin, Illinois, Georgia, Louisiana, Missouri, Oklahoma, Texas, Nebraska, Minnesota, Iowa, Indiana, Michigan, Ohio, Kentucky, Arkansas, Kansas, Tennessee, Florida, Alabama, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia.

**HEARING:** September 22, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 113336 (Sub No. 21), filed June 29, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Liquid latex*, in bulk, in tank vehicles, from points in Mecklenburg, Gaston, and Cabarrus Counties, N.C., to points in North Carolina, South Carolina, and Virginia. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

**HEARING:** October 9, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Joint Board No. 221, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 113336 (Sub No. 22), filed June 29, 1959. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or bags, from points in Tennessee and South Carolina to points in North Carolina. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, and South Carolina.

**HEARING:** October 9, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Joint Board No. 221, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 115517 (Sub No. 1), filed May 25, 1959. Applicant: A. R. LOWDER, doing business as E. & L. TRUCKING CO., Route No. 4, Albemarle, N.C. Applicant's attorney: Samuel Behrends, Jr., Albemarle, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bricks, cinder and cement blocks, and building materials*, from points in Stanly, Rowan, and Lee Counties, N.C., to points in South Carolina, Virginia, Maryland, and the District of Columbia; (2) *Fertilizer, fertilizer materials, building materials, farm fencing, reinforcing wire, and nails*, from Norfolk, Va., Columbia and Charleston, S.C., and Savannah, Ga., to points in North Carolina; (3) *Farm machinery, implements, and parts*, from Richmond, Va., to points in North Carolina on and west of U.S. Highway 1; (4) *Lumber and building materials*, from points in Stanly, Montgomery, Anson, and Union Counties, N.C., to points in South Carolina, Georgia, Florida, Virginia, West Virginia, Maryland, New Jersey, Pennsylvania, points in the New York, N.Y., Commercial Zone, as defined by the Commission, and the District of Columbia; (5) *Feed, seeds, and feed ingredients*, from points in Virginia, North Carolina, and South Carolina, to points in Florida; and (6) *Oyster shells*, from Jacksonville, Fla., to points in North Carolina.

**HEARING:** October 13, 1959, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Lyle C. Farmer.

No. MC 117137, filed January 24, 1958 (REPUBLICATION). Applicant: N. J. MATLOCK, doing business as ALASKA AUTO TRANSPORT, Box 1800, Fairbanks, Alaska. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. By application filed January 24, 1958, as amended, N. J. Matlock, doing business as Alaska Auto

Transport, of Fairbanks, Alaska, sought a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of new and used automobiles and pickup trucks, in truckaway service, between Seattle, Wash., on the one hand, and, on the other, points on the international boundary line between the United States and Canada at or near Sumas, Wash. At the time of the hearing in April 1958, Alaska, with respect to which this proceeding is concerned, had not yet been admitted as a State. In a report and order entered in the subject proceeding, August 14, 1959, Division 1 stated, in part, which is here pertinent, as follows: Although the application as filed does not request service to and from Alaska, the obvious intent of the application and understanding of the parties, though not specifically stated in the application is that service to and from that State is contemplated. At the time of filing the application, it was appropriately phrased, and we deem it proper to consider the application in light of the changed circumstances. Since the hearing herein, Alaska has been admitted as a State. A grant of authority limiting applicant to operations in foreign commerce from and to a territory of the United States, is, no longer appropriate. Because Alaska is now a State, applicant will be authorized to operate between Seattle, on the one hand, and Fairbanks, Alaska, on the other. The fact that land movements between Alaska and the rest of the continental United States must pass over portions of Canada means, of course, that a carrier authorized to operate to or from Alaska must obtain any necessary approval of Canadian authorities. In the past, where we have granted authority in response to a need for service from points in the United States to points in Alaska, we have authorized movements only to points on the international boundary. The regulatory jurisdiction of this Commission, of course, extends only to our national boundaries, and the fact that the grant of authority made herein does not specifically refer to service to and from points on the international boundary should not be construed as an attempt on our part to regulate that portion of the proposed operation which will be conducted over Canadian highways. Division 1 finds that the present and future public convenience and necessity require operation by applicant, as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of automobiles and pickup trucks, in truckaway service, in secondary movements, between Seattle, Wash., on the one hand, and, on the other, Fairbanks, Alaska. However, in order to insure that any person, not a party to this proceeding, may not be adversely affected, the authority granted herein shall be republished in the FEDERAL REGISTER and the issuance of a certificate will be withheld for 30 days from the date of this republication, during which time appropriate petitions may be filed.

No. MC 118863 (Sub No. 3), filed August 19, 1959. Applicant: VERL HAR-

VEY, INC., 241 West 56th Avenue, Denver, Colo. Applicant's attorney: Peter J. Crouse, Equitable Building, Denver 2, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from Portland and Boettcher, Colo., to points in Kansas on and west of U.S. Highway 283 and those in Nebraska on and west of U.S. Highway 83, and *empty containers or other such incidental facilities* used in transporting cement on return. (2) *Cement*, and *empty containers or other such incidental facilities* used in transporting cement, (1) between points in Kansas; (2) between points in Nebraska; (3) between points in Wyoming.

HEARING: September 23, 1959, at the New Customs House, Denver, Colo., before Examiner Mack Myers.

No. MC 118986, filed June 10, 1959. Applicant: HARRY EVERT ALVE-SHIRE, Elizabeth Street, Ratesburg, S.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mobile homes, house trailers, and trailers* designed to be pulled by automobiles, between points in Greenville, Lexington, Richland and Sumter Counties, S.C., on the one hand, and, on the other, points in Alabama, Georgia, Florida, North Carolina, and Virginia.

HEARING: October 5, 1959, at the U.S. Court Rooms, Columbia, S.C., before Examiner Lyle C. Farmer.

#### MOTOR CARRIER OF PASSENGERS

No. MC 114271 (Sub No. 4), filed July 16, 1959. Applicant: CONTINENTAL CRESCENT LINES, INC., 425 Bolton Avenue, Alexandria, La. Applicant's attorney: Grove Stafford, 628 Murray Street, Alexandria, La. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Express, mail and newspapers*, in the same vehicle with passengers, between junction alternate U.S. Highway 31 and Tennessee Highway 99, north of Eagleville, Tenn., and Shelbyville, Tenn., from the junction of alternate U.S. Highway 31 and Tennessee Highway 99 over Tennessee Highway 99 to Eagleville, Tenn., thence over alternate U.S. Highway 41 to Shelbyville, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

NOTE: Applicant states that it operates over the above route in the transportation of passengers and their baggage.

HEARING: October 13, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 35396 (Sub No. 28), filed August 24, 1959. Applicant: ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, U.S. 41 South, Madisonville, Ky. Applicant's attorney:

Robert M. Pearce, 7th Floor McClure Building, Frankfort, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, crates, nails, lumber and cardboard cartons*, between points in Logan and Muhlenberg Counties, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Indiana, Kentucky, Illinois, Tennessee, Ohio, Pennsylvania, West Virginia, New York, New Jersey, Michigan, Alabama, Arkansas, Georgia, Mississippi, Louisiana, Minnesota, Connecticut, Massachusetts, Wisconsin, Iowa, Kansas, Missouri, North Carolina, and Virginia.

No. MC 40858 (Sub No. 47), filed August 26, 1959. Applicant: THE SILVER FLEET MOTOR EXPRESS, INC., 416 Pearl Street, Louisville 2, Ky. Authority sought to operate as a common carrier, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Illinois, Indiana, Kentucky, North Carolina, Ohio, Tennessee, and Virginia.

No. MC 52953 (Sub No. 19), filed August 26, 1959. Applicant: ET & WNC TRANSPORTATION COMPANY, a Corporation, 132 Legion Street, Johnson City, Tenn. Applicant's attorney: H. Charles Ephraim, 1001 15th Street, NW., Washington 5, D.C. Authority sought to operate as a common carrier, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland, Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular-route operations through Knoxville and Kingsport, Tenn., over U.S. Highway 11-W. Applicant is authorized to conduct operations in Tennessee, North Carolina, Georgia, and South Carolina.

No. MC 59583 (Sub No. 82), filed August 26, 1959. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a common carrier, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

No. MC 60875 (Sub No. 14), filed August 26, 1959. Applicant: RUTHERFORD FREIGHT LINES, INC., Pierce Street, Bristol, Va.-Tenn. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Tennessee, Virginia, West Virginia, North Carolina, Georgia, and South Carolina.

No. MC 66562 (Sub No. 1545), filed August 18, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 The Citizens & Southern Nat'l Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Knoxville, Tenn., and Gatlinburg, Tenn.: (1) from Knoxville over U.S. Highway 129 to Maryville, Tenn.; (2) from Knoxville over Tennessee Highway 73 to Maryville; (3) from Knoxville over U.S. Highway 441 to Gatlinburg; and (4) from Maryville over U.S. Highway 411 to junction U.S. Highway 441, operating in either direction over all segments, serving the intermediate points of Rockford, Alcoa, Maryville, and Sevierville, Tenn. RESTRICTIONS: The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediate prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1549), filed August 20, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, limited to

transportation of express shipments having a prior or subsequent rail or air haul, between Austin, Minn., and Jackson, Minn.: from Austin west over U.S. Highway 16, a distance of approximately 105 miles, to Jackson, and return over the same route, a distance of approximately 36 miles to junction with Minnesota Highway 262, thence north and east over Minnesota Highway 262, thence north, a distance of approximately 16 miles, to junction with Minnesota Highway 109, thence east and south over Minnesota Highway 109, a distance of approximately 20 miles, to junction with U.S. Highway 16, and thence east over U.S. Highway 16, a distance of approximately 31 miles, to Austin, serving the intermediate points of Hayward, Albert Lea, Blue Earth, Guckeen, Fairmont, Welcome, Sherburn, Alpha, Granada, Huntley, Winnebago, Delavan, Easton, Wells, and Alden, Minn. Applicant is authorized to conduct operations throughout the United States.

No. MC 66990 (Sub No. 7) (AMENDMENT), filed May 14, 1959, published FEDERAL REGISTER issue of August 5, 1959. Applicant: DON EATON TRANSFER & STORAGE, INCORPORATED, 119 South Frisco, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in Ex Parte No. MC 19, 176.1 as amended, (1) between points in Alaska, and (2) between points in Alaska, on the one hand, and, on the other, points in Oklahoma, Texas, New Mexico, Colorado, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Iowa, Minnesota, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Michigan, Pennsylvania, New York, and New Jersey. Applicant is authorized to conduct operations in the above-named States except Alaska.

HEARING: Remains as assigned September 15, 1959, at the Mayo Hotel, Tulsa, Okla., before Examiner Jair S. Kaplan.

No. MC 67996 (Sub No. 2), filed August 17, 1959. Applicant: BERTRAM L. SMITH, doing business as DISTILLERY TRANSFER SERVICE, Bardstown, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Alcoholic liquors and distillers' supplies*, (1) between Jeffersonville, Ind., and Danville, Ky.: from Jeffersonville, across the Ohio River, to Louisville, Ky., thence over U.S. Highway 31-E to Bardstown, Ky., and thence over U.S. Highway 150 to Danville, and return over the same route, serving all intermediate points; (2) between Bardstown, Ky., and Boston, Ky.: from Bardstown over U.S. Highway 62 to Boston, and return over the same route, serving all intermediate points; and (3) between Bardstown, Ky., and Greenbrier (Nelson County), Ky.: from Bardstown over U.S. Highway 62 to a point 3 miles east of Bardstown, and thence over county road, via Early Times, to Greenbrier, and return over the same route, serving all intermediate points.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1), transporting the above-specified commodities (MC 67996 and Sub 1), between Bardstown and Louisville, Ky., including Danville, Boston, and Greenbrier. Applicant seeks by this application to convert such Second Proviso filings to a certificate of Public Convenience and Necessity, and to also include transportation from and to Jeffersonville, Ind.

No. MC 70022 (Sub No. 8), filed August 26, 1959. Applicant: MORGAN TRUCKING CO., INC., 5721 Friendly Road, P.O. Box 8508, Greensboro, N.C. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kingsport, Tenn., on the one hand, and, on the other, Greenland, Tenn., and points within five (5) miles thereof, to be joined to applicant's presently existing authority for the purpose of providing through service to and from points beyond Kingsport, Tenn. Applicant is authorized to conduct operations in Virginia, North Carolina, Georgia, Maryland, Pennsylvania, New York, Washington, D.C., South Carolina, Virginia, New Jersey, Delaware, and Tennessee.

No. MC 74721 (Sub No. 71), filed August 21, 1959. Applicant: MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Wilmington, Del., and junction U.S. Highway 30 and Pennsylvania Highway 41, from Wilmington over Delaware Highway 48 to junction Pennsylvania Highway 41 at or near the Delaware-Pennsylvania State line, thence over Pennsylvania Highway 41 to junction U.S. Highway 30 at or near Gap, Pa., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, subject to the restriction presently contained in applicant's existing authority that no shipments shall be transported over the above-described route between any two points both of which are east of a straight line drawn through Buffalo, N.Y., and Pittsburgh, Pa., to Charleston, W. Va.

No. MC 104004 (Sub No. 144), filed August 26, 1959. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Tennessee, New York, Virginia, Delaware, Georgia, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, and the District of Columbia.

No. MC 106456 (Sub No. 28), filed August 26, 1959. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Nashville, Tenn. Applicant's representative: J. R. Browder, Assistant Traffic Manager, Super Service Motor Freight Company, Inc., Box 180, Nashville, Tenn. Applicant's attorney: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, and except household goods, as defined by the Commission, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, New York, Missouri, New Jersey, Pennsylvania, Tennessee, Virginia, and West Virginia.

No. MC 107475 (Sub No. 42), filed August 26, 1959. Applicant: DANCE FREIGHT LINES, INC., 286 New Circle Road, Lexington, Ky. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, as intermediate and off-route points in connection with applicant's presently authorized regular route operations. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee.

No. MC 108651 (Sub No. 11), filed August 26, 1959. Applicant: ROY B. MOORE, INC., New Greeneville Highway, Kingsport, Tenn. Applicant's attorney: Frank K. Moore, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kingsport, Tenn., on the one hand, and, on the other, Greenland (Hawkins County), Tenn., and points within five (5) miles thereof, to

be joined to applicant's presently existing authority for the purpose of providing through service to and from points beyond Kingsport, Tenn. Applicant is authorized to conduct operations in New York, Tennessee, Virginia, Pennsylvania, New Jersey, Maryland, West Virginia, Georgia, Kentucky, South Carolina, and North Carolina.

No. MC 112020 (Sub No. 77), filed August 18, 1959. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish solubles*, in bulk, in specialized equipment, from points in Texas, Louisiana, Mississippi, Alabama, and Florida, to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, New York, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, Tennessee, Minnesota, New Jersey, Pennsylvania, New Mexico, Arizona, South Dakota, Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, North Carolina, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia.

No. MC 113908 (Sub No. 57) filed, August 20, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils and vegetable fats, vegetable oils and blends thereof*, from Waterloo, Iowa, to Kansas City, Kans. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC 118703 (Sub No. 1) (CORRECTION), filed August 14, 1959, published issue August 26, 1959. Applicant: PAUL HAUBOLD, Marston, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel* in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., points in Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo., and those in Green, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highway 45-E and U.S. Highway 45 to the Mississippi State line.

NOTE: The purpose of this republication is to show applicant's correct name.

No. MC 118973 (Sub No. 1), filed August 19, 1959. Applicant: JIM TIONA,

723 East Walnut Street, Rich Hill, Mo. Applicant's representative: Henry B. Vess, Jr., 216 East 10th Street, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scrap*, from the plant site of MacDowell Rendering Co., Inc., at or near Rich Hill, Mo., to points in Iowa, Illinois, Nebraska, Kansas, Wisconsin, and Minnesota.

No. MC 119166 filed August 20, 1959. Applicant: EVERETT LONG, Patton, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump vehicles, (1) between points in Ballard, McCracken, Carlisle, Hickman, and Fulton Counties, Ky., Mississippi, New Madrid, Pemiscot and Dunklin Counties, Mo., and Greene, Clay, Crittenden, and Mississippi Counties, Ark.; and (2) between points in Poinsett, Craighead, and St. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highways 45-E and 45.

#### MOTOR CARRIER OF PASSENGERS

No. MC 1508 (Sub No. 27), filed August 18, 1959. Applicant: RICHMOND-GREYHOUND LINES, INCORPORATED, Transportation Building, Broad and Jefferson Streets, Richmond 20, Va. Applicant's attorney: Raymond H. Warns, 5600 Jarvis Avenue, Chicago 48, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *passengers and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers between the junction of Interstate Highway 95 and U.S. Highway 1, located approximately 3 miles north of Richmond, Va., and Petersburg, Va., over Interstate Highway 95, serving the intermediate point of Richmond, Va. Applicant is authorized to conduct operations in Maryland, Virginia, and the District of Columbia.

#### PETITIONS

No. MC 16344, filed July 6, 1959. Petitioner: KEYSTONE MOTOR EXPRESS, INC., 2412 Collis Avenue, P.O. Box 5497, Huntington, W. Va. Petitioner's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Petition for waiver of § 1.101(e) of the general rules of practice and for reopening, reconsideration and modification of a portion of the order of October 21, 1958, issuing certificate of public convenience and necessity No. MC 16344 and for reopening and reconsideration of the grandfather proceedings in Docket No. MC 71110 wherein said portion of said certificate was originally issued to petitioner's predecessor in Docket No. MC 71110 by orders of division 5 dated September 8, 1937 and January 14, 1951.

Petitioner requests waiver of Rule 1.101(e) and reconsideration and modification of a portion of the Order of October 21, 1958, issuing a Certificate of Public Convenience and Necessity in docket No. MC 16344. Petitioner is successor in interest to C. C. Clawson and Delmer Litton, doing business as Motor

Transit Company, Charleston, W. Va., which persons held said portion of petitioner's certificate as that portion was originally issued by order of division 5, dated September 8, 1937, and January 14, 1941, in the "Grandfather" proceeding No. MC 71110. Petitioner states that a portion of Certificate No. MC 16344 sought to be modified now reads: *general commodities*, with the usual exceptions, "From Charleston, W. Va., to Cincinnati, Ohio, serving the intermediate points of Huntington, W. Va., and Portsmouth and Ironton, Ohio: From Charleston over U.S. Highway 60 to Huntington, W. Va., and thence over U.S. Highway 52 to Cincinnati;". Petitioner further states that the same portion of operating authority as issued on January 14, 1941, in MC 71110 originally read: "Between Charleston, W. Va., and Cincinnati, Ohio, as follows: *General commodities*, except those of unusual value, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, dangerous explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, From Charleston over U.S. Highway 60 to Huntington, W. Va., thence over U.S. Highway 52 to Cincinnati; and *Gas cylinders and rubber tires*, from Cincinnati over the above-specified route to Charleston. Service is authorized to and from the intermediate points of Huntington, W. Va., and Portsmouth and Ironton, Ohio." Petitioner further states that under the above-quoted portion of regular route operating authority, both as originally issued and as now issued, the original holder thereof and all subsequent holders thereof have at all time since June 1, 1935, continuously conducted bona fide regular route operations in interstate commerce serving the intermediate points of Portsmouth and Ironton, Ohio, and Huntington, W. Va., in both eastbound and westbound movements of general commodities (usual exceptions) over the prescribed regular route. Petitioner is respondent in the complaint proceeding MC-C-2585, Keystone Motor Express, Inc.—Investigation of Operations. Petitioner requests that this petition be considered in connection with that complaint proceeding, and also an extension application filed July 6, 1959, and assigned docket No. MC 16344 (Sub No. 6). Petitioner avers that the above-quoted portion of regular-route authority as originally issued and as now issued was and is intended to authorize general-commodity service in both eastbound and westbound directions at the intermediate points of Portsmouth and Ironton, Ohio, and Huntington, W. Va. Petitioner respectfully requests that this matter be clarified by the reissuance of said portion of regular-route authority to specify that service at those intermediate points may be rendered in both directions. Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 75463 (Sub No. 14), PETITION TO AMEND PERMIT SOLELY TO REFLECT CHANGE IN NAME OF SHIP-

PER UNDER CONTRACT. Petitioner: REED LINES, INC., 209 Canal Street, Defiance, Ohio. Petitioner's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. By Interim Permit issued January 7, 1958, carrier was authorized to conduct operations as a *contract carrier*, over irregular routes, as follows: "*Mineral wool and mineral wool products*, from Wabash, Ind., to points in Pennsylvania and West Virginia; and *returned shipments* of the above-specified commodities and *empty containers or other facilities* used in connection with the transportation described above, from points in Pennsylvania and West Virginia, to Wabash, Ind. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: American Rock Wool Corporation, Chicago, Ill., Celotex Corporation, Chicago, Ill." By consolidated petition which embraced MC 75463 (Sub No. 18), filed July 20, 1959, petitioner states that the plant and all activities of American Rock Wool Corporation have been purchased by United States Gypsum Company of Chicago, Ill., and prays the Commission effect the change of name on the existing permit to reflect in the place of American Rock Wool Company the name of United States Gypsum Company. Any proper party may, within 30 days from the date of this publication, make representations for or against the requested substitution.

No. MC 75463 (Sub No. 18), PETITION TO AMEND PERMIT SOLELY TO REFLECT CHANGE IN NAME OF SHIPPER UNDER CONTRACT. Petitioner: REED LINES, INC., 209 Canal Street, Defiance, Ohio. Petitioner's attorney: Walter E. Shaeffer, 44 East Broad Street, Columbus 15, Ohio. A Recommended Report and Order in the subject proceeding, served April 30, 1959, which became effective by operation of law and was the subject of a Notice to the Parties, dated May 20, 1959, recommended the issuance of an Interim Permit to applicant, as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *mineral wool and mineral rock products*, from Largo and Wabash, Ind., to points in Ohio on and east of U.S. Highway 21, and of *empty containers* for, and *damaged or returned shipments* of, the above-specified commodities, from points in the described Ohio territory to Largo and Wabash, Ind., and limited to a transportation service to be performed under a continuing contract or contracts with the Celotex Corporation of Chicago, Ill., and the American Rock Wool Corp., Chicago, Ill. By consolidated petition, which embraced MC 75463 (Sub No. 14), filed July 20, 1959, petitioner advises that the plant and all activities of American Rock Wool Corporation have been purchased by United States Gypsum Company of Chicago, Ill., and prays the Commission effect the change of name of the shipper, American Rock Wool Corporation named in the report and order, and designate in lieu thereof the name of United States Gypsum Company. The issuance of an Interim Permit in the subject proceeding will be withheld for a period of 30 days from the

date of this publication in the FEDERAL REGISTER, during which time any proper party may file representations for or against the substitution sought.

No. MC 86761 and Subs 1, 3, 7, 9, 12 and 22 (REPUBLICATION) (PETITION FOR REOPENING, RECONSIDERATION, AND MODIFICATION OF AUTHORITIES GRANTED BY ELIMINATION OF CERTAIN RESTRICTIONS OR CONDITIONS). Petitioner: GULF TRANSPORT COMPANY, a corporation, Mobile, Ala. Petitioner's attorneys: Leo H. Pou and John W. Adams, Jr., 104 St. Francis Street, Mobile, Ala. By Certificate No. MC 86761, dated November 1, 1949, which is a consolidated certificate and embraces all of petitioner's operating rights as a motor carrier of property in No. MC 86761 and sub-numbered proceedings specified above, petitioner is authorized to transport *general commodities*, without exceptions, and also *general commodities* subject to certain exceptions, and in addition, *mail, express, petroleum and petroleum products, and lumber*, over specified regular routes, (1) between Dyersburg, Tenn., and Mobile, Ala., (2) between Columbia, Miss., and Slidell, La., (3) between Rio, La., and Tylertown, Miss., (4) between Jackson, Miss., and Philadelphia, Miss., (5) between points in Louisiana, (6) between West Point, Miss., and Waynesboro, Miss., (7) between Waynesboro, Miss., and Coden, Ala., (8) between Theodore, Ala., and Delchamps, Ala., (9) between Delchamps, Ala., and Coden, Ala., (10) between Tuscaloosa, Ala., and Columbus, Miss., (11) between Columbus, Miss., and Starkville, Miss., (12) between West Point, Miss., and the Mississippi-Tennessee State line, near Corinth, Miss., (13) between Ava, Ill., and Jackson, Tenn., (14) between the Missouri-Illinois State line near Pike Station, Ill., and Fulton, Mo., (15) between Jackson, Tenn., and the Tennessee-Mississippi State line, (16) between Savannah, Tenn., and Selmer, Tenn., (17) between Columbia, Ill., and Millstadt, Ill., (18) between St. Louis, Mo., and Ava, Ill., (19) between Houston, Miss., and Calhoun City, Miss., (20) between Montgomery, Ala., and Tuscaloosa, Ala., (21) between West Columbia, Miss., and Jackson, Miss., (22) between points in Illinois, (23) between Springfield, Ill., and Alexander, Ill., (24) between the junction of Illinois Highways 123 and 125, about 3 miles east of Ashland, Ill., and Springfield, Ill., (25) between Washington, Ill., and Bloomington, Ill., (26) between Bells, Tenn., and Humboldt, Tenn., (27) from Melvin, Ala., to Shubuta, Miss., and (28) from Melvin, Ala., to Quitman, Miss. Applicant is authorized to serve both intermediate and off-route points on many of these routes. The operations generally are subject to (a) key-point restrictions, and (b) restrictions or conditions which limit shipments transported by petitioner to those having a prior or subsequent movement by rail. The subject petition, filed January 14, 1959, prays the Commission to reopen the proceedings numbered No. MC 86761 and sub numbers 1, 3, 7, 9, 12, and 22 thereof, and reconsider and modify the several authorities so as to eliminate from those authorities and

from petitioner's consolidated certificate all so-called key-point restrictions and all conditions which limit shipments transported by petitioner to those having a prior or subsequent movement by rail. The foregoing represents a republication in more detail of the relief sought by petition, the initial publication being made on January 14, 1959.

**HEARING:** October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 86761 and Subs 1, 3, 7, 9, 12, and 22, AMENDMENT TO PETITION filed August 21, 1959. Petitioner: GULF TRANSPORT COMPANY, a corporation, Mobile, Ala. Petitioner's attorneys: Leo H. Pou and John W. Adams, Jr., 104 St. Francis Street, Mobile, Ala. Amendment to petition filed August 21, 1959, wherein petitioner seeks to include in the petition filed January 14, 1959, a request that the Commission modify the several authorities involved in these proceedings so as to eliminate the requirements that service performed by petitioner be auxiliary to and supplemental of rail service and that the service performed be under rail billing and at rail rates. No request is being made for the elimination of the requirement that petitioner's service be limited to rail points as origin or destination points.

**HEARING:** October 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 109761 (Sub No. 6), PETITION TO AMEND INTERIM PERMIT BY ADDING NEW CONTRACT SHIPPER AND WAIVER OF RULE 1.101(3) OF THE GENERAL RULES OF PRACTICE. Petitioner: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Petitioner's attorney: Benjamin J. Brooks, Washington Loan & Trust Building, Washington 4, D.C. A corrected Interim Permit, dated March 10, 1958, authorized the transportation, as a *contract carrier*, over irregular routes, as follows: "Canned fruits, canned fruit juices, canned vegetables, and canned vegetable juices, not requiring refrigeration in transit, from points in Florida to points in Maine, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with: Theodore Nicolet, Rutland, Vt., Pasco Packing Co., Dade City, Fla., Hannaford Bros. Co., Portland, Maine, Shepard Grocery Corp., Franklin, N.H., A. H. Morse Co., Boston, Mass., Associated Grocers of New Hampshire, Inc., Manchester, N.H." By petition filed May 19, 1959, petitioner states that a shipper, Adams Packing Association, Inc., Auburndale, Fla., has for some time been laboring under a handicap in not having the services of applicant on shipments moving to points in Maine, New Hampshire and Vermont, and attaches a letter from the shipper in support of the petition. Petitioner further states that the granting of the petition will in no way broaden the territorial scope or

commodities involved but will enable petitioner to render a necessary service for the shipper, one that is not known to be available from any other motor carrier. Petitioner prays that the Commission will issue an order authorizing and permitting petitioner to serve this new shipper, Adams Packing Association, Inc., Auburndale, Fla. Any proper party may, within 30 days from this publication in the FEDERAL REGISTER, make representations for or against the additional services proposed.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

#### MOTOR CARRIERS OF PROPERTY

No. MC-F7176 (THE MCFARLAND TRANSPORTATION CO.—PURCHASE—PHILANDER COOKE), published in the April 29, 1959, issue of the FEDERAL REGISTER on page 3359. Amendment to application filed August 24, 1959. Application amended to the extent that PHILANDER COOKE, or North Haven, Conn., who controls HERCULES TRUCKING CO., INC., of Providence, R.I., seeks authority to acquire joint control of THE MCFARLAND TRANSPORTATION COMPANY. HERCULES TRUCKING CO., is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, and Connecticut.

No. MC-F 7282 (correction) (MIAMI TRANSPORTATION CO., INC., OF INDIANA—PURCHASE—RICHARD STROTHMAN) published in the August 19, 1959, issue of the FEDERAL REGISTER on page 6749. The operating rights being transferred should have read, in part, as follows: *General commodities*, excepting, among others, commodities in bulk but not excepting household goods, over irregular routes, between Feesburg, Ohio, and points within five miles thereof, on the one hand, and, on the other, Covington and Newport, Ky., and points in Ohio.

No. MC-F 7294. Authority sought for purchase by HUDSON TRANSPORTATION COMPANY, 720 Tonnele Avenue, Jersey City, N.J., of the operating rights of HILLSIDE FREIGHT LINES, INC. (SIDNEY W. GINDIN, ASSIGNEE), c/o Clarick & Clarick, 1143 East Jersey Street, Elizabeth, N.J., and for acquisition by JOSEPH M. STONE, 692 Grange Road, Teaneck, N.J., of control of such rights through the purchase. Applicants' attorneys: Clarick & Clarick, 1143 East Jersey Street, Elizabeth, N.J., and Bowes & Millner, 1060 Broad Street, Newark, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Essex, Union, Bergen, Passaic, Hudson, and Middlesex Counties, N.J., on the one hand, and, on the other, New York, N.Y., points in Orange, Rockland,

Westchester, and Nassau Counties, N.Y., that part of Pennsylvania east of the Susquehanna River, and that part of Connecticut on and west of U.S. Highway 5. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7295. Authority sought for purchase by WEBB'S TRANSFER, INC., 219-225 Johnson Avenue, Suffolk, Va., of the operating rights of CECIL N. HILL, doing business as HILL'S TRUCK SERVICE, COLERAIN, N.C., and for acquisition by JOSEPH CALHOUN WEBB, SR., P.O. Box 824, Suffolk, Va., of control of such rights through the purchase. Applicants' attorney: Jno. C. Goddin, 1304 State Planters Bank Building, Richmond, Va. Operating rights sought to be transferred: *Household goods*, as defined by the Commissioner, as a *common carrier* over irregular routes, between certain points in North Carolina, on the one hand, and, on the other, certain points in Virginia; *agricultural commodities, fish, fish products, and forest products*, from certain points in North Carolina to certain points in Virginia; *farm tractors, farm tractor parts, agricultural implements, fertilizer, and building materials*, between certain points in North Carolina, on the one hand, and, on the other, certain points in Virginia; *salt and fish bait*, from Norfolk, Va., to certain points in North Carolina. Vendee is authorized to operate as a *common carrier* in Virginia, New York, Pennsylvania, New Jersey, Maryland, North Carolina, Delaware, Rhode Island, Connecticut, Massachusetts, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7296. Authority sought for control by (1) CITY TRANSFER & STORAGE COMPANY, 219 Terry North, Seattle 9, Wash., (2) EYRES TRANSFER & WAREHOUSE CO., 2203 First Avenue South, Seattle 4, Wash., (3) FORTUNE TRANSFER COMPANY, 91 Connecticut Street, Seattle 4, Wash., (4) HOLMAN TRANSFER COMPANY, 48 Southeast Hawthorne Boulevard, Portland 14, Oreg., (5) OREGON TRANSFER CO., 2201 Sixth Avenue South and 3232 Northwest Industrial Street, Portland 8, Oreg., (6) RELIABLE TRANSFER & STORAGE COMPANY, INC., 1251 Occidental Avenue, Seattle 4, Wash., (7) RUDIE WILHELM WAREHOUSE CO., doing business as WILHELM TRUCKING CO., 3250 Northwest St. Helens Road, Portland 10, Oreg., and (8) TAYLOR-EDWARDS WAREHOUSE & TRANSFER CO., INC., 1020 Fourth Avenue South, Seattle 4, Wash., of INTERSTATE FREIGHT LINES, INC., 2201 Sixth Avenue South, Seattle 4, Wash., and for acquisition by (1) D. H. MacDONALD and LAWRENCE MacDONALD, both of Seattle, (2) EARL L. DEMPSEY and EVELYN J. DEMPSEY, both of Seattle, (3) DONALD J. FORTUNE and EVELYN M. BERNARD, both of Seattle, (4) HERBERT M. CLARK, HERBERT M. CLARK, JR., and LEONARD P. CLARK, all of Port-

land, (5) MARCILE CARLOCK BATES COWLIN, also of Portland, (6) CARL A. WHITEHEAD, also of Seattle, (7) RUDOLPH WILHELM, SR., ANGELINA M. WILHELM, RUDIE WILHELM, JR., and ROBERT J. WILHELM, all of Portland, and (8) D. E. TAYLOR, 800 North Hamilton Street, Spokane, Wash., of control of INTERSTATE FREIGHT LINES, INC., through the acquisition by CITY TRANSFER & STORAGE COMPANY, EYRES TRANSFER & WAREHOUSE CO., FORTUNE TRANSFER COMPANY, HOLMAN TRANSFER COMPANY, OREGON TRANSFER CO., RELIABLE TRANSFER & STORAGE COMPANY, INC., RUDIE WILHELM WAREHOUSE CO., doing business as WILHELM TRUCKING CO., and TAYLOR-EDWARDS WAREHOUSE & TRANSFER CO., INC. Applicants' attorney and representatives, respectively: Bryce Rea, Jr., Munsey Building, Washington 4, D.C., A. F. Bell, Vice-President, Eyres Transfer & Warehouse Co., 2203 First Avenue South, Seattle 4, Wash., Carl A. Whitehead, President, Reliable Transfer & Storage Co., 1251 Occidental Avenue, Seattle 4, Wash., and Earl H. Finger, Secretary, Taylor-Edwards Warehouse & Transfer Co., Inc., 1020 Fourth Avenue South, Seattle 4, Wash. Operating rights sought to be controlled: *General commodities*, except livestock in truckloads, commodities in bulk, and commodities of unusual value, as a *common carrier* over a regular route, between Portland, Oreg., and Seattle, Wash., serving the intermediate points of Chehalis, Centralia, Olympia, and Tacoma, Wash., on northbound traffic, and Tacoma and Vancouver, Wash., on southbound traffic; *general commodities*, excepting, among others, household goods and commodities in bulk, over an alternate regular route for operating convenience only, between Tenino, Wash., and Tacoma, Wash., serving no intermediate points and not serving Tenino; *class A, B and C explosives*, serving Grand Mound, Wash., as an intermediate point in connection with carrier's regular route operations between Portland, Oreg., and Seattle, Wash., restricted to traffic received from or delivered to connecting motor carriers at Grand Mound; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958 (which amended section 203(b)(6) of the Act), viz, *frozen fruits, frozen berries and frozen vegetables*, between points in Clark, King, Snohomish, Skagit, Pierce, and Whatcom Counties, Wash., on the one hand, and, on the other, points in Multnomah, Clackamas, Marion, Washington, and Yamhill Counties, Oreg., and Whatcom County, Wash., and ports of entry on the International Boundary Line between the United States and Canada at, near and between Pt. Roberts and Sumas in Washington. CITY TRANSFER & STORAGE COMPANY is authorized to operate as a *common carrier* in Washington, California and Oregon. EYRES TRANSFER & WAREHOUSE CO. is authorized to operate as a *common carrier* in Washington. FORTUNE TRANSFER COMPANY holds no

authority from this Commission. HOLMAN TRANSFER COMPANY is authorized to operate as a *common carrier* in Washington and Oregon. OREGON TRANSFER CO. is authorized to operate as a *common carrier* in Oregon and Washington. RELIABLE TRANSFER & STORAGE COMPANY is authorized to operate as a *common carrier* in Washington. RUDIE WILHELM WAREHOUSE CO., doing business as WILHELM TRUCKING CO., is authorized to operate as a *common carrier* in Oregon, California, Idaho and Washington. TAYLOR-EDWARDS WAREHOUSE & TRANSFER CO. is authorized to operate as a *common carrier* in Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7297. Authority sought for purchase by DEAN VAN LINES, INC., 18420 South Santa Fe Avenue, P.O. Box 7202, Long Beach 7, Calif., of a portion of the operating rights of R. F. BOUSH, doing business as R. F. BOUSH TRANSFER, 121 West Stewart Avenue, Puyallup, Wash., and for acquisition by DEAN VAN & STORAGE, INC., and, in turn, A. E. DEAN, both of Long Beach, of control of such rights through the purchase. Applicant's attorney: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between points in Pierce County, Wash., on the one hand, and, on the other, points in California and Oregon. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7298. Authority sought for control by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., of HEALZER CARTAGE CO., 1428 West Ninth Street, Kansas City 1, Mo., and for acquisition by R. A. YOUNG, JR., also of Fort Smith, of control of HEALZER CARTAGE CO., through the acquisition by ARKANSAS-BEST FREIGHT SYSTEM, INC. Applicant's attorneys: Thomas Harper, Kelley Building, Fort Smith, Ark., and Floyd F. Shields, 1460 Home Savings Building, Kansas City 6, Mo. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods but not excepting commodities in bulk, as a *common carrier* over regular routes, between Milwaukee, Wis., and Hutchinson, Kans., between Chicago, Ill., and Hutchinson, Kans., between Chicago, Ill., and Kinsley, Kans., between Chicago, Ill., and Dodge City, Kans., between Kansas City, Mo., and Abilene, Kans., between McPherson, Kans., and Wichita, Kans., between Kansas City, Mo., and Chicago, Ill., and between Wichita, Kans., and points within five miles of Wichita, serving certain intermediate and off-route points; (RESTRICTION: The service authorized in the first seven routes above is restricted to traffic moving between the named destination and origin points and intermediate points in Kansas specified above, except Kansas City, on the one hand and,

on the other, Kansas City, Kansas City, St. Joseph, and St. Louis, Mo., and the named Illinois and Wisconsin points which said carrier is authorized to serve, except that service is authorized between the Kansas City, Mo., Kansas City, Kans., Commercial zone and the Chicago, Ill., Commercial zone, as defined by the Commission, in connection with the specified regular route operations to and from Chicago, Ill., and to and from Kansas City, Mo. Authority is not granted to transport combines (harvester-threshers) originating at Independence, Mo., and destined to points in Colorado, Iowa, Illinois, Kansas, Nebraska, Oklahoma, and Texas); several alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, between Kansas City, Mo., and Salina, Kans., and from East St. Louis, Ill., to Boonville, Mo., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *livestock*, between Solomon, Kans., and Kansas City, Mo., serving certain intermediate and off-route points; *feed, twine, fencing materials, batteries, auto parts and accessories, garage equipment, fertilizer, agricultural implements and parts, building materials, and groceries* from East St. Louis, Ill., to Boonville, Mo., serving no intermediate points; *agricultural implements and parts, building materials, and groceries*, over irregular routes, from Kansas City, Kans., to Boonville, Mo. ARKANSAS-BEST FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, Missouri, Oklahoma, Texas, Arkansas, Kansas, Louisiana, Mississippi, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7299. Authority sought for control and merger by BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn., of the operating rights and property of MINNETONKA MOTOR EXPRESS, INC., 1000 Washington Avenue South, Minneapolis, Minn., and for acquisition by GEORGE BRIGGS, 910 Broadway Street, Eau Claire, Wis., of control of such rights and property through the transaction. Applicants' representative: Winston W. Hurd, Secretary-Treasurer and attorney for Briggs Transportation Co., 2360 West County Road C, St. Paul 13, Minn. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between St. Paul, Minn., and St. Bonifacius, Minn., between Wayzata, Minn., and Long Lake, Minn., from junction County Highway 7 and unnumbered highway east of Navarre, over unnumbered highway via Navarre to junction County Highway 7 south of Navarre, and return over the same route, between junction County Highways 7 and 15, at or near Seaton Station, and junction Minnesota Highway 110 and County Highway 7 at or near Mound, between St. Paul, Minn., and junction County Highway 44 and Minnesota Highway 110 west of Mound,

and between Excelsior, Minn., and junction County Highways 86 and 7, serving all intermediate and certain off-route points; alternate route for operating convenience only between Wayzata, Minn., and Long Lake, Minn.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between certain points in Minnesota. BRIGGS TRANSPORTATION CO. is authorized to operate as a *common carrier* in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-7285; Filed, Sept. 1, 1959;  
8:46 a.m.]

[Notice 181]

### MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 28, 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 62499. By order of August 27, 1959, the Transfer Board approved the transfer to George Vannozi, doing business as Vannozi's Express, Trenton, N.J., of the operating rights in Certificate No. MC 19317, issued August 4, 1949, to Paul Vannozi and George Vannozi, a Partnership, doing business as Vannozi's Express, Trenton, N.J., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Philadelphia, Pa., and Princeton, N.J. Ralph S. Mason, 201 Nassau Street, Princeton, New Jersey, for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-7286; Filed, Sept. 1, 1959;  
8:46 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 106-A]

### CHICAGO AND NORTH WESTERN RAILWAY CO.

#### Rerouting or Diversion of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 106 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 106, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 5:00 p.m., August 25, 1959.

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

Issued at Washington, D.C., August 25, 1959.

INTERSTATE COMMERCE  
COMMISSION,  
CHARLES W. TAYLOR,  
Agent.

[F.R. Doc. 59-7287; Filed, Sept. 1, 1959;  
8:47 a.m.]

### FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 26, 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. 35641: *Substituted Service—C.R.I. & P. for Freight Ways, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 179), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between Chicago (Burr Oak), Ill., on the one hand, and Oklahoma City, Okla., and Topeka, Kans., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35642: *Substituted service—C.&N.W. for Central Wisconsin Motor Transport Company.* Filed by Middlewest Motor Freight Bureau, Agent (No. 180), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between Butler, Wis., on the one hand, and St. Paul, Minn., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35643: *Substituted service—C.&N.W. for Motor Cargo, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 181), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between Chicago, Ill., on the one hand, and St. Paul, Minn., on the other, on

traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35644: *Substituted service—Illinois Central for Watson Bros. Transportation Company, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 182), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between Chicago, Ill., on the one hand, and Council Bluffs, Sioux City, and Waterloo, Iowa, on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35645: *Substituted service—C.R.I. & P. for Spector Systems, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 183), for interested carriers. Rates on property loaded in trailers and empty trailers transported on railroad flat cars between St. Louis, Mo., on the one hand, and Kansas City (Armourdale), Kans., on the other, on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 107 to Middlewest Motor Freight Bureau Tariff MF-I.C.C. 223.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-7218; Filed, Aug. 28, 1959;  
8:51 a.m.]

### FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 28, 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. 35646: *Rock salt—Louisiana and Texas points to Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B-7628), for interested rail carriers. Rates on rock salt, in carloads from specified points in Louisiana and Texas to Minneapolis, Minnesota Transfer, St. Paul and South St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 74 to Southwestern Freight Bureau tariff I.C.C. 3863.

FSA No. 35647: *Gravel—Riverton, Ind., to Shields, Ill.* Filed by Illinois Freight Association, Agent (No. 75), for interested rail carriers. Rates on

screened road-surfacing gravel, in carloads from Riverton, Ind., to Shields, Ill.

Grounds for relief: Motor truck competition from gravel pit to jobsite.

Tariff: Supplement 71 to Illinois Central Railroad Company's tariff I.C.C. A-11687.

FSA No. 35648: *Sand—Southwestern Points to Eastern Points*. Filed by Southwestern Freight Bureau, Agent (No. B-7625), for interested rail carriers. Rates on sand, in carloads, as described in the application from Guion, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek, and Roff, Okla., to Michigan City, Ind., Alkali, Ohio, Boston, Mass., Elgin, Ill., and Niagara Falls, N.Y.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 22 to Southwestern Freight Bureau tariff I.C.C. 4319.

FSA No. 35649: *Caustic soda—Memphis, Tenn., to Mobile, Ala.* Filed by O. W. South, Jr., Agent (SFA No. A3833), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Memphis, Tenn., to Mobile, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 158 to Southern Freight Association tariff I.C.C. 1548.

FSA No. 35650: *Moulding sand—Selma, Ala., to Tyler and Swan, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-7626), for interested rail carriers. Rates on moulding sand, in carloads from Selma, Ala., to Tyler and Swan, Tex.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 22 to Southwestern Freight Bureau tariff 4319.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-7284; Filed, Sept. 1, 1959; 8:46 a.m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

##### Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under

special industry regulations are as established in these regulations.

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

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Cal-Crest Outerwear, Inc., 1500 North Grace Street, Murphysboro, Ill.; effective 8-17-59 to 8-16-60 (men's and boys' jackets).

Clyde Shirt Co., Northhampton, Pa.; effective 8-11-59 to 8-10-60 (women's and children's blouses).

Connellsville Sportswear Co., South First Street, Connellsville, Pa.; effective 8-22-59 to 8-21-60 (men's and boys' pants).

C. R. Dix, Inc., 7 Augusta Street, Greenville, S.C.; effective 8-27-59 to 8-26-60 (junior dresses).

Hatley Sportswear, Inc., Hatley, Miss.; effective 8-12-59 to 8-11-60 (Men's dress pants).

Kenrose Manufacturing Co., Inc., 230 Center Avenue NW., 321 Albermarle Avenue SE., Roanoke, Va.; effective 8-22-59 to 8-21-60 (cotton wash dresses).

S & M Manufacturing Co., 114 North Elk Avenue, Fayetteville, Tenn.; effective 8-12-59 to 8-11-60. (ladies' and children's wearing apparel).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla.; effective 8-19-59 to 8-18-60 (men's and boys' denim overalls).

Somerset Shirt & Pajama Co., 221 South Pleasant Street, Somerset, Pa.; effective 8-18-59 to 8-17-60 (men's and boys' nightwear).

Stapleton Garment Co., Inc., Stapleton, Ga.; effective 8-20-59 to 8-19-60 (men's and boys' cotton and rayon pants).

Sylvania Garment Co., Inc., Sylvania, Ga.; effective 8-13-59 to 8-12-60 (men's sport shirts, ladies' blouses).

Todd Manufacturing Co., Elkton, Ky.; effective 8-19-59 to 8-18-60 (men's work shirts and jackets).

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

Clarification of notice appearing in Volume 24, Page 6632, August 14, 1959 issue of the FEDERAL REGISTER.

Badger Outerwear Manufacturing Co., 209-211 Franklin Street, Port Washington, Wis.; effective 8-7-59 to 8-6-60; five learners (men's jackets).

Bifex-Marion, Inc., Marion, Ala.; effective 8-17-59 to 8-16-60; 10 learners (ladies' cotton brassieres).

United Garment Manufacturing Co., Grand Boulevard Curve, Iron Mountain, Mich.; effective 8-15-59 to 8-14-60; 10 learners (women's and children's sportswear and outerwear).

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

Branson Garment Co., Inc., Branson, Mo.; effective 8-15-59 to 2-14-60; 40 learners (men's dress, semi-dress and work trousers).

McNeer Dillon Co., plant No. 2, 550 South Center Street, Statesville, N.C.; effective 8-17-59 to 2-16-60; 50 learners (men's and boys' dress and sport shirts).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 8-11-59 to 2-10-60; 15 learners (boys' shirts).

Morgan County Shirt Co., Sunbright, Tenn.; effective 8-13-59 to 2-12-60; 50 learners (sport shirts).

Nu-Lift Company of North Carolina, Inc., Statesville, N.C.; effective 8-13-59 to 2-12-60; 35 learners (brassieres, girdles).

Princess Ann Uniform Corp., 1018 West 41st Street, Norfolk, Va.; effective 8-17-59 to 2-16-60; 25 learners (nurses' and maids' uniforms).

Toccoa Garment Co., Inc., Big A Road, Toccoa Ga.; effective 8-15-59 to 2-14-60; 20 learners (blouses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Good Luck Glove Co., Carbondale, Ill.; effective 8-17-59 to 2-16-60; 11 learners for plant expansion purposes (cotton, jersey and leather combination gloves).

William E. Seal & Co., East North Street, Millersburg, Pa.; effective 8-13-59 to 8-12-60; two learners for normal labor turnover purposes (work gloves).

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

Drexel Knitting Mills Co., Drexel, N.C.; effective 8-14-59 to 8-13-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Fidelity Hosiery Mills, Inc., Third and Walnut Streets, Shamokin, Pa.; effective 8-21-59 to 8-20-60; five learners for normal labor turnover purposes (seamless).

Holt Hosiery Mills, Inc., Glen Haven, N.C.; effective 8-17-59 to 8-16-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned and seamless).

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

Bluemont Knitting Mills, Inc., Galax, Va.; effective 8-11-59 to 12-18-59; 50 learners for plant expansion purposes (knit shirts, pajamas) (replacement certificate).

Carmi Ainsbrooke Corp., Carmi, Ill.; effective 8-25-59 to 8-24-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Herbert Mills Co., Inc., Manning Street, Marion, S.C.; effective 8-13-59 to 2-12-60; 25 learners for plant expansion purposes (men's and boys' sweaters and sweater shirts).

Herbert Mills Co., Inc., Manning Street, Marion, S.C.; effective 8-13-59 to 8-12-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sweaters and sweater shirts).

Movie Star of Poplarville, Poplarville, Miss.; effective 8-11-59 to 8-10-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Seamprufe, Inc., Paris, Ark.; effective 8-25-59 to 8-24-60; five learners for normal labor turnover purposes (slips, lingerie).

Shadowline, Inc., Boone, N.C.; effective 8-13-59 to 8-12-60; five learners for normal labor turnover purposes (ladies' knit lingerie).

Shadowline, Inc., Boone, N.C.; effective 8-13-59 to 2-12-60; 20 learners for plant expansion purposes (ladies' knit lingerie).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Livermore Shoe Co., Livermore Falls, Maine; effective 8-22-59 to 8-21-60; 10 per-

cent of the total number of factory production workers for normal labor turnover purposes (women's novelty shoes).

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

Darwood Manufacturing Co., Inc., 18 Pocasset Street, Fall River, Mass.; effective 8-16-59 to 2-15-60; 5 percent of the total number of factor production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (boys' outerwear).

Unitog Co., 138 West Pine Street, Warrensburg, Mo.; effective 8-14-59 to 2-13-60; 4 learners for normal labor turnover purposes in the occupations of embroidery machine operator and sewing machine operator each for a learning period of 320 hours at the rates of at least 90 cents an hour for the first 160 hours and 95 cents an hour for the remaining 160 hours (industrial uniforms—lettering and alteration).

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

Seamless Girdle, Inc., Catano, P.R.; effective 8-6-59 to 4-17-60; 20 learners for normal labor turnover purposes in the occupations of looping, sewing, each for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (replacement certificates) (seamless, full-fashioned girdles).

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

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) special certificates authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act have been issued to the firms listed below. Effective and expiration dates, occupations, wage rates, number or proportion of student-workers as learners, and learning periods for the certificates issued under Part 527 are as indicated below.

**Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).**

Adelphian Academy, 820 Academy Road, Holly, Mich.; effective 9-1-59 to 8-31-60;

authorizing the employment of 40 student-workers in the woodworking shop industry (manufacturing trellises, bird houses, etc.) in the occupations of woodworking machines operator, assembler and related skilled and semi-skilled occupations including incidental clerical work in the shop for a learning period of 240 hours each at the rates of 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours.

Atlantic Union College, Main Street, South Lancaster, Mass.; effective 9-1-59 to 8-31-60; authorizing the employment of (1) 15 student-workers in the print shop industry in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations each for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 25 student-workers in the bookbinding industry in the occupations of bookbinder, bindery workers and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (3) 40 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder, and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Auburn Academy, Auburn, Wash.; effective 9-1-59 to 8-31-60; authorizing the employment of 90 student-workers in the woodworking shop (furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher, and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Campbellsville College, 215 Chandler Street, Campbellsville, Ky.; effective 9-1-59 to 8-31-60; authorizing the employment of (1) 15 student-workers in the furniture and handiwork "do-it-yourself" kits industry in the occupations of woodworking machine operator, veneer machines operator, including glue reel, assembler, furniture finisher and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 15 student-workers in the metalworking industry in the occupations of machine tools operator: lathe, milling, planer, shaper, drill press, die casting and related semi-skilled and skilled occupations each for a learning period of 850 hours at the rates of 85 cents an hour for the first 425 hours and 90 cents an hour for the remaining 425 hours.

Campion Academy, Loveland, Colo.; effective 9-1-59 to 8-31-60; authorizing the employment of 20 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, sorter, winder and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Cedar Lake Academy, Cedar Lake, Mich.; effective 9-1-59 to 8-31-60; authorizing the employment of 40 student-workers in the woodworking (Redwood lawn furniture) industry in the occupations of woodworking machines operator, assembler, and related skilled and semi-skilled occupations including incidental clerical work in shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Columbia Academy, Battle Ground, Wash.; effective 9-1-59 to 8-31-60; authorizing the employment of: (1) 5 student-workers in

the ridge shingle manufacturing industry in the occupations of woodworking machines operating and related skilled and semi-skilled occupations, including incidental clerical work in the shop each for a learning period of 240 hours at the rates of 85 cents an hour for the first 120 hours and 90 cents for the remaining 120 hours; (2) 14 student-workers in the woodworking (folding doors) industry in the occupations of woodworking machines operator, assembler, finisher and related skilled and semi-skilled occupations including incidental clerical work in the shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Forest Lake Academy, P.O. Box 157, Maitland, Fla.; effective 9-1-59 to 8-31-60; authorizing the employment of 10 student-workers in the printing industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations including incidental clerical work in the shop each for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Grand Ledge Academy, Grand Ledge, Mich.; effective 9-1-59 to 8-31-60; authorizing the employment of (1) 4 student-workers in the craft shop (lighted picture frames) industry in the occupations of woodworking machines operating, metal bending, drilling, electric wiring, assembling parts in picture frame including related skilled and semi-skilled occupations each for a learning period of 400 hours at the rates of 85 cents an hour for the first 200 hours and 90 cents an hour for the remaining 200 hours; (2) 18 student-workers in the woodworking shop (outdoor lawn furniture) industry in the occupations of woodworking machines operator, assembler, furniture finisher helper and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

La Sierra College, Arlington, Calif.; effective 9-1-59 to 8-31-60; authorizing the employment of 7 student-workers in the print shop industry in the occupations of pressman, compositor, linotype operator, bindery worker, and related skilled and semi-skilled occupations each for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

Linfield Research Institute, Linfield College, McMinnville, Oregon; effective 9-1-59 to 8-31-60; authorizing the employment of 21 student-workers in Scientific Research on U.S. Government Contracts in the occupations of research technician and related skilled and semi-skilled occupations for a learning period of 300 hours at the rates of 85 cents an hour for the first 150 hours and 90 cents an hour for the remaining 150 hours.

Madison College, Nashville Agricultural & Normal Institute, Madison, Tenn.; effective 9-1-59 to 8-31-60; authorizing the employment of 15 student-workers in the food manufacturing industry in the occupations of skilled and semi-skilled occupations in food manufacturing including fireman and boiler room operator in steam plant each for a learning period of 300 hours at the rates of 85 cents an hour for the first 150 hours and 90 cents an hour for the remaining 150 hours.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 9-1-59 to 8-31-60; authorizing the employment of (1) 32 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour

for the remaining 300 hours; (2) 25 student-workers in the woodworking (furniture) industry in the occupations of woodworking machines operator, assembler, finisher and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Newbury Park Academy, P.O. Box 77, Newbury Park, Calif.; effective 9-1-59 to 8-31-60; authorizing the employment of 20 student-workers in the broom industry in the occupations of broommaker, sorter, winder, stitcher and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Ozark Academy, Route 2, Gentry, Ark.; effective 9-1-59 to 8-31-60; authorizing the employment of 15 student-workers in the broom making industry in the occupations of broommaker, stitcher, sorter, winder, painter and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Pacific Union College, Angwin, Calif.; effective 9-1-59 to 8-31-60; authorizing the employment of (1) 5 student-workers in the print shop industry in the occupations of compositor, pressman, lithographer, bindery worker and related skilled and semi-skilled occupations including incidental clerical work in shop each for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 15 student-workers in the bookbinding industry in the occupations of bookbinder, sewer, stamper, trimmer, cutter, backer, case-maker and related skilled and semi-skilled occupations including incidental clerical work in shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

San Pasqual Academy, Route 1, Box 890, Escondido, Calif.; effective 9-1-59 to 8-31-60; authorizing the employment of 18 student-workers in the bookbinding industry in the

occupations of bookbinder, sewer, stamper, trimmer, cutter, tackler, boarder, case-maker and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Shenandoah Valley Academy, New Market, Va.; effective 9-1-59 to 8-31-60; authorizing the employment of (1) 20 student-workers in the bookbinding industry in the occupations of bookbinder, bindery worker, sewer, trimmer, backer, cutter, case-maker, letterer and related skilled and semi-skilled occupations including incidental clerical work in the shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours; (2) 20 student-workers in the broom and mop manufacturing industry in the occupations of broom-maker, stitcher, seeding, sorting, winding, dyeing, and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

Southern Missionary College, Collegedale, Tenn.; effective 9-1-59 to 8-31-60; authorizing the employment of (1) 41 student-workers in the print shop industry in the occupations of compositor, pressman, bookbinder, and related skilled and semi-skilled occupations including incidental clerical work in the shop each for a learning period of 1000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 58 student-workers in the broom shop industry in the occupations of broommaker, stitcher, winder, sorter and related skilled and semi-skilled occupations each for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours; (3) 20 student-workers in the clerical occupations of typist, stenographer and related skilled and semi-skilled occupations each for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Southwestern Junior College, Keene, Tex.; effective 9-1-59 to 8-31-60; authorizing the employment of (1) 6 student-workers in the

print shop industry in the occupations of compositor, pressman, bindery worker and related skilled and semi-skilled occupations each for a learning period of 1000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 2 student-workers in the clerical occupations of typist, file clerk, bookkeeper, stenographer, timekeeper and related skilled and semi-skilled occupations each for a learning period of 480 hours at the rates of 85 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours.

Thunderbird Academy, 13401 North Scottsdale Rd., Scottsdale, Ariz.; effective 9-1-59 to 8-31-60; authorizing the employment of 75 student-workers in the woodworking shop (furniture) industry in the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semi-skilled occupations including incidental clerical work in shop each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

Upper Columbia Academy, Spangle, Wash.; effective 9-1-59 to 8-31-60; authorizing the employment of 61 student-workers in the furniture shop (upholstered) industry in the occupations of woodworking machines operator, springer, sewer, upholsterer, assembler, furniture finisher and related skilled and semi-skilled occupations each for a learning period of 600 hours at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

These student-worker certificates were issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 21st day of August 1959.

ROBERT G. GRONEWALD,  
Authorized Representative  
of the Administrator.

[F.R. Doc. 59-7207; Filed, Aug. 28, 1959;  
8:50 a.m.]

## CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

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