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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

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SPECIAL CIVIL AIR REGULATION; TURBINE-POWERED TRANSPORT CATEGORY AIRPLANES OF CURRENT DESIGN

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of July 1957.

Part 4b of the Civil Air Regulations contains rules governing the design of transport category airplanes. For a number of years, this part has established airworthiness requirements for this category of airplanes by prescribing detailed provisions to be met for the issuance of a type certificate. However, the advent of turbine-powered airplanes (jets, turbo-props, etc.) has brought about operations at considerably higher speeds and altitudes than those involving reciprocating engine airplanes. These higher speeds and altitudes as well as certain inherent characteristics of turbine engines have introduced numerous new technical and design problems and have necessitated re-evaluation and amendment of many provisions in Part 4b.

In recent years the Board has amended Part 4b by introducing numerous technical provisions more specifically applicable to turbine-powered airplanes. These were included in amendments pertaining to structural flight characteristic, powerplant installation, and other provisions. It is believed that Part 4b as now written is applicable to turbine-powered airplanes with but one exception; namely, airplane performance. In the future, further amendments to this part, other than those relating to performance, will be comparatively minor in nature mainly reflecting the latest experience in the certification and operation of these airplanes.

The performance requirements presently in Part 4b were first promulgated almost twelve years ago. They are now considered by the Board to be in a form not suitable for direct application to turbine-powered airplanes.

The Administrator of Civil Aeronautics is in receipt of a large number of applications for type certification of turbine-powered airplanes. However, the so-called "non-retroactive" clause of § 4b.11 (a) of Part 4b does not make applicable to a particular airplane type any amendment which is adopted after an application is filed by the manufacturer for type certification of that airplane. Thus, most of these airplanes are not now required to meet some of the latest effective provisions of Part 4b unless the Board prescribes otherwise. With so many applications for type certificates pending, it is essential that the Board establish adequate requirements which will effectively apply to the type certification of turbine-powered transport category airplanes. This Special Civil Air Regulation is being promulgated for that purpose.

This Special Civil Air Regulation is being made effective with respect to all turbine-powered transport category airplanes not yet certificated. In essence, it prescribes a revised set of performance requirements for turbine-powered airplanes and incorporates such of the recent amendments to Part 4b as the Administrator finds necessary to insure that the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

The performance requirements contained herein include not only the performance requirements necessary for the certification of an airplane, but also the complementary performance operating limitations as applicable under Parts 40,

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CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

41, and 42 of the Civil Air Regulations. In promulgating this new performance code, the Board intends that the resulting level of safety will be generally similar to the level of safety established by the performance code as expressed by the provisions now contained in Parts 4b and 40 (or 41 or 42 as appropriate) for reciprocating engine airplanes. To attain this, many of the performance provisions have been modified for better applicability to turbine-powered airplanes, some in the direction of liberalization, others in the direction of improvement in the required performance.

A significant change being made is the introduction of full temperature accountability in all stages of performance, except the landing distances required. The introduction of full temperature accountability will insure that the airplane's performance is satisfactory irrespective of the existing atmospheric temperature. The performance requirements heretofore applicable did not give sufficient assurance in this respect.

The reason for omitting the direct application of temperature accountability in the requirement for landing distances is that this stage of performance always has been treated in a highly empirical fashion whereby temperature effects are taken into account indirectly together with the effects of other operational factors. Long range studies on rationalization of airplane performance so far have not yielded a satisfactory solution to the landing stage of performance. The Board hopes, however, that continued studies will result in a solution of this problem in the near future.

The introduction of full temperature accountability has necessitated a complete re-evaluation of the minimum climb requirements. Since the prescribed climb must now be met at all temperatures rather than to be associated with standard temperature, the specific values of climb have been altered. In each instance, the change has been in the downward direction because, although the previous values were related to standard temperature, a satisfactory resultant climb performance was attained at temperatures substantially above standard. While values of minimum climb performance specified in the new code will tend to increase the maximum certificated weights of the airplane for the lower range of temperatures, they will limit these weights for the upper range of temperatures, giving adequate assurance of satisfactory climb performance at all temperatures.

In considering the various stages of flight where minimum values of climb have been heretofore established, the Board finds that in two of the stages (all-engines-operating en route and one-engine-inoperative en route) the establishment of minimum values of climb is unnecessary because, in the case of the all-engines-operating stage, it has been found not to be critical and the case of the one-engine-inoperative stage is now more effectively covered by the en route performance operating limitations.

Considering that the minimum climbs being prescribed affect mainly the maximum certificated weights of the airplane but not the maximum operating weights, the Board, in adopting the new performance code, places considerable emphasis on the ability of the airplane to clear obstacles on take-off and during flight. To this end, criteria for the take-off path, the en route flight paths, and the transition from take-off to the en route stage of flight have been prescribed to reflect realistic operating procedures. Temperature is fully accounted for in establishing all flight paths and an expanding clearance between the take-off path and the terrain or obstacles is required until the en route stage of flight is reached.

In order to insure that the objectives of the prescribed performance are in fact realized in actual operations, the manufacturer is required to establish procedures to be followed in the operation of the airplane in the various conditions specified in the regulation. These procedures, each designed for a specific airplane, will permit the operator to utilize the full performance capabilities of the airplane more readily than if the regulations prescribed all-inclusive procedures. The use of these procedures in determining compliance with the requirements governing take-off, en route, and landing stages, will also add considerable flexibility to the regulation.

The new performance requirements establish more clearly than heretofore which of the performance limitations are conditions on the airworthiness certificate of the airplane. In addition to the maximum certificated take-off and landing weights, there are included limitations on the take-off distances and on the use of the airplane within the ranges of operational variables, such as altitude, temperature, and wind. Since these limitations are in the airworthiness certificate, they are applicable to all type operations conducted with the airplane.

The new performance code contains values for minimum climb expressed as gradients of climb, in percent, rather than as rates of climb, in feet per minute, as has been the case heretofore. The Board believes that the gradient of climb is more direct in expressing the performance margins of the airplane. Use of the gradient eliminates the influence of the stalling speed on the required climb. Heretofore, higher rates of climb were required for airplanes with higher stalling speeds. The only differentiation in the new code with respect to the required climb is between two and four-engine airplanes. This type of differentiation is of long standing in the regulations, being applicable to the one-engine-inoperative stage of flight. It is now being expanded to the take-off and approach stages.

The new performance requirements contained herein are based on the best information presently available to the Board. It is realized, however, that due to the present limited operating experience with turbine-powered transport airplanes, improvement in the requirements can be expected as a result of the direct application of the code to specific designs of new airplanes. There are certain areas in the new requirements where additional refinement of details might be advisable. This is so particularly in the case of the requirements pertaining to the landing stage of flight. It is anticipated that, after further study of the regulation and especially after its application in the design, certification, and operation of forthcoming turbine-powered airplanes, the desirability of changes may become more apparent. It is the intent of the Board to consider without delay such changes as might be found necessary. Only after the provisions of this Special Civil Air Regulation are reasonably verified by practical application will the Board consider incorporating them on a more permanent basis into Parts 4b, 40, 41, and 42 of the Civil Air Regulations.

This Special Civil Air Regulation is not intended to compromise the authority of the Administrator under § 4b.10 to impose such special conditions as he finds necessary in any particular case to avoid unsafe design features and otherwise to insure equivalent safety.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F. R. 6091), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective August 27, 1957.

Contrary provisions of the Civil Air Regulations notwithstanding, all turbine-powered transport category airplanes for which a type certificate is issued after the effective date of this Special Civil Air Regulation shall comply with the following:

1. The provisions of Part 4b of the Civil Air Regulations, effective on the date of application for type certificate; and such of the provisions of all subsequent amendments to Part 4b, in effect prior to the effective date of this special regulation, as the Administrator finds necessary to insure that

the level of safety of turbine-powered airplanes is equivalent to that generally intended by Part 4b.

2. In lieu of §§ 4b.110 through 4b.125, and 4b.743 of Part 4b of the Civil Air Regulations, the following shall be applicable:

PERFORMANCE

4T.110 *General.* (a) The performance of the airplane shall be determined and scheduled in accordance with, and shall meet the minima prescribed by, the provisions of §§ 4T.110 through 4T.123. The performance limitations, information, and other data shall be given in accordance with § 4T.743.

(b) Unless otherwise specifically prescribed, the performance shall correspond with ambient atmospheric conditions and still air. Humidity shall be accounted for as specified in paragraph (c) of this section.

(c) The performance as affected by engine power and/or thrust shall be based on a relative humidity of 80 percent at and below standard temperatures and on 34 percent at and above standard temperatures plus 50° F. Between these two temperatures the relative humidity shall vary linearly.

(d) The performance shall correspond with the propulsive thrust available under the particular ambient atmospheric conditions, the particular flight condition, and the relative humidity specified in paragraph (c) of this section. The available propulsive thrust shall correspond with engine power and/or thrust not exceeding the approved power and/or thrust less the installational losses and less the power and/or equivalent thrust absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

4T.111 *Airplane configuration, speed, power, and/or thrust; general.* (a) The airplane configuration (setting of wing and cowl flaps, air brakes, landing gear, propeller, etc.), denoted respectively as the take-off, en route, approach, and landing configurations, shall be selected by the applicant except as otherwise prescribed.

(b) It shall be acceptable to make the airplane configurations variable with weight, altitude, and temperature, to an extent found by the Administrator to be compatible with operating procedures required in accordance with paragraph (c) of this section.

(c) In determining the accelerate-stop distances, take-off flight paths, take-off distances, and landing distances, changes in the airplane's configuration and speed, and in the power and/or thrust shall be in accordance with procedures established by the applicant for the operation of the airplane in service, except as otherwise prescribed. The procedures shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The Administrator shall find that the procedures can be consistently executed in service by crews of average skill.

(2) The procedures shall not involve methods or the use of devices which have not been proven to be safe and reliable.

(3) Allowance shall be made for such time delays in the execution of the procedures as may be reasonably expected to occur during service.

4T.112 *Stalling speeds.* (a) The speed V_{s_0} shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph;

(3) The airplane in the landing configuration;

(4) The center of gravity in the most unfavorable position within the allowable landing range;

(5) The weight of the airplane equal to the weight in connection with which V_{s_0} is being used to determine compliance with a particular requirement.

(b) The speed V_{s_1} shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in knots, with:

(1) Zero thrust at the stalling speed, or engines idling and throttles closed if it is shown that the resultant thrust has no appreciable effect on the stalling speed;

(2) If applicable, propeller pitch controls in the position necessary for compliance with subparagraph (1) of this paragraph; the airplane in all other respects (flaps, landing gear, etc.) in the particular configuration corresponding with that in connection with which V_{s_1} is being used;

(3) The weight of the airplane equal to the weight in connection with which V_{s_1} is being used to determine compliance with a particular requirement.

(c) The stall speeds defined in this section shall be the minimum speeds obtained in flight tests conducted in accordance with the procedure of subparagraphs (1) and (2) of this paragraph.

(1) With the airplane trimmed for straight flight at a speed of 1.4 V_{s_1} and from a speed sufficiently above the stalling speed to insure steady conditions, the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one knot per second.

(2) During the test prescribed in subparagraph (1) of this paragraph, the flight characteristics provisions of § 4b.160 shall be complied with.

4T.113 *Take-off; general.* (a) The take-off data in §§ 4T.114 through 4T.117 shall be determined under the conditions of subparagraphs (1) and (2) of this paragraph.

(1) At all weights, altitudes, and ambient temperatures within the operational limits established by the applicant for the airplane.

(2) In the configuration for take-off (see § 4T.111).

(b) Take-off data shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the take-off surface shall be smooth water, while for skiplanes it shall be smooth dry snow. In addition, the take-off data shall be corrected in accordance with subparagraphs (1) and (2) of this paragraph for wind and for runway gradients within the operational limits established by the applicant for the airplane.

(1) Not more than 50 percent of nominal wind components along the take-off path opposite to the direction of take-off, and not less than 150 percent of nominal wind components along the take-off path in the direction of take-off.

(2) Effective runway gradients.

4T.114 *Take-off speeds.* (a) The critical-engine-failure speed V_1, in terms of calibrated air speed, shall be selected by the applicant, but shall not be less than the minimum speed at which controllability by primary aerodynamic controls alone is demonstrated during the take-off run to be adequate to permit proceeding safely with the take-off using average piloting skill, when the critical engine is suddenly made inoperative.

(b) The minimum take-off safety speed V_2, in terms of calibrated air speed, shall be selected by the applicant so as to permit the gradient of climb required in § 4T.120 (a) and (b), but it shall not be less than:

(1) 1.2 V_{s_1} for two-engine propeller-driven airplanes and for airplanes without propellers which have no provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(2) 1.15 V_{s_1} for propeller-driven airplanes having more than two engines and for airplanes without propellers which have provisions for obtaining a significant reduction in the one-engine-inoperative power-on stalling speed;

(3) 1.10 times the minimum control speed V_{MC}, established in accordance with § 4b.133.

(c) If engine failure is assumed to occur at or after the attainment of V_2, the demonstration in which the take-off run is continued to include the take-off climb, as provided in paragraph (a) of this section, shall not be required.

4T.115 *Accelerate-stop distance.* (a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed V_1;

(2) Assuming the critical engine to fail at the speed V_1, the distance required to bring the airplane to a full stop from the point corresponding with the speed V_1.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected in service, and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

4T.116 *Take-off path.* The take-off path shall be considered to extend from the standing start to a point in the take-off where a height of 1,000 feet above the take-off surface is reached or to a point in the take-off where the transition from the take-off to the en route configuration is completed and a speed is reached at which compliance with § 4T.120 (c) is shown, whichever point is at a higher altitude. The conditions of paragraphs (a) through (i) of this section shall apply in determining the take-off path.

(a) The take-off path shall be based upon procedures prescribed in accordance with § 4T.111 (c).

(b) The airplane shall be accelerated on or near the ground to the speed V_2 during which time the critical engine shall be made inoperative at speed V_1 and shall remain inoperative during the remainder of the take-off.

(c) Landing gear retraction shall not be initiated prior to reaching the speed V_2.

(d) The slope of the airborne portion of the take-off path shall be positive at all points.

(e) After the V_2 speed is reached, the speed throughout the take-off path shall not be less than V_2 and shall be constant from the point where the landing gear is completely retracted until a height of 400 feet above the take-off surface is reached.

(f) Except for gear retraction and propeller feathering, the airplane configuration shall not be changed before reaching a height of 400 feet above the take-off surface.

(g) At all points along the take-off path starting at the point where the airplane first reaches a height of 400 feet above the take-off surface, the available gradient of climb shall not be less than 1.4 percent for two-engine airplanes and 1.8 percent for four-engine airplanes.

(h) The take-off path shall be determined either by a continuous demonstrated take-off, or alternatively, by synthesizing from segments the complete take-off path.

(i) If the take-off path is determined by the segmental method, the provisions of subparagraphs (1) through (4) of this paragraph shall be specifically applicable.

(1) The segments of a segmental take-off path shall be clearly defined and shall be related to the distinct changes in the con-

figuration of the airplane, in power and/or thrust, and in speed.

(2) The weight of the airplane, the configuration, and the power and/or thrust shall be constant throughout each segment and shall correspond with the most critical condition prevailing in the particular segment.

(3) The segmental flight path shall be based on the airplane's performance without ground effect.

(4) Segmental take-off path data shall be checked by continuous demonstrated take-offs to insure that the segmental path is conservative relative to the continuous path.

4T.117 *Take-off distance.* The take-off distance shall be the horizontal distance along the take-off path from the start of the take-off to the point where the airplane attains a height of 35 feet above the take-off surface as determined in accordance with § 4T.116.

4T.118 *Climb; general.* Compliance shall be shown with the climb requirements of §§ 4b.119 and 4b.120 at all weights, altitudes, and ambient temperatures, within the operational limits established by the applicant for the airplane. The airplane's center of gravity shall be in the most unfavorable position corresponding with the applicable configuration.

4T.119 *All-engine-operating landing climb.* In the landing configuration, the steady gradient of climb shall not be less than 4.0 percent, with:

(a) All engines operating at the available take-off power and/or thrust;

(b) A climb speed not in excess of 1.4 V_{s_0}.

4T.120 *One-engine-inoperative climb*—(a) *Take-off; landing gear extended.* In the take-off configuration at the point of the flight path where the airplane's speed first reaches V_2, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall be positive with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust existing in accordance with § 4T.116 at the time the airplane's landing gear is fully retracted;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time retraction of the airplane's landing gear is initiated;

(3) The speed equal to the speed V_2.

(b) *Take-off; landing gear retracted.* In the take-off configuration at the point of the flight path where the airplane's landing gear is fully retracted, in accordance with § 4T.116 but without ground effect, the steady gradient of climb shall not be less than 2.5 percent for two-engine airplanes and not less than 3.0 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the take-off power and/or thrust available at a height of 400 feet above the take-off surface and existing in accordance with § 4T.116;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time the airplane's landing gear is fully retracted;

(3) The speed equal to the speed V_2.

(c) *Final take-off.* In the en route configuration, the steady gradient of climb shall not be less than 1.4 percent for two-engine airplanes and not less than 1.8 percent for four-engine airplanes, at the end of the take-off path as determined by § 4T.116, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust;

(2) The weight equal to the airplane's weight existing in accordance with § 4T.116 at the time retraction of the airplane's flaps is initiated;

(3) The speed equal to not less than 1.25 V_{s_1}.

(d) *Approach.* In the approach configuration such that V_{s_1} does not exceed 1.10 V_{s_0}, the steady gradient of climb shall not be less than 2.2 percent for two-engine airplanes and not less than 2.8 percent for four-engine airplanes, with:

(1) The critical engine inoperative, the remaining engine(s) operating at the available take-off power and/or thrust;

(2) The weight equal to the maximum landing weight;

(3) A climb speed not in excess of 1.5 V_{s_1};

4T.121 *En route flight paths.* With the airplane in the en route configuration, the flight paths prescribed in paragraphs (a) and (b) of this section shall be determined at all weights, altitudes, and ambient temperatures within the limits established by the applicant for the airplane.

(a) *One engine inoperative.* The one-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 1.4 percent for two-engine airplanes and 1.8 percent for four-engine airplanes. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engine(s).

(b) *Two engines inoperative.* For airplanes with four engines, the two-engine-inoperative net flight path data shall be determined in such a manner that they represent the airplane's actual climb performance diminished by a gradient of climb equal to 0.6 percent. It shall be acceptable to include in these data the variation of the airplane's weight along the flight path to take into account the progressive consumption of fuel and oil by the operating engines.

(c) *Conditions.* In determining the flight paths prescribed in paragraphs (a) and (b) of this section, the conditions of subparagraphs (1) through (4) of this paragraph shall apply.

(1) The airplane's center of gravity shall be in the most unfavorable position.

(2) The critical engine(s) shall be inoperative, the remaining engine(s) operating at the available maximum continuous power and/or thrust.

(3) Means for controlling the engine cooling air supply shall be in the position which provides adequate cooling in the hot-day condition.

(4) The speed shall be selected by the applicant.

4T.122 *Landing distance.* The landing distance shall be the horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 knots in the case of seaplanes or float planes) from a point at a height of 50 feet above the landing surface. Landing distances shall be determined for standard temperatures at all weights, altitudes, and winds within the operational limits established by the applicant for the airplane. The conditions of paragraphs (a) through (f) of this section shall apply.

(a) The airplane shall be in the landing configuration. During the landing, changes in the airplane's configuration, in power and/or thrust, and in speed shall be in accordance with procedures established by the applicant for the operation of the airplane in service. The procedures shall comply with the provisions of § 4T.111 (c).

(b) The landing shall be preceded by a steady gliding approach down to the 50-foot height with a calibrated air speed of not less than 1.3 V_{s_0}.

(c) The landing distance shall be based on a smooth, dry, hard-surfaced runway, and shall be determined in such a manner that reproduction does not require exceptional skill or alertness on the part of the pilot. In the case of seaplanes or float planes, the landing surface shall be smooth water, while for skiplanes it shall be smooth dry snow. During landing, the airplane shall not exhibit excessive vertical acceleration, a tendency to bounce, nose over, ground loop, porpoise, or water loop.

(d) The landing distance shall be corrected for not more than 50 percent of nominal wind components along the landing path opposite to the direction of landing and not less than 150 percent of nominal wind components along the landing path in the direction of landing.

(e) During landing, the operating pressures on the wheel braking system shall not be in excess of those approved by the manufacturer of the brakes, and the wheel brakes shall not be used in such a manner as to produce excessive wear of brakes and tires.

(f) If the Administrator finds that a device on the airplane other than wheel brakes has a noticeable effect on the landing distance and if the device depends upon the operation of the engine and the effect of such a device is not compensated for by other devices in the event of engine failure, the landing distance shall be determined by assuming the critical engine to be inoperative.

4T.123 *Limitations and information*—(a) *Limitations.* The performance limitations on the operation of the airplane shall be established in accordance with subparagraphs (1) through (4) of this paragraph. (See also § 4T.743.)

(1) *Take-off weights.* The maximum take-off weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with § 4T.120 (a), (b), and (c) for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(2) *Landing weights.* The maximum landing weights shall be established at which compliance is shown with the generally applicable provisions of this regulation and with §§ 4T.119 and 4T.120 (d) for altitudes and ambient temperatures within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(3) *Take-off and accelerate-stop distances.* The minimum distances required for take-off shall be established at which compliance is shown with the generally applicable provisions of this regulation and with §§ 4T.115 and 4T.117 for weights, altitudes, temperatures, wind components, and runway gradients, within the operational limits of the airplane (see subparagraph (4) of this paragraph).

(4) *Operational limits.* The operational limits of the airplane shall be established by the applicant for all variable factors required in showing compliance with this regulation (weight, altitude, temperature, etc.). (See §§ 4T.113 (a) (1) and (b), 4T.118, 4T.121, and 4T.122.)

(b) *Information.* The performance information on the operation of the airplane shall be scheduled in compliance with the generally applicable provisions of this regulation and with §§ 4T.116, 4T.121, and 4T.122 for weights, altitudes, temperatures, wind components, and runway gradients, as these may be applicable, within the operational limits of the airplane (see paragraph (a) (4) of this section). In addition, the performance information specified in subparagraphs (1) through (3) of this paragraph shall be determined by extrapolation and scheduled for the ranges of weights between the maximum landing and maximum take-off weights established in accordance with paragraphs (a) (1) and (2) of this section. (See also § 4T.743.)

(1) Climb in the landing configuration (see § 4T.119);

(2) Climb in the approach configuration (see § 4T.120 (d));

(3) Landing distance (see § 4T.122).

AIRPLANE FLIGHT MANUAL

§ 4T.743 *Performance limitations, information, and other data*—(a) *Limitations.* The airplane's performance limitations shall be given in accordance with § 4T.123 (a).

(b) *Information.* The performance information prescribed in § 4T.123 (b) for the application of the operating rules of this regulation shall be given together with descriptions of the conditions, air speeds, etc., under which the data were determined.

(c) *Procedures.* For all stages of flight, procedures shall be given with respect to airplane configurations, power and/or thrust settings, and indicated air speeds, to the extent such procedures are related to the limitations and information set forth in accordance with paragraphs (a) and (b) of this section.

(d) *Miscellaneous.* An explanation shall be given of significant or unusual flight or ground handling characteristics of the airplane.

3. In lieu of §§ 40.70 through 40.78, 41.27 through 41.36 (d), and 42.70 through 42.83, of Parts 40, 41, and 42 of the Civil Air Regulations, respectively, the following shall be applicable:

OPERATING RULES

40T.80 *Transport category airplane operating limitations.* (a) In operating any passenger-carrying transport category airplane certificated in accordance with the performance requirements of this regulation, the provisions of §§ 40T.80 through 40T.84 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) The performance data in the Airplane Flight Manual shall be applied in determining compliance with the provisions of §§ 40T.81 through 40T.84. Where conditions differ from those for which specific tests were made, compliance shall be determined by approved interpolation or computation of the effects of changes in the specific variables if such interpolations or computations give results substantially equalling in accuracy the results of a direct test.

40T.81 *Airplane's certificate limitations.* (a) No airplane shall be taken off at a weight which exceeds the take-off weight specified in the Airplane Flight Manual for the elevation of the airport and for the ambient temperature existing at the time of the take-off. (See §§ 4T.123 (a) (1) and 4T.743 (a).)

(b) No airplane shall be taken off at a weight such that, allowing for normal consumption of fuel and oil in flight to the airport of destination, the weight on arrival will exceed the landing weight specified in the Airplane Flight Manual for the elevation of the airport of destination and for the ambient temperature anticipated there at the time of landing. (See §§ 4T.123 (a) (2) and 4T.743 (a).)

(c) No airplane shall be taken off at a weight which exceeds the weight shown in the Airplane Flight Manual to correspond with the minimum distance required for take-off on the runway to be used. The take-off distance shall correspond with the elevation of the airport, the effective runway gradient, and the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (a) (3) and 4T.743 (a).)

(d) No airplane shall be operated outside the operational limits specified in the Airplane Flight Manual. (See §§ 4T.123 (a) (4) and 4T.743 (a).)

40T.82 *Take-off obstacle clearance limitations.* No airplane shall be taken off at a weight in excess of that shown in the Airplane Flight Manual to correspond with a take-off path which clears all obstacles either by at least a height equal to $(35+0.01D)$ feet vertically, where D is the distance out along the intended flight path from the end of the runway in feet, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond the boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances prescribed, it shall be assumed that the airplane is not banked before reaching a height of 50 feet as shown by the take-off path data in the Airplane Flight Manual, and that a maximum bank thereafter does not exceed 15 degrees. The take-off path considered shall be for the elevation of the airport, the effective runway gradient, and for the ambient temperature and wind component existing at the time of take-off. (See §§ 4T.123 (b) and 4T.743 (b).)

40T.83 *En route limitations.*—(a) *One engine inoperative.* No airplane shall be taken off at a weight in excess of that which, according to the one-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit compliance with either subparagraph (1) or subparagraph (2) of this paragraph at all points along the route. The net flight path used shall be for the ambient temperatures anticipated along the route. (See §§ 4T.123 (b) and 4T.743 (b).)

(1) The slope of the net flight path shall be positive at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track.

(2) The net flight path shall be such as to permit the airplane to continue flight from the cruising altitude to an alternate airport where a landing can be made in accordance with the provisions of § 40T.84 (b), the net flight path clearing vertically by at least 2,000 feet all terrain and obstructions along the route within 5 miles on either side of the intended track. The provisions of subdivisions (i) through (vii) of this subparagraph shall apply.

(i) The engine shall be assumed to fail at the most critical point along the route.

(ii) The airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, except that the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(iii) The net flight path shall have a positive slope at 1,000 feet above the airport used as the alternate.

(iv) An approved method shall be used to account for winds which would otherwise adversely affect the flight path.

(v) Fuel jettisoning shall be permitted if the Administrator finds that the operator has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(vi) The alternate airport shall be specified in the dispatch release and shall meet the prescribed weather minima.

(vii) The consumption of fuel and oil after the engine becomes inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

(b) *Two engines inoperative.* No airplane shall be flown along an intended route except in compliance with either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an airport at which a landing can be made in accordance with the provisions of § 40T.84 (b), assuming all engines to be operating at cruising power.

(2) No airplane shall be taken off at a weight in excess of that which, according to the two-engine-inoperative en route net flight path data shown in the Airplane Flight Manual, will permit the airplane to continue flight from the point where two engines are assumed to fail simultaneously to an airport where a landing can be made in accordance with the provisions of § 40T.84 (b), the net flight path having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions along the route within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The net flight path considered shall be for the ambient temperatures anticipated along the route. The provisions of subdivisions (i) through (iii) of this subparagraph shall apply. (See §§ 4T.123 (b) and 4T.743 (b).)

(i) The two engines shall be assumed to fail at the most critical point along the route.

(ii) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to the airport and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(iii) The consumption of fuel and oil after the engines become inoperative shall be that which is accounted for in the net flight path data shown in the Airplane Flight Manual.

40T.84 *Landing limitations*—(a) *Airport of destination.* No airplane shall be taken off at a weight in excess of that which, in accordance with the landing distances shown in the Airplane Flight Manual for the elevation of the airport of intended destination and for the wind conditions anticipated there at the time of landing, would permit the airplane to be brought to rest at the airport of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. The weight of the airplane shall be assumed to be reduced by the weight of the fuel and oil expected to be consumed in flight to the airport of intended destination. Compliance shall be shown with the conditions of subparagraphs (1) and (2) of this paragraph. (See §§ 4T.123 (b) and 4T.743 (b).)

(1) It shall be assumed that the airplane is landed on the most favorable runway and direction in still air.

(2) It shall be assumed that the airplane is landed on the most suitable runway considering the probable wind velocity and direction and taking due account of the ground handling characteristics of the airplane and of other conditions (i. e., landing aids, terrain, etc.). If full compliance with the provisions of this subparagraph is not shown, the airplane may be taken off if an alternate airport is designated which permits compliance with paragraph (b) of this section.

(b) *Alternate airport.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the provisions of paragraph (a) of this section, provided that the airplane can be brought to rest within 70 percent of the effective length of the runway.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

Effective: August 27, 1957.

Adopted: July 23, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-6165; Filed, July 26, 1957; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 28]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int R-331° LGB and SE crs BUR-LFR	BUR-LFR	Direct	5000	T-dn*	300-1	300-1	300-1
Int R-272 LGB and S crs BUR-LFR	BUR-LFR	Direct	5000	C-d	900-1½	900-1½	900-1½
Simi Intersection#	BUR-LFR	Direct	4800	C-n	900-2	900-2	900-2
Chatsworth "H"	BUR-LFR (Final)	Direct	1500	S-d-7	600-1	600-1	600-1
				S-n-7	700-1½	700-1½	700-1½
				A-dn	900-2	900-2	900-2

*400-1 required for take-off when departing via SE crs BUR-LFR. 200-½ authorized for take-off on Rny 25 for more than 2-engine aircraft only.
CAUTION: When departing via SE crs BUR-LFR, establish crs on SE crs BUR-LFR as soon as practical after take-off.
Procedure turn S side of NW crs, 278° Outbnd, 098° Inbnd. (On top not below 5000' within 10 mi NW of Chatsworth HW#.)
#After procedure turn or after leaving Simi Int cross Chatsworth RBN inbound not below 4800'. All approaches must be started from on top. Apply sliding scale for tops reported at Simi Int. as follows: Tops 5000'. Ceiling 600-d (700-n); 5500'—900; 6000'—1300; 6500'—1700; 7000'—2100; 7500'—2500.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 094—2.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles, climb to 5000' on SE course within 20 miles.
CAUTION: Terrain above flight altitude paralleling final approach on the North. 2000' terrain 2.2 mi NE of airport rising to 3126' approximately 3.5 mi ENE of airport.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and for straight-in landing minimums. Sliding scale not applicable to circling minimums.

City, Burbank; State, Calif; Airport Name, Lockheed Air Terminal; Elev 764'; Fac Class, SBML; Indent, BUR; Procedure No. 1, Amdt 7; Eff Date, 24 Aug 57; Sup Amdt No. 6; Dated, 3 Aug 57

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Corbin VAR	LOZ RBn	Direct	3000	T-dn	300-1	300-1	
				C-d	500-1	500-1	
				C-n	500-1½	500-1½	
				A-dn	800-2	800-2	

Procedure turn N side of crs, 230 outbnd, 050 inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a climbing right turn to 2500' and hold SW of the London BMH at 2500' within 10 miles.

City, London; State, Ky; Airport Name, London; Elev, 1201'; Fac Class, BMH; Ident, LOZ; Procedure No. 1, Orig; Eff Date, 24 Aug 57

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Burbank LFR	LOM	Direct	*5000	T-dn#	300–1	300–1	300–1
Saugus Int	LOM	Direct	7000	C-d	900–1½	900–1½	900–1½
Simi Int	LOM	Direct	4600	C-n	900–2	900–2	900–2
Broome Int	LOM	Direct	4600	S-dn-7	400–1	400–1	400–1
Malibu Int	LOM	Direct	5000	A-dn	900–2	900–2	900–2
Shoreline Int	LOM	Direct	5000				
Newhall LFR	LOM	Direct	6000				
Fillmore VOR	LOM	Direct	5000				
Fillmore VOR	ILS W crs	R–120	5000				
Int W crs ILS and Fillmore VOR R–120	LOM (Final)	Direct	4600				

*4600′ authorized after course is established westbound on ILS localizer.
#400–1 required for takeoff when departing via SE crs BUR LFR. 200–½ authorized for takeoff on Rny 25 for more than 2-engine aircraft only.
CAUTION: When departing via SE crs BUR LFR establish crs on SE crs BUR LFR as soon as practical after takeoff.
Procedure turn S side of crs, 256 Outbnd, 076 Inbnd, 4600′ within 10 miles of LOM. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 4600′.
Altitude of G. S. and distance to appr end of rny at OM 4577—11.9, at MM 1331—1.7, at inner compass locator 924—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right and climb to 4600′ on W crs of BUR ILS within 10 mi west of LOM. Alternate missed approach, when directed by ATC, climb to 3000′ on SE crs of BUR LFR, then make 180° right turn, continuing climb to 5000′ while homing on BUR LFR and hold at BUR LFR in nonstandard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000′ on SE crs of BUR LFR.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and straight-in landing minimums. Sliding scale not applicable to circling minimums.
NOTE: Provision for use with inoperative ILS components not applicable.
CAUTION: 2000′ terrain 2.2 miles NE of airport rising to 3126′ approximately 3.5 mi ENE of airport.

City, Burbank; State, Calif; Airport Name, Lockheed Air Term; Elev, 764′; Fac Class, ILS; Ident, BUR; Procedure No. 1, Amdt 9; Eff Date, 24 Aug 57; Sup Amdt No. 8; Dated 3 Aug 57

4. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
241	274	5	4600	10	4600	15	4600	20	4600	25	4600	30	5000	T-dn#	300–1	300–1	300–1
274	308	5	4600	10	4600	15	5000	20	5000	25	5000	30	6000	C-d	900–1½	900–1½	900–1½
308	349	5	4600	10	5500	15	6000	20	7000	25	7000	30	7000	C-n	900–2	900–2	900–2
349	087	5	5000	10	7000	15	8500	20	9000	25	10000	30	10500	S-dn-7	500–1	500–1	500–1
087	241	5	4600	10	5000	15	5000	20	5000	25	5000	30	5000	A-dn	900–2	900–2	900–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
#400–1 required for takeoff when departing via SE crs BUR LFR. 200–½ authorized on Rny 25 for aircraft of more than 2 engines.
CAUTION: When departing via SE crs BUR LFR, establish crs on the SE crs BUR LFR as soon as practical after takeoff.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right and climb to 4600′ on W crs of BUR ILS within 10 mi W of LOM, or when directed by ATC, climb to 3000′ on SE crs of BUR LFR, then make 180° right turn continuing climb to 5000′ while homing on BUR LFR and hold at BUR LFR in non-standard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000′ on SE crs of BUR LFR.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and straight-in landing minimums. Sliding scale not applicable to circling minimums.
CAUTION: 2000′ terrain 2.2 miles NE of airport rising to 3126′ approximately 3.5 mi ENE of airport.

City, Burbank; State, Calif; Airport Name, Lockheed Air Terminal; Elev, 764′; Fac Class, Lockheed; Ident, Radar; Procedure No. 1, Amdt 2; Eff Date, 24 Aug 57; Sup Amdt No. 1; Dated, 3 Aug 57

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

JULY 24, 1957.

[F. R. Doc. 57-6187; Filed, July 26, 1957; 8:59 a. m.]

TITLE 7—AGRICULTURE

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

[Valencia Orange Reg. 112]

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

LIMITATION OF HANDLING

§ 922.412 *Valencia Orange Regulation 112*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 25, 1957.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., July 28, 1957, and ending at 12:01 a. m., P. s. t., August 4, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 854,700 cartons;

(iii) District 3: Unlimited movement.

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

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

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

Dated: July 26, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6204; Filed, July 26, 1957; 11:26 a. m.]

[Lemon Reg. 697]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.804 *Lemon Regulation 697*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1957.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 28, 1957, and ending at 12:01 a. m., P. s. t., August 4, 1957, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 25, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-6190; Filed, July 26, 1957; 9:00 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1957, Supp. 3]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1957

EMERGENCY CONSERVATION MEASURES TO RESTORE TO PRODUCTIVE USE LAND DAMAGED BY NATURAL DISASTERS

Pursuant to the authority vested in the Secretary of Agriculture under secton 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 85-58, the 1957 National Agricultural Conservation Program, approved July 2, 1956 (21 F. R. 5034), as amended July 18, 1956 (21 F. R. 5480), and March 1, 1957 (22 F. R. 1427), is further amended as follows:

A new § 1101.897 is added as follows:

§1101.897 *Practice F-4: Emergency conservation measures to restore to productive use land damaged by natural disasters.* (a) This practice is applicable only in counties designated by the Secretary as counties in which wind erosion,

floods, hurricanes, or other natural disasters have created new conservation problems which (1) if not treated will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage which is unusual in character and, except for wind erosion, is not of the type which would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

(b) Emergency conservation practices may be approved by the Administrator, ACPS, upon recommendation by the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the State and county levels. Eligible measures shall be specified in the wording of the practice as approved for use in the county. Cost-sharing may be offered under this practice only for replacing a practice or restoring the land to its normal productive capacity and may not be offered for the solution of conservation problems existing prior to the disaster involved.

(c) The cost-share computed for any person for this practice shall not be increased in accordance with § 1101.830, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 1101.831. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $1,500, except that, with the written prior approval of the State committee, a higher maximum may be approved in individual cases upon justification by the farmer or rancher on the basis of exceptional need and his inability to otherwise carry out the work.

(d) Costs for this practice will be shared only for eligible measures carried out on or after July 1, 1956, and only if cost-sharing is requested by the farm or ranch operator within 30 days after the practice is approved for use in the county or before the date on which performance of the eligible measures is started, whichever is the later. With the approval of the county committee, costs of performing this practice may be shared with farmers or ranchers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

(e) The maximum Federal cost-share for this practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but not in excess of 80 percent of the average cost of performing the practice.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 176; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 24th day of July 1957.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 57–6162; Filed, July 26, 1957; 8:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

NECESSITY FOR PROMPT PAYMENT AND DELIVERY IN SPECIAL CASH ACCOUNTS

Section 220.113 is added to read as follows:

§ 220.113 *Necessity for prompt payment and delivery in special cash accounts.* (a) The Board of Governors recently received an inquiry concerning whether purchases of securities by certain municipal employees' retirement or pension systems on the basis of arrangements for delayed delivery and payment, might properly be effected by a creditor subject to this part in a special cash account under § 220.4 (c).

(b) It appears that in a typical case the supervisors of the retirement system meet only once or twice each month, at which times decisions are made to purchase any securities wished to be acquired for the system. Although the securities are available for prompt delivery by the broker-dealer firm selected to effect the system's purchase, it is arranged in advance with the firm that the system will not accept delivery and pay for the securities before some date more than seven business days after the date on which the securities are purchased. Apparently, such an arrangement is occasioned by the monthly or semimonthly meetings of the system's supervisors. It was indicated that a retirement system of this kind may be supervised by officials who administer it as an incidental part of their regular duties, and that meetings requiring joint action by two or more supervisors may be necessary under the system's rules and procedures to authorize issuance of checks in payment for the securities purchased. It was indicated also that the purchases do not involve exempted securities, securities of the kind covered by § 220.4 (c) (3), or any shipment of securities as described in § 220.4 (c).

(c) This part provides that a creditor subject thereto may not effect for a customer a purchase in a special cash account under § 220.4 (c) unless the use of the account meets the limitations of § 220.4 (a) and the purchase constitutes a "bona fide cash transaction" which complies with the eligibility requirements of § 220.4 (c) (1) (i). One such requirement is that the purchase be made "in reliance upon an agreement accepted by the creditor (broker-dealer) in good faith" that the customer will "promptly" make full cash payment for the security, if funds sufficient for the purpose are not already in the account; and, subject to certain exceptions, § 220.4 (c) (2) provides that the creditor shall promptly cancel or liquidate the transaction if payment is not made by the customer within seven business days after the date of purchase. As indicated in the Board's interpretation at 1940 Federal Reserve Bulletin 1172, a necessary part of the customer's undertaking pursuant to § 220.4 (c) (1) (i) is that he "should have the necessary means of payment readily available when he purchases a security in the special cash account. He should expect to pay for it immediately or in any event within the period (of not more than a very few days) that is as long as is usually required to carry through the ordinary securities transaction."

(d) The arrangements for delayed delivery and payment in the case presented to the Board and outlined above clearly would be inconsistent with the requirement of § 220.4 (c) (1) (i) that the purchase be made in reliance upon an agreement accepted by the creditor in good faith that the customer will "promptly" make full cash payment for the security. Accordingly, the Board said that transactions of the kind in question would not qualify as a "bona fide cash transaction" and, therefore, could not properly be effected in a special cash account, unless a contrary conclusion would be justified by the execption in § 220.4 (c) (5).

(e) Section 220.4 (c) (5) provides that if the creditor, "acting in good faith in accordance with" § 220.4 (c) (1), purchases a security for a customer "with the understanding that he is to deliver the security promptly to the customer, and the full cash payment to be made promptly by the customer is to be made against such delivery", the creditor may at his option treat the transaction as one to which the period applicable under § 220.4 (c) (2) is not the seven days therein specified but 35 days after the date of such purchase. It will be observed that the application of § 220.4 (c) (5) is specifically conditioned on the creditor acting in good faith in accordance with § 220.4 (c) (1). As noted above, the existence of the arrangements for delayed delivery and payment in the case presented would prevent this condition from being met, since the customer could not be regarded as having agreed to make full cash payment "promptly". Furthermore, such arrangements clearly would be inconsistent with the requirement of § 220.4 (c) (5) that the creditor "deliver the security promptly to the customer".

(f) Section 220.4 (c) (5) was discussed in the Board's published interpretation, referred to above, which states that "it is not the purpose of (§ 220.4 (c) (5)) to allow additional time to customers for making payment. The 'prompt delivery' described in (§ 220.4 (c) (5)) is delivery which is to be made as soon as the broker or dealer can reasonably make it in view of the mechanics of the securities business and the bona fide usages of the trade. The provision merely recognizes the fact that in certain circumstances it is an established bona fide practice in the trade to obtain payment against delivery of the security to the customer, and the further fact that the mechanics of the trade, unrelated to the customer's readiness to pay, may sometimes delay such delivery to the customer".

(g) In the case presented, it appears that the only reason for the delay is related solely to the customer's readiness to pay and is in no way attributable to the mechanics of the securities business. Accordingly, it is the Board's view that the exception in § 220.4 (c) (5) should not be regarded as permitting the transactions in question to be effected in a special cash account.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57-6138; Filed, July 26, 1957; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

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

Subchapter M—Military and Armed Services, Housing Mortgage Insurance

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

PAYMENT REQUIREMENTS

Section 292a.11 is amended to read as follows:

§ 292a.11 *Payment requirements.* The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal. Such monthly payments will be on a level annuity basis. The Commissioner will estimate the time necessary to complete the project and will establish the date of the first payment to principal.

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f)

Issued at Washington, D. C., July 24, 1957.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57-6148; Filed, July 26, 1957; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XX—Office of Contract Settlement, General Services Administration

[Reg. 11, Rev., Amdt. 2]

PART 2011—PRESERVATION OF RECORDS

EXEMPTIONS

Part 2011 Preservation of records, is hereby further amended by modifying § 2011.4a to read as follows:

§ 2011.4a *Exemptions.* The provisions of this part and section 443 of the act of June 25, 1948 (62 Stat. 705; 18 U. S. C. 443) do not apply to (a) war contractor records title to which is transferred to a Government agency, (b) war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act (57 Stat. 380; 44 U. S. C. 366 et seq.), or (c) war contractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States.

(Sec. 1, 62 Stat. 705, as amended; 18 U. S. C. 443)

Dated: July 19, 1957.

FRANKLIN G. FLOETE,
Administrator of General Services.

Approved:

JOSEPH CAMPBELL,
Comptroller General of the United States.

[F. R. Doc. 57-6139; Filed, July 26, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.168 (a) (2) prescribing an anchorage area over Hampton Flats is amended to include an explosives handling berth W, the addition of a new subdivision (ii) prescribing regulations for the explosives handling berth W, and the redesignation of the present subdivision (ii) as (iii) and revision thereof to include the explosives handling berth W, as follows:

§ 202.168 *Hampton Roads, Va., and adjacent waters*—(a) *Hampton Roads.*

* * *

(2) *Anchorage B, Hampton Flats (Naval).* Shoreward of a line described as follows: Beginning at latitude 37°00′00″, longitude 76°22′08″; thence to latitude 36°59′08.5″, longitude 76°19′04.5″; thence to latitude 36°57′57.5″, longitude 76°20′46.5″; and thence to latitude 36°58′56″, longitude 76°23′47″, including within the above-described limits an Explosives Handling Berth W covering a circular area of 1,200 yards diameter with its center at latitude 36°58′18″, longitude 76°20′51″.

* * * * *

(ii) Vessels shall not be anchored within 300 yards of Explosives Handling Berth W when that berth is occupied by a vessel handling explosives.

(iii) Anchorage B, including Explosives Handling Berth W, is reserved for the use of Naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit the anchorage and berth to be used by merchant vessels. Upon notification that need for occupancy by Naval vessels is expected, the Captain of the Port may cause a sufficient area in the anchorage to be vacated to accommodate the number of Naval vessels scheduled to arrive.

* * * * *

[Regs., 5 July 1957, 800.212 (Hampton Roads, Va.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.241 is hereby prescribed making it unlawful to require the opening of bridges across the Intracoastal Waterway from the Virginia-North Carolina boundary to Key West, Florida, and tributaries thereto, for boats carrying appurtenances unessential to navigation as follows:

§ 203.241 *The Intracoastal Waterway from the Virginia-North Carolina Boundary to Key West, Florida, and Tributaries thereto; Bridges.* (a) Bridges over the above-captioned navigable waters will be operated in accordance with § 203.240. The regulations contained in this section shall be considered as additional to those contained in § 203.240.

(b) Drawbridges shall not be required to open for craft carrying appurtenances unessential to navigation and any vessel operator who causes a bridge to be opened in order to clear appurtenances unessential for navigation shall be considered in violation of the regulations of this section.

(c) Appurtenances unessential for navigation shall include but not be limited to fishing outriggers, radio or television antennae, false stacks, and masts purely for ornamental purposes. Appurtenances unessential to navigation will not include flying bridges, sailboat masts, pile driver leads, spud frames on hydraulic dredges, or other items of equipment clearly necessary to the intended use of the vessel.

(d) Owners of drawbridges shall report to the proper District Engineer the names of any vessels requiring bridge openings considered to be in violation of this section. The District Engineer may at any time cause an inspection to be made of any craft utilizing the above-captioned navigable waters and is empowered to decide in each case whether or not the appurtenances are unessential to navigation. If the District Engineer decides a vessel has appurtenances unessential to navigation, he shall notify the vessel owner of his decision, specifying a reasonable time for making the alterations. If the vessel owner is aggrieved by the decision of the District Engineer, he may within 30 days after receipt of the request to perform necessary alterations, appeal the decision to the District Engineer in writing. After receipt by the District Engineer, the appeal will be forwarded through channels to the Secretary of the Army. If the Secretary of the Army rules that an appurtenance is unessential to navigation, the District Engineer shall again specify to the vessel owner a reasonable time for making necessary alterations to the appurtenance, and after the expiration of the time specified, any operation of the

vessel on the above-captioned navigable waters in such a manner as to require drawbridge openings shall be deemed in violation of the regulations of this section, unless the necessary alterations shall have been made.

[Regs., 2 July 1957, 823.01 (Atlantic Intracoastal Waterway)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.135 (a) is hereby amended modifying the boundary of an existing danger zone in the waters of the Gulf of Mexico south from Choctawhatchee Bay, Florida, as follows:

§ 204.135 *Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Headquarters Air Proving Ground Command, United States Air Force, Eglin Air Force Base, Florida*—(a) *The danger zone.* The waters of the Gulf of Mexico south from Choctawhatchee Bay within an area described as follows: Beginning at a point five nautical miles southeasterly from USC&GS Station Tuck 3, at latitude 30°23'10.74", longitude 86°48'17.525", three nautical miles offshore of Santa Rosa Island; thence easterly three nautical miles offshore and parallel to shore, to a point south of Apalachicola Bay, Florida, latitude 29°33'00", longitude 85°00'00"; thence southeasterly to latitude 29°17'30", longitude 84°40'00"; thence southwesterly to latitude 28°40'00", longitude 84°49'00"; thence southeasterly to latitude 28°10'00", longitude 84°30'00"; thence 270° true to longitude 86°48'00"; thence due north along longitude 86°48'00" to the intersection of the line with a circle of five nautical miles radius centered on USC&GS Station Tuck 3, at latitude 30°23'10.074", longitude 86°48'17.525"; thence northeasterly along the arc of the circle to the point of beginning.

* * * * *

[Regs., 8 July 1957, 800.2121 (Mexico, Gulf of)—ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.157 governing the use and navigation of a restricted area in Chesapeake Bay at Little Creek, Virginia, is hereby amended to reduce the size of the area, revising paragraph (a), as follows:

§ 207.157 *Chesapeake Bay, Lynnhaven Roads; Navy amphibious training area*—(a) *The restricted area.* Beginning at latitude 36°55'47", longitude 76°11' 04.5"; thence to latitude 36°59'04", longitude 76°10'11"; thence to latitude 36°58'28.5", longitude 76°07'54"; thence to latitude 36°55'27.5", longitude 76°08' 42"; thence westerly along the shore and across the mouth of Little Creek to the point of beginning.

* * * * *

[Regs., 10 July 1957, 800.2121 (Chesapeake Bay, Va.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-6132; Filed, July 26, 1957; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

YOSEMITE NATIONAL PARK; REGISTRATION OF VEHICLES

Section 20.16, entitled *Yosemite National Park,* is amended by the addition of paragraph (f), reading as follows:

(f) *Registration of vehicles.* Motor vehicles driven or moved upon a park road in Yosemite National Park must be registered and properly display current license plates. Such registration may be with a State or other appropriate authority or, in the case of motor vehicles operated exclusively on park roads, with the Superintendent of the Park. An annual registration fee of $6 will be charged for vehicles registered with the Superintendent which are not connected with the operation of the Park.

(Sec. 3, 39 Stat. 535, as amended, 16 U. S. C. 3)

Issued this 1st day of July 1957.

JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

[F. R. Doc. 57-6135; Filed, July 26, 1957; 8:45 a. m.]

PART 20—SPECIAL REGULATIONS

PLATT NATIONAL PARK; SPEED AMENDMENT

1. Section 20.17 *Platt National Park* is amended by the addition of paragraph (b) to read as follows:

(b) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42, are as follows:

(1) The maximum speed of all vehicles on the Perimeter Road is limited to 25 miles per hour.

(2) On that part of Oklahoma State Highway No. 18 within the Park the maximum speed shall be limited to 35 miles per hour.

(3) On all dangerous curves, posted as such, on all roads within the Park the maximum speed is limited to 25 miles per hour.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 5th day of July 1957.

WILLIAM E. BRANCH,
Superintendent,
Platt National Park.

[F. R. Doc. 57-6134; Filed, July 26, 1957; 8:45 a. m.]

TITLE 50—WILDLIFE

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

Subchapter F—Alaska Commercial Fisheries

PART 130—NORTH PACIFIC AREA

Basis and purpose. The North Pacific Fisheries Act, approved August 12, 1954, 68 Stat. 698; 16 U. S. C. 1021 et seq., authorized the Secretary of the Interior to prohibit fishing by United States nationals on the high seas of the North Pacific Ocean in waters contiguous to the waters of Alaska. The area has been extended southward to latitude 48 degrees 30 minutes north by amendment of the act. Therefore, Part 130 of Subchapter F is amended to read as follows:

Sec.
130.1 Definition.
130.2 Salmon fishing prohibited, exception.

AUTHORITY: §§ 130.1 and 130.2 issued under sec. 12, 68 Stat. 700, as amended, Pub. Law. 85-114; 16 U. S. C. 1031.

§ 130.1 *Definition.* The North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of latitude 48 degress 30 minutes west and east of longitude 175 degrees west, exclusive of the waters of Alaska as defined in Part 101 of this subchapter.

§ 130.2 *Salmon fishing prohibited, exception.* No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling in the North Pacific area, as defined in this part: *Provided,* That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

Salmon net fishing by U. S. nationals is presently prohibited on the high seas off California, Oregon, Washington, and Alaska. These amendments, authorized by legislation approved July 24, 1957, will extend such protection to salmon on the high seas off British Columbia. The salmon runs are in progress at this time, and for their conservation it is imperative that protection on the high seas be extended throughout their range on the Pacific Coast immediately. These regulations, therefore, shall become effective immediately upon publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.).

FRED A. SEATON,
Secretary of the Interior.

JULY 25, 1957.

[F. R. Doc. 57-6203; Filed, July 26, 1957; 11:04 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 182]

INDUSTRIAL ALCOHOL

NOTICE OF PROPOSED RULEMAKING

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. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in 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] C. W. STOWE,
Acting Commissioner of Internal Revenue.

In order to provide for the approval of methods of operation in lieu of those specified in the regulations and to provide for the use of additional denaturants without test by authorized chemists, 26 CFR Part 182 is amended as follows:

PARAGRAPH 1. By inserting two new sections, reading as follows, immediately after § 182.322:

§ 182.322a *Variations in methods of operation.* The Director, Alcohol and Tobacco Tax Division, may approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 182.322b.

§ 182.322b *Application.* A proprietor who proposes to employ methods of operation other than as provided in this part shall submit a letterhead application to do so, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. The assistant regional commissioner will make such inquiry as is necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

PAR. 2. Section 182.705 is amended by changing the third sentence to read, "Denaturants which are required to be tested shall not be mixed or mingled with approved denaturants until they have been approved by the authorized chemist."

PAR. 3. Section 182.706 is amended by changing the first sentence to read, "The storekeeper-gauger shall take a 1-pint sample of each lot of each denaturant which must be tested and forward or deliver the sample to the authorized chemist."

PAR. 4. Section 182.707 is amended to read as follows:

§ 182.707 *Denaturants not required to be tested.* Synthetic oils approved by the Director, Alcohol and Tobacco Tax Division, essential oils as defined in part 212 of this chapter, pure chemicals (liquid or solid), or U. S. P. or N. F. substances used as denaturing materials, if delivered to the storekeeper-gauger in the original sealed package of a reputable manufacturer of chemicals, bearing a label descriptive of its contents placed thereon by the manufacturer, need not be submitted for a test except when the Director, Alcohol and Tobacco Tax Division, shall so direct. Each lot of other denaturants received will be tested as provided in this subpart unless, as to each lot received, the denaturer furnishes a statement showing that the denaturant conforms in all respects to the specifications prescribed under part 212 of this chapter. The statement shall show the name and address of the vendor, the kind and quantity of the denaturant, and a description of the containers in which received. The statement shall be signed by the proprietor or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that the denaturant described above to the best of my knowledge and belief conforms in all respects to the specifications prescribed under the provisions of 26 CFR Part 212 for such denaturant." The assistant regional commissioner is authorized to require samples of denaturants to be obtained for testing in the regional laboratory.

[F. R. Doc. 57-6146; Filed, July 26, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR CHRISTMAS TREES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Christmas Trees pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

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

The proposed standards are as follows:

GENERAL

Sec.
51.3085 General.

GRADES

51.3086 Grades.

TOLERANCES

51.3087 Tolerances.

CULLS

51.3088 Culls.

SIZE

51.3089 Size.

BASIS FOR CALCULATING PERCENTAGES

51.3090 Basis for calculating percentages.

STANDARD BUNDLES

51.3091 Standard bundles.

DEFINITIONS

51.3092 Density.
51.3093 Taper.
51.3094 Balance.
51.3095 Fresh.
51.3096 Clean.
51.3097 Healthy.
51.3098 Fairly clean.
51.3099 Damage.
51.3100 Minor deformities.
51.3101 Noticeable deformities.
51.3102 Handle.
51.3103 Height.

AUTHORITY: §§ 51.3085 to 51.3103 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.3085 *General.* The standards contained in this subpart are applicable to sheared or unsheared trees of the coniferous species which are normally marketed as Christmas trees. The large majority of the Christmas trees marketed are one of the following species: Douglas fir (Pseudotsuga taxifolia); Balsam fir (Abies balsamea); Black spruce (Picea mariana); Eastern Red cedar (Juniperus virginiana); White spruce (Picea glauca); Scotch pine (Pinus sylvestria); Norway spruce (Picea excelsa); Red pine (Pinus resinosa); and Eastern White pine (Pinus alba).

GRADES

§ 51.3086 *Grades.* (a) The grades for Christmas trees shall be U. S. Premium, U. S. No. 1 and U. S. No. 2. Each tree shall possess the characteristics typical of the species and meet the minimum requirements for each factor of the grade specified as shown in Table I:

TABLE I

Factor	U. S. Premium	U. S. No. 1	U. S. No. 2
Density	Medium	Medium	Light.
Taper	Normal	Normal (flaring or candlestick if tree is otherwise U. S. Premium).	Normal (flaring or candlestick if tree is otherwise U. S. No. 1).
Balance	4 complete faces	3 complete faces	2 complete faces.
Foliage	Fresh, clean and healthy	Fresh, clean and healthy	Fresh, fairly clean, and free from damage.
Deformities	Not more serious than minor.	Not more serious than minor (noticeable deformities permitted if tree is otherwise U. S. Premium).	Not more serious than minor (noticeable deformities permitted if tree is otherwise U. S. No. 1).

(b) In addition, the butt of each tree shall be smoothly cut and all side branches below the first whorl shall have been removed.

(c) Unless otherwise specified, the length of the handle shall approximate 1¼ inches for each foot of tree height.

TOLERANCES

§ 51.3087 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the trees in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for trees which fail to meet the requirements of the next grade lower than that specified.

CULLS

§ 51.3088 *Culls.* "Culls" consist of individual Christmas trees which fail to meet the requirements of any of the foregoing grades.

SIZE

§ 51.3089 *Size.* (a) In addition to the statement of grade, the height of the tree shall be stated in terms of one foot or two foot units. The following are examples of height designations which are commonly used:

4 feet or less.
4–6 feet.
6–7 feet or 6–8 feet.
7–8 feet.
8–10 feet.
10 feet and up.

(b) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the trees in any lot may fail to meet the height specified.

BASIS FOR CALCULATING PERCENTAGES

§ 51.3090 *Basis for calculating percentages.* Percentages shall be calculated on the basis of count using the individual tree as the unit. Trees are often tied in bundles for convenience in handling and shipping and to prevent excessive drying. In obtaining the sample for inspection, representative bundles should be selected. All the trees within the bundle or any portion of them may be used for inspection.

STANDARD BUNDLES

§ 51.3091 *Standard bundles.* (a) Any lot of trees may be specified as standard bundles when each bundle contains trees of the same species and the number and height of the trees conforms to the following requirements as set forth in Table II:

TABLE II

Height of tree:	*Number of trees per bundle*
2 feet and less	10–12
2–4 feet	7–8
4–6 feet	5–6
6–7 feet	4
7–8 feet	3
8–10 feet	2
over 10 feet	1

(b) In order to allow for variations incident to proper handling, not more than 10 percent, by count, of the bundles in any lot may fail to meet the requirements for Standard Bundles.

DEFINITIONS

§ 51.3092 *Density.* "Density" means the amount of foliage present. Factors contributing to the degree of density are: the number and size of branches within the whorl, distance between whorls, number and arrangement of branchlets on each branch, the extent of internodal branching, needle arrangement and needle length. Species differ in their habit of growth and some species do not have internodal branches. Density should be judged on the basis of species characteristics.

§ 51.3093 *Taper.* "Taper" means the relationship of the width of the tree to its height. Flaring, normal, and candlestick taper are the terms used to designate degrees of taper. Flaring taper means that the general shape of the tree, on its best side, forms a cone whose base is 70 percent or more of its height. If the base of the cone is from 40 to 70 percent, the tree has normal taper. If the base of the cone is less than 40 percent of its height, the tree has candlestick taper. Taper must be scored on the basis of species characteristic. The taper of some species forms a cone whereas the taper of other species more nearly resembles a teardrop.

§ 51.3094 *Balance.* "Balance" means the overall structure of the tree. Each tree shall be considered to have four quarters or faces; also three segments, namely the bottom branches, the middle and the top. A decided gap, unduly long branches, or uneven density in any of the segments make a defective face. Balance must be considered on the basis of species characteristics. Some species characteristically have branches uniformly spaced in the whorl. Other species characteristically have irregular number and spacing of branches in the whorl.

§ 51.3095 *Fresh.* "Fresh" means that the needles are pliable and turgid. Needles shall be generally firmly attached with only a slight amount or no shattering.

§ 51.3096 *Clean.* "Clean" means that the tree is practically free from moss, lichen growth, vines or other foreign material.

§ 51.3097 *Healthy.* "Healthy" means that the foliage possesses a thrifty, fresh, natural green appearance characteristic of the species.

§ 51.3098 *Fairly clean.* "Fairly clean" means that the tree is moderately free from moss, lichen growth, vines or other foreign material.

§ 51.3099 *Damage.* "Damage" means any defect which materially affects the appearance of the foliage of the tree. The following shall be considered as damage:

(a) Noticeable presence of galls on the branches;

(b) Abnormal loss of needles;

(c) Abnormal curling of needles;

(d) Noticeable presence of dead twigs; and,

(e) Discoloration of needles when present to an extent that causes the tree to appear "spotty".

§ 51.3100 *Minor deformities.* "Minor deformities" means defects which are not particularly noticeable and which do not affect the general appearance of the tree. Such defects include slight crooks and forks in the stem.

§ 51.3101 *Noticeable deformities.* "Noticeable deformities" means defects which affect the appearance to some extent, but which do not seriously affect the appearance. Such defects include weak branches, multiple leaders, broken branches and "woody base", a condition of extensive, abnormally bare areas on the lower branches.

§ 51.3102 *Handle.* "Handle" means the base of the tree trunk below the first whorl.

§ 51.3103 *Height.* "Height" for unsheared trees means the distance from the point of attachment of the lowest whorl to a point at which the longest branch in the top whorl, when bent upward touches the central leader of the tree; and for sheared trees means the distance from the point of attachment of the lowest whorl to the top of the central leader.

Dated: July 24, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6160; Filed, July 26, 1957; 8:49 a. m.]

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF PROCESSED RAISINS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United

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

States Standards for Grades of Processed Raisins (7 CFR, 52.1841–52.1852), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for: (1) a change in tolerance for definitely dark berries in "well-bleached" color for Sulfur Bleached and Golden Seedless Thompson Seedless Raisins; (2) a change in the definition and terminology from "poorly developed, blowovers" to "undeveloped, worthless"; (3) correction in the definition for "2 Crown" size Muscat Raisins; and (4) elimination of the definition and explanation of methods for ascertaining "moldy" raisins.

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

The proposed amendments are as follows:

1. Change the applicable paragraphs and subparagraphs of the indicated sections to read:

Section 52.1844 (a):

(a) "Well-bleached color" (or "extra fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than ½ of 1 percent, by weight, of all the raisins may be definitely dark berries.

Section 52.1845 (a) (3):

(3) Not more than 1 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1845 (b) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1845 (c) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless; except that in "Small" (or "midget") size not more than 3 percent, by weight, of raisins may be undeveloped worthless;

Section 52.1846 (b) (3):

(3) "2 Crown" means raisins that will pass through round perforations $^{34}/_{64}$ inch in diameter but will not pass through round perforations $^{24}/_{64}$ inch in diameter.

Section 52.1847 (a) (4):

(4) Not more than 1 percent, by weight, of raisins, may be undeveloped, worthless;

Section 52.1847 (b) (4):

(4) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1847 (c) (4):

(4) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1847a (a) (2):

(2) Not more than 1 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1847a (b) (2):

(2) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1849 (a) (3):

(3) Not more than 1 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1849 (b) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1849 (c) (3):

(3) Not more than 2 percent, by weight, of raisins may be undeveloped, worthless;

Section 52.1851 (d):

(d) "Undeveloped, worthless" refers to extremely light berries that are lacking in sugary tissue indicating incomplete development; are reddish in color; are completely shriveled and hard; possess fine wrinkles on smaller units and moderately deep wrinkles on slightly larger units; and are commonly referred to as "worthless".

2. In § 52.1851, delete paragraph (g) and subparagraphs (1) and (2) of paragraph (g) in their entirety; renumber paragraph (h) as "(g)"; renumber paragraph (i) as "(h)".

3. In § 52.1852 (worksheet) in left-hand column of captions, under "Defects", change words "Poorly developed, blowovers:" to "Undeveloped, worthless:"

4. In § 52.1852 (worksheet) in lowest right-hand block under caption of "Maximum by weight (percent)" change figure "1" to "½".

5. In Tables, I, II, IIA, III, change left-hand caption of "Poorly developed, blowovers_____" to "Undeveloped, worthless_____".

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: July 24, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-6161; Filed, July 26, 1957; 8:50 a. m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION LAYER MUSCAT RAISINS AND MINIMUM GRADE STANDARDS FOR PACKED LAYER MUSCAT RAISINS

Notice is hereby given that there is being considered a proposed rule to modify the minimum grade and condition standards for natural condition Layer Muscat raisins and minimum grade standards for packed Layer Muscat raisins as hereinafter set forth. The proposed rule, which is based on the recommendation of the Raisin Administrative Committee and other information available to the Secretary, would be established in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (20 F. R. 6435, 21 F. R. 8182) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday or Sunday, such submission must be received by the Director not later than the close of business on the next following business day.

The proposed modification would relax, for the 1957-58 crop year, the requirements with respect to maximum permissible moisture content of 18 percent for natural condition Layer Muscat raisins and 23 percent for packed Layer Muscat raisins, as prescribed by the aforesaid order. These requirements were relaxed for most of the 1955–56 and all of the 1956–57 crop year because the then available data indicated that such requirements were unduly restricting the marketing of such raisins. A study of moisture requirements for Layer Muscat raisins was initiated during the 1955–56 crop year but results were inconclusive. This study was continued during the 1956–57 crop year, however, rain, which fell early in the crop year, caused abnormal damage and again the results were inconclusive. The Raisin Administrative Committee requested that the study on this matter be continued through the 1957–58 crop year and that there be no limitation on moisture content of Layer Muscats in the 1957–58 crop year. Indications are that further study during the 1957–58 crop year is necessary before appropriate maximum moisture content requirements for natural condition Layer Muscat raisins and packed Layer Muscat raisins can be established.

The proposed modification, which would be effective 1:00 a. m., P. d. s. t., September 1, 1957, and continuing until 12:00 midnight, P. d. s. t., August 31, 1958, is as follows:

(1) Section 989.97 B 3 is, pursuant to the authority contained in § 989.58 (b) of the order, hereby modified so as to change the parenthetical phrase therein reading "(except Layer Muscats shall not exceed 18 percent)" to read "(except that there shall be no maximum permissible percentage for moisture content

of Layer Muscats)" and by changing subparagraph (d) of said section to read as follows:

(d) Of such quality and condition that, when processed in accordance with good commercial practice, will, except with respect to moisture content, meet "U. S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

(2) The requirement set forth in § 989.59 (a) (2) (iii) that Layer Muscat raisins in packed form at least meet the minimum grade standards prescribed in "U. S. Grade B" as contained in effective United States Standards for Grades of Processed Raisins is, pursuant to the authority contained in § 989.59 (b) of the order, modified, insofar as operation under the order is concerned, to eliminate therefrom the moisture content restriction set forth in § 52.1847 a (b) of said standards.

Dated: July 23, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-6143; Filed, July 26, 1957; 8:47 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket A016-A5]

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

AMENDED RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing formulation of Marketing Agreements and Marketing Orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of the filing with the Hearing Clerk of the amended recommended decision of the Director of the Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, with respect to a proposed amendment to the marketing agreement and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file written exceptions to this amended recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. Testimony with respect to proposed amendments to the Marketing Agreement and to the Order, as amended, was received at a public hearing held at Kansas City, Missouri, July 23, 1956, pursuant to notice published in the FEDERAL REGISTER on June 23, 1956 (21 F. R. 4519). At the close of the hearing interested parties were given until August 27, 1956, to file proposed findings and conclusions. Upon the basis of the evidence adduced at the hearing and the record thereof a recommended decision was issued by the Acting Chief, Animal Inspection and Quarantine Branch, United States Department of Agriculture, and published in the FEDERAL REGISTER on October 31, 1956 (21 F. R. 8326). Such recommended decision afforded interested parties 20 days from the date of its publication to file written exceptions thereto. Upon application by the Control Agency such time for filing exceptions was extended to January 2, 1957 (21 F. R. 8411). On March 8, 1957 a notice of the reopening of the hearing held at Kansas City on July 23, 1956 was published in the FEDERAL REGISTER (22 F. R. 1521). Such notice stated that the reopened hearing would be held in Kansas City, Missouri on April 15, 1957 for the purpose of receiving additional evidence with respect to the proposed amendment regarding "bids" contained in Proposal Number 5, and specified that the reopened hearing would be confined to evidence on the issues set forth in said notice regarding "bids."

Testimony with respect to the proposed amendment regarding "bids" was received at the public hearing held in Kansas City, Missouri on April 15, 1957. At the conclusion of the hearing interested parties were given thirty days in which to file proposed findings and conclusions.

The material issue presented on the record of the reopened hearing is whether a handler's bid, made in response to an invitation to bid on the purchase of serum or virus, should be made at the bidder's filed price which is effective at the time such bid is made.

Findings and conclusions. On the basis of the evidence adduced at the hearings of July 25, 1956 and April 15, 1957, and on the records thereof, it is hereby found and concluded as follows:

The findings, conclusions and recommended order contained in the recommended decision of the Acting Chief, Animal Inspection and Quarantine Branch, issued on October 22, 1956 and published in the FEDERAL REGISTER on October 31, 1956 (21 F. R. 8326) are hereby confirmed and adopted with the exception of the following amendments:

1. Delete item 5 of the Findings and Conclusions and substitute therefor the following:

5. Section 131.53 should be amended so as to prohibit each manufacturer and wholesaler handler from making any bids, offers to sell, agreements or contracts to sell serum or virus at prices, discounts or terms of sale different from those set forth in his filed price list which is effective at the time any such offer, agreement or contract is made.

The record discloses that bids, private offers to sell, and agreements or contracts to sell serum or virus at prices different than the seller's effectively posted prices have been a disturbing element in the orderly marketing of serum or virus. The private negotiations generally occur in the early spring and fall and usually take the form of a handler soliciting purchasers at a price lower than the currently posted prices and in the event of obtaining sufficient orders the handler will then post a new price list and make deliveries after the lower price has become effective. He will then inform purchasers that this is a temporary price cut and they should buy before the price goes up. Such practices tend to lower the price of the products generally to an uneconomic level, as the handler's immediate competitors will be forced to lower their prices to meet the competition or run the risk of losing their customers. A chain reaction of lowered prices over a wide area may occur as the scope of competition increases, resulting in uneconomic and disorderly marketing. Further, those manufacturers engaged in producing their required 40 percent reserve of serum for May 1 are thereby prevented from participating in the spring competition at the risk of losing their customers, and the fall market for their production is again subjected to such price cutting practices.

The record further discloses that bids submitted by manufacturer and wholesaler handlers in response to invitations to bid on the purchase of serum or virus have had similar disturbing effect on the orderly marketing of the products. These have taken the form of the submission of undue and excessively low bids. The recommended amendment with respect to bids would have a deterrent effect upon such practices. The record shows, however, that at least two problems will arise under such recommended amendment. One is the disclosure of an amended price filing prior to its dissemination to all handlers and the other is the time at which a new price is considered to be filed. The order requires the Control Agency, upon receipt of an amended price list, to immediately give notice in writing of such amended price list to each of the handlers. In the past it has been the practice to mail handlers all amended price lists on the date of filing, however, information in regard to such filings is given over the telephone or other media at any time upon request therefor. Under the recommended amendment with respect to bids disclosure of an amended price prior to its dissemination to all handlers would give the person receiving such information an unfair advantage over those handlers filing an amended price for the purpose of submitting a sealed bid. Regulations prohibiting the disclosure of the filing of a new or amended price list, or its contents, by any means other than by mailing such lists should, therefore, be adopted by the Control Agency. At present the regulations of the Control Agency are silent with respect to when a price list is considered to be filed. Regulations should be adopted by the Control Agency covering all phases of the filing of price lists.

It is contemplated that the recommended amendment with respect to bids shall not become final until regulations with respect to the aforesaid dissemination of price lists and the time of filing of price lists have been issued by the Control Agency and approved by the Secretary.

2. Delete the "Rulings on proposed findings and conclusions" and substitute therefor the following:

Rulings on proposed findings and conclusions. At the conclusion of the Hearing of July 23, 1956, briefs were filed by the Control Agency, the State of Florida and the American Serum Company. At the conclusion of the reopened Hearing of April 15, 1957, briefs were filed by the Control Agency and the American Serum Company. All proposed findings and conclusions contained in each of these briefs were carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the proposed findings and conclusions contained in the aforesaid briefs are inconsistent with the findings and conclusions contained herein such proposed findings and conclusions are denied.

3. Amend paragraph (a) of § 131.0 of the recommended order as follows:

Insert the words "and April 15, 1957," following the date July 23, 1956.

4. Delete § 131.54 of the recommended order and substitute a new § 131.54.

As changed, the regulations read as set forth below.

Done at Washington, D. C., this 24th day of July 1957.

[SEAL] L. C. HEEMSTRA,
Director,
Animal Inspection and Quarantine Division.

SUBPART A—ORDER REGULATING HANDLING

§ 131.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the anti-hog-cholera serum and hog-cholera virus marketing agreement act (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (Part 132 of this chapter) a public hearing was held at Kansas City, Missouri, on July 23, 1956, and April 15, 1957, upon a proposed marketing agreement and a proposed order regulating the handling of anti-hog-cholera serum and hog-cholera virus. Upon the basis of the evidence adduced at the hearing and the record thereof, it is found that:

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which a hearing has been held;

(3) All handling of anti-hog-cholera serum and hog-cholera virus is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Order relative to handling. It is therefore ordered that on and after the effective time hereof, the handling of anti-hog-cholera serum and hog-cholera virus shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and such terms and conditions are as follows:

DEFINITIONS

§ 131.1 *Secretary.* The Secretary of Agriculture of the United States.

§ 131.2 *Act.* Anti-hog-cholera Serum and Hog-cholera virus Marketing Agreement Act (49 Stat. 781; 7 U. S. C. 851 et seq.).

§ 131.3 *Person.* Individual, partnership, corporation, association, or any other business unit.

§ 131.4 *Serum and virus*—(a) *Serum.* Anti-hog-cholera serum manufactured in compliance with standards and regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

(b) *Virus.* Virulent, modified, or inactivated hog-cholera virus, or any derivative or variation of hog-cholera virus, which is used alone or in connection with anti-hog-cholera serum to protect hogs against hog cholera, manufactured in compliance with regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

§ 131.5 *Handler.* Any person who is engaged in the handling of anti-hog-cholera serum or hog-cholera virus.

§ 131.6 *To handle.* To sell, to ship, or in any way put serum or virus into the channels of trade.

§ 131.7 *To market.* To consign or to sell or in any other manner transfer or convey title to, or any interest in, serum or virus, or to enter into any contract or arrangement to do or have done any of the said acts.

§ 131.8 *Wholesaler.* That class of buyers comprising (a) persons or agencies who do not administer serum or virus but are regularly engaged in purchasing and maintaining stocks of serum or virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found

by the Control Agency on submitted evidence acceptable to said Control Agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the storing of serum or virus marketed, the absorbing of all expenses incidental to the advertising and selling of serum or virus, after receipt by them, to other trade groups, together with the providing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) any State or Federal Agency, or any farmer cooperative association who regularly purchases, for delivery within a definite period of time and pays for at seller's posted prices at time of delivery, serum or virus in specified quantities adequate, in the opinion of the Control Agency, to justify such classification.

§ 131.9 *Dealer.* That class of buyers comprising veterinarians and other persons regularly engaged in administering serum or virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum or virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.10 *Manufacturer or producer.* Any person who manufactures or produces and is engaged in the handling or distribution of serum or virus.

§ 131.11 *Distributor.* Any person who does not manufacture serum or virus, but is engaged in the handling or distribution of serum or virus.

§ 131.12 *Control agency.* The agency established pursuant to §§ 131.21 to 131.33.

§ 131.13 *Books and records.* Any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

§ 131.14 *Subsidiary.* Any person, of or over whom or which a handler or an affiliate of a handler has, or several handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

§ 131.15 *Affiliate.* Any person and/or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

§ 131.16 *Dollar volume.* The sum of money received from the total yearly sales of serum and virus less any credit allowed for returned serum and virus.

CONTROL AGENCY

§ 131.21 *Membership.* A control agency is hereby established consisting of 12 members, who shall hold office until their successors are selected and qualified.

§ 131.22 *Nominations.* The members and their respective alternates shall be selected by the Secretary annually at least 15 days prior to the termination of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through other channels may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates.

§ 131.23 *Selection.* Each of the 12 members of the Control Agency and their alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. The Secretary may designate an individual to serve as an alternate for more than one member of the same group. No two individuals from the same partnership, corporation, association, or any other business unit, including agents, affiliates, subsidiaries, and/or representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the handlers who are entitled under the provisions of this subpart to vote for such nominees. At any election of nominees each handler shall be entitled to cast one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and/or representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

§ 131.24 *Term of office.* Members of the control agency and their respective alternates, shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

§ 131.25 *Vacancies.* To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of handlers in whose representation the vacancy has occurred, such nominees to be determined by the selection by the proper group as specified in § 131.22, two nominees for each vacancy to be filled, and selected in the manner specified in § 131.23. Such selection of nominees shall be made within 30 days after such vacancy occurs. If a nomination is not made within such 30 days, the Secretary may select an individual to fill such vacancy.

§ 131.26 *Election of officers.* The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of this subpart for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

§ 131.27 *Compensation.* A reasonable compensation to be determined by the control agency, to be paid to the Secretary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under this subpart.

§ 131.28 *Powers.* The control agency shall have power:

(a) To administer, as hereinafter specifically provided, the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart; and

(e) The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than four members who shall be empowered to act for the control agency in the routine administration of this subpart, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

§ 131.29 *Duties.* It shall be the duty of the control agency:

(a) To act as intermediary between the Secretary and any handler;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(e) To establish and/or foster any agency for the purpose of securing new or improved markets for the serum and virus industry through marketing research. The expenses of such expansion or improvement of markets through research shall be a necessary expense incurred by the control agency for its maintenance and functioning, and shall be defrayed by it from funds collected pursuant to §§ 131.41 through 131.45; and

(f) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency for its maintenance and functioning under the provisions of this subpart.

§ 131.30 *Procedure.* (a) All decisions of the control agency except where otherwise specifically provided, shall be by a three-fourths (¾) vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

(b) The control agency may provide for voting by its members by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

(c) If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the purpose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

(d) The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence and/or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

§ 131.31 *Removal or suspension of members.* The members of the control agency (including alternates, successors, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency, shall be subject to removal or suspension by the Secretary at any time.

§ 131.32 *Disapproval of decisions by Secretary.* Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 131.33 *Funds.* All funds received by the control agency, pursuant to any provision of this subpart, shall be used solely for the purpose specified and shall be accounted for in the following manner:

(a) The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

(b) Upon the removal or expiration of the term of office of any member of the control agency, or of an alternate acting as a member, such member or alternate shall account for all receipts and disbursements, and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member or alternate pursuant to this subpart.

(c) Any funds derived from assessments or any other source which have not been expended by the Control Agency at the end of a calendar year shall be carried over by the control agency, to be expended during the suceeding calendar year.

(d) Upon the termination or suspension of this subpart or of any provision thereof, the funds of the control agency shall be disposed of in the manner provided in § 131.113.

ASSESSMENTS

§ 131.41 *Handler assessment.* Each manufacturer and wholesaler handler shall pay the control agency, as provided in §§ 131.42 through 131.45, such handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency during any period specified by the Secretary for the maintenance and functioning of the control agency, as set forth in this subpart.

§ 131.42 *Division of assessments.* (a) The pro rata share of the expenses of the control agency to be borne by handlers who are wholesalers shall be determined as follows: Multiply the number of wholesalers of record on December 31st of the preceding calendar year by 1/10 of one percent and then multiply the result thereof by the total expense of the control agency for the current year. The resulting sum shall be the pro rata share of the expenses of the control agency of handlers who are wholesalers, and shall be assessed as set forth in § 131.43: *Provided,* That the pro rata share so computed shall not exceed thirty-three and one-third percent (33⅓ percent) of the total expense of the control agency. In the event the pro rata share so computed exceeds thirty-three and one-third percent (33⅓ percent), the pro rata share of such handlers shall be adjusted to thirty-three and one-third percent of the total expense of the control agency.

(b) The pro rata share of the expenses of the control agency to be borne by handlers who are manufacturers shall be the balance remaining after deducting the pro rata share of the wholesaler handlers from the total expense of the control agency, and shall be assessed as set forth in § 131.45.

(c) The assessments of all handlers may be adjusted from time to time by the control agency, with approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings of the Secretary of estimated expenses or actual expenses of the control agency during the calendar year.

§ 131.43 *Method of wholesaler handler assessments.* (a) As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the control agency a sum computed on the basis of the dollar volume of serum and virus marketed by such handler during the preceding calendar year at the following applicable rates:

(1) Ten thousand dollars, or less—$25.00;

(2) Over ten thousand dollars—at a rate per ten thousand dollars, or fraction thereof, to be fixed by the Secretary based upon the ratio between the dollar volume of marketings of each wholesaler handler whose marketings are in excess of ten thousand dollars and the total dollar volume of marketings of all wholesaler handlers whose marketings are in excess of ten thousand dollars.

(b) The pro rata share of all wholesaler handlers shall be obtained by assessing the first ten thousand dollars or less of the dollar volume of serum and virus marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary to be assessed shall be assessed in the manner set forth in paragraph (a) (2) of this section. If the total sum obtained by assessing the first ten thousand dollars, or less, of the dollar volume of serum and virus marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for ten thousand dollars, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. Such pro rata share shall be subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: $25.00 on or before January 15, of each year and the remaining sum, if any, within fifteen (15) days after being billed therefor. Such payments shall be made to the disinterested agency which shall transmit the total amount received to the control agency without disclosing the amount paid by each handler. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than $25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

§ 131.44 *Fee to accompany application for classification.* Each application for classification as a wholesaler shall be accompanied by a fee of twenty-five dollars ($25.00). If the application is rejected such fee shall be refunded to the applicant. If the application is approved the fee shall be retained and used for the maintenance and functioning of the control agency as such applicant's pro rata share of expenses of such agency for the year in which the application is approved.

§ 131.45 *Method of manufacturer handler assessments.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total dollar volume of serum and virus marketed by all such handlers during the preceding calendar year. The amount of each manufacturer handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. The pro rata share of each manufacturer handler shall be paid as follows: An amount equal to one-half of the previous year's assessment shall be due and payable on or before February 1 of each year, and the remaining balance assessed shall be due and payable on or before July 1 of each year. Such payments shall be made to the disinterested agency which shall transmit the amount received to the control agency without disclosing the amount paid by each handler.

REPORTS AND RECORDS

§ 131.48 *Reports.* (a) On or before March 15 of each year, each manufacturer and wholesaler handler shall furnish the Secretary, through a disinterested agency to be selected by the control agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed in domestic and foreign commerce by such handler during the preceding calendar year. On or before June 15 of each year, each manufacturer handler shall file a report with the Secretary, which shall be sworn to, setting forth the cubic centimeter volume of completed serum such handler had on hand May 1 of such year, and setting forth the cubic centimeter volume of serum marketed in domestic and foreign commerce by such handler during the preceding calendar year. Each handler shall furnish such other information with respect to the production and marketing of serum or virus as the Secretary may request.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this subpart upon request therefor by the Secretary, and shall promptly transmit to the control agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the control agency.

§ 131.49 *Records.* Each handler shall keep and maintain for a period of two years accounts and records showing, to the extent that he is concerned therewith, the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus in sufficient detail as will enable the Secretary to ascertain and determine the extent to which such handler is complying with the terms and provisions of this subpart; and each handler shall, upon the request of a duly authorized representative of the Secretary, permit him at all reasonable times to have access to and copy such records. Any information furnished to or acquired by the Secretary or his representative pursuant to this paragraph shall be subject to the provisions of section 8 (d) (2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (d) (2)).

FILING OF PRICES

§ 131.51 *Filing of price list.* Each manufacturer and wholesaler handler shall file with the Secretary and the control agency a separate list of his selling prices in the United States, including terms of sale and discounts, to each class of buyer defined in this subpart or under the provisions thereof, other than those specified in § 131.55. Each such handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this subpart.

§ 131.52 *Modification of price list.* The price list filed by a manufacturer or wholesaler handler may, subject to the limitations set forth in § 131.54, be modified at any time by such handler by filing a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three days in any office designated by the control agency: *Provided, however,* That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (a) at the time during usual business hours it is actually delivered in such office, or (b) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

§ 131.53 *Notification of new or amended price lists.* The control agency shall immediately upon receipt of any such new or amended price list, give written notice thereof to each of the handlers and to the Secretary. All price lists shall be made immediately available to the daily and trade press and to the consuming public by employing a means of communication at least as rapid as that used to notify the handlers and the Secretary.

§ 131.54 *Offers, contracts, sales.* Each manufacturer and wholesaler handler shall make no sales unless he has an effective price list, including discounts and terms of sale, as set forth in § 131.51, filed with the control agency. No manufacturer or wholesaler handler shall make any bid, or offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such bid, offer, agreement, contract, sale, or delivery is made. No manufacturer or wholesaler handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no such handler shall withdraw any filed price list prior to the effective date of such price list.

§ 131.55 *Filed prices not applicable to sales outside United States.* The provisions with respect to the filing of prices shall not apply to any sales made by any handler for delivery outside the United States.

§ 131.56 *Secretary may suspend and declare ineffective price lists.* If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, term of sale or discount, in whole or in part, is inequitable to consumers or handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this subpart or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation which shall be completed as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, discount, or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale, or discount, in whole or in part, is inequitable as measured by the standards set up in this section.

UNFAIR PRACTICES

§ 131.71 *Unfair methods of competition and unfair trade practices.* The following are unfair methods of competition and unfair trade practices, and are prohibited:

(a) The payment or allowance of rebates, refunds, commissions or unearned discounts, either in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like conditions;

(b) Selling serum or virus at less than reasonable market value;

(c) The giving away or selling other products at less than reasonable market value to a purchaser or user of serum or virus, for the purpose or with the effect of influencing the sale of serum or virus;

(d) Maliciously enticing away the employees of competitors;

(e) Defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by any other false representation of character or conduct or of the serum or virus handled by them;

(f) The sale or offering for sale of any serum or virus by any false means or device;

(g) Shipping of serum or virus on consignment;

(h) Withholding from or inserting in an invoice information which makes the invoice, in whole or in part, a false record of the transaction covered by the invoice;

(i) The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement by means of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum or virus.

§ 131.72 *Distributor handlers advertising as manufacturers.* The use by handlers who are distributors of the words "Serum Company", "Serum Laboratories" or other equivalent words on letterheads, signs, advertising matter, and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such distributor is a manufacturer, where in fact he is not, is prohibited.

SERUM RESERVE

§ 131.79 *Emergency reserve.* Each manufacturer who is a handler shall have available on May 1 of each year a supply of completed serum equivalent to not less than 40 percent of his previous year's sales.

MISCELLANEOUS PROVISIONS

§ 131.81 *Classes of buyers.* The control agency, subject to the disapproval of the Secretary, shall upon the basis of a written request supported by economic data sufficiently adequate to warrant a conclusion that such definition is neither unreasonable nor discriminatory, define all classes of buyers not defined in this subpart, and shall, subject to the disapproval of the Secretary, determine in specific cases whether any person who is a handler or who is about to become a handler comes within any class of buyers herein or hereafter defined, and shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers, such lists and additions thereto to be filed immediately with the Secretary and distributed to the manufacturer and wholesaler handlers.

§ 131.82 *Uniform sales invoices.* The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for manufacturer and wholesaler handlers. After the adoption of such uniform sales invoices, all sales of serum or virus by such handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

§ 131.83 *Agents and distributional outlets.* The control agency is authorized to require that each manufacturer and wholesaler handler file with such agency a list of his agents and distributional outlets for the marketing of serum or virus. Whenever the control agency by regulation requires that manufacturer and wholesaler handlers list with the control agency such handlers' agents and distributional outlets, any movement or transfer of serum or virus by a manufacturer or wholesaler handler to any person not listed with the control agency as such handler's agent or distributional outlet shall, for the purpose of this subpart, be considered to be a sale of serum or virus to such person.

§ 131.84 *Compliance.* No person shall handle serum or virus except in conformity with the provisions of this subpart and the rules and regulations issued pursuant thereto.

§ 131.85 *Duration of benefits, privileges, and immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this subpart and shall cease upon its termination except with respect to acts done under and during the existence of this subpart, and benefits, privileges, and immunities conferred by this subpart upon any party subject hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this subpart.

§ 131.86 *Agents; Secretary may designate.* The Secretary may by designation in writing name any person (not subject to this subpart), including any officer or employee of the Government or of the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 131.87 *Committees; Secretary may select.* The Secretary may select such committees to meet with or advise the control agency as he deems necessary for the proper functioning of the control agency under the provisions of this subpart. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to § 131.41, and may be met by the control agency from funds paid to it for the maintenance and functioning of the control agency.

§ 131.88 *No derogation or modification of rights of Secretary or of the United States.* Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and/or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 131.89 *Liability of members and employees of control agency.* No member of the control agency nor any employee thereof shall be held responsible individually in any way whatsoever to any handler subject to this subpart or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers under this subpart are several and not joint, and no handler shall be liable for the default of any other handler.

§ 131.90 *Separability of provisions.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

AMENDMENTS

§ 131.101 *Who may propose.* Amendments to this part may, from time to time, be proposed by handlers subject hereto or by the control agency.

§ 131.102 *Notice and hearing.* After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been incorporated in the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2d day of December 1936, the Secretary shall amend this subpart in conformance with such amendment to the said marketing agreement, and such amendment shall become effective at such time as the Secretary may designate.

EFFECTIVE TIME AND TERMINATION

§ 131.111 *Effective time.* This subpart shall become effective at such time as the Secretary may determine the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2d day of December 1936, has been executed by all the handlers of seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways specified.

§ 131.112 *Termination; how accomplished and when effective.* (a) The Secretary may at any time terminate this subpart as to all parties subject thereto by giving at least seven days' notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate this subpart at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing period.

(c) This subpart shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 131.113 *Liquidation.* Upon the termination or suspension of this subpart or of any provisions thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this subpart, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (a) shall continue in such capacity until discharged by the Secretary (b) shall, from time to time, account for all receipts and disbursements and/or deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secre-

tary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property, and/or claims vested in the control agency pursuant to this subpart. Any funds collected for expenses, pursuant to the provisions of this subpart, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this subpart and in a manner which the handlers shall determine by a three-fourths vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of § 131.30. Any person to whom funds, property, and/or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, and/or claims as are imposed upon the members of the control agency.

[F. R. Doc. 57-6163; Filed, July 26, 1957; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

1958 Crop of Extra Long Staple Cotton

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO A NATIONAL MARKETING QUOTA; NATIONAL, STATE AND COUNTY ALLOTMENTS, FIXING OF A DATE FOR HOLDING A REFERENDUM AND FORMULATION OF REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), the Secretary of Agriculture is preparing to determine as soon as practicable whether a national marketing quota is required to be proclaimed for the 1958 crop of extra long staple cotton (hereinafter referred to as "ELS cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1958 crop of ELS cotton and will issue regulations pertaining to acreage allotments for such cotton.

Section 347 (b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of ELS cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of ELS cotton produced in the next calendar year. It further provides that the Secretary shall determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales adequate to make available a normal supply of ELS cotton taking into account (1) the estimated carry-over at the beginning of the marketing year which begins in the next calendar year, and (2) the estimated imports during such marketing year. The national Marketing Quota for ELS cotton can not be less than the larger of 30,000 bales or a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

In order that the Agricultural Stabilization and Conservation State and county committees may properly perform their functions in connection with allotments for the 1958 crop of ELS cotton, it will be necessary to issue any such proclamation and to determine the national, State and county allotments as soon as practicable.

As defined in section 301 of the act, for purposes of the determinations provided for in section 347 (b) of the act, "total supply" of ELS cotton for any marketing year is the carry-over at the beginning of such marketing year, plus the estimated production of ELS cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of ELS cotton into the United States during such marketing year; "carry-over" of ELS cotton for any marketing year is the quantity of ELS cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current nor any Government stocks of ELS cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act; "normal supply" of ELS cotton for any marketing year is the estimated domestic consumption of ELS cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of ELS cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carry-over; and "marketing year" for ELS cotton is the period August 1–July 31. For purposes of the supply determinations required to be made under section 347 (b) of the act, the term "ELS cotton" refers to all American-Egyptian, Sea Island and Sea-land cotton (both the continental United States and Puerto Rico), and to all similar types of cotton imported from Egypt, Anglo-Egyptian Sudan, and Peru.

Section 344 (a) of the act provides that whenever a national marketing quota is proclaimed, the Secretary shall determine and proclaim a national allotment for the crop of ELS cotton to be produced in the next calendar year. The national allotment for ELS cotton for 1958 is that acreage, based upon the national average yield per acre of ELS cotton for the 5 years immediately preceding the calendar year in which the national marketing quota is proclaimed, which is required to make available from such crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1958 crop of ELS cotton, such allotment will be apportioned among the States, as provided by section 344 (b) of the act, on the basis of the acreage planted to ELS cotton during the 5 calendar years 1952, 1953, 1954, 1955, and 1956 with adjustments during such period as provided under the act and the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U. S. C. 1801 et seq.).

The regulations which the Secretary will issue pertaining to acreage allotments for the 1958 crop of ELS cotton are expected to be substantially the same as the regulations pertaining to acreage allotments for the 1957 crop of ELS cotton. (21 F. R. 8275, 9627; 22 F. R. 493, 3365, 3651) ("Farm" defined in § 718.2 of the regulations pertaining to Determination of Acreage and Performance (22 F. R. 3747)). The regulations will provide for approval by the Secretary and publication thereof in the Federal Register of State and county allotments and State and county reserves. It is proposed that insofar as practicable farm reconstitutions be made before farm allotments are initially established for 1958 in cases where changes in the size of the farm as finally constituted for 1957 are known to the county committee.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota, the Secretary shall conduct a referendum by secret ballot, of farmers engaged in the production of ELS cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1958 crop of ELS cotton, it is expected that the Secretary will fix the date of the referendum reasonably close to the final date of December 15, 1957 for holding it in order to allow maximum time for establishing 1958 farm allotments and issuing notices thereof to farmers. Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to the States and the State allotments to the counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1958 crop of ELS cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the Federal Register. The date

of the postmark will be considered as the date of any submission.

Done at Washington, D. C., this 18th day of July 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLARENCE L. MILLER,
Acting Administrator.

[F. R. Doc. 57-6164; Filed, July 26, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 19, 1957.

Pursuant to authority delegated to me by Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), the following described lands reconveyed to the United States in an exchange of land made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 91 W.,
Sec. 19, NE¼NE¼;
Sec. 20, NW¼NW¼, S½NW¼.

The area described totals 160 acres of public lands.

These lands lie about 8 miles south and 4 miles east of Silt, Colorado. The lands are mountainous in character with shallow, generally rocky soils supporting pinon juniper, sagebrush, oakbrush, and other shrubs with grasses and weeds in the understory. None of this land is suitable for farming or for small tract development. Minerals in the lands have been reserved to private parties.

No application for these lands will be allowed under the homestead, desert land, small tract or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, presented prior to 10:00 a. m. on August 24, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on November 23, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements, in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 57-6133; Filed, July 26, 1957; 8:45 a. m.]

Bureau of Reclamation

WALKER RIVER PROJECT, CALIFORNIA

ORDER OF REVOCATION

AUGUST 7, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of September 13, 1902, and August 20, 1904, in so far as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 9 North, Range 22 East,
Sec. 2, lot 4 and SW¼NW¼;
Sec. 11, SW¼NE¼.

The above areas aggregate 120.40 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[65313]

BUREAU OF LAND MANAGEMENT

JULY 22, 1957.

I concur.

Lot 4 and SW¼NW¼, sec. 2, were withdrawn by Public Land Order No. 1252 of November 15, 1955, under the jurisdiction of the Department of the Interior for use of the Department of Fish and Game of the State of California in connection with the Topaz Lake Public Fishing Area. The SW¼NE¼, sec. 11, is included in an application for withdrawal filed by the Forest Service, Department of Agriculture (Sacramento 047165); with respect to which lands, applications under the public-land laws will be suspended in accordance with 43 C. F. R. 295.10 until action or the application for withdrawal has been taken.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento 14, California.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 57-6136; Filed, July 26, 1957; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY

DELEGATION OF AUTHORITY RELATIVE TO ST. LAWRENCE SEAWAY POWER PROJECT, ST. LAWRENCE SEAWAY NAVIGATION PROJECT, AND GREAT LAKES CONNECTING CHANNELS PROJECT

The following delegation was made by the Secretary of Defense on July 22, 1957:

I. *Delegation of authority.* A. The following delegation of authority is promulgated pursuant to the authority vested in me by Subsection 202 (f) of the National Security Act of 1947, 61 Stat. 495, as amended, and Reorganization Plan No. 6 of 1953.

1. I hereby delegate to the Secretary of the Army full power and authority to act for and in the name of the Secretary of Defense, and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to P. L. 891, 81st Congress, 2d Session, insofar as such action is related to the St. Lawrence Seaway Power Project, the St. Lawrence Seaway Navigation Project, and the Great Lakes Connecting Channels Project.

2. All requests for waiver of the navigation and vessel inspection laws of the United States made hereunder by the Secretary of the Army to the head of any department or agency responsible for the administration of such laws shall be deemed to have been made by the Secretary of Defense and with the full authority and power of the Secretary of Defense.

B. The authority delegated herein may not be redelegated.

II. *Cancellation.* Delegation of Authority to the Secretary of the Army published at 20 F. R. 6361 is hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F. R. Doc. 57-6131; Filed, July 26, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

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

Agreement No. 57-66, between the member lines of the Pacific Westbound Conference, modifies the basic agreement of that conference (No. 57, as amended) to provide that the rates to Saigon shall be $6.50 over the Hongkong rates, instead of $4.00 as presently provided in the agreement.

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

Dated: July 24, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-6147; Filed, July 26, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12098-12101; FCC 57M-720]

MOUNTAIN VIEW BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Mountain View Broadcasting Company, Jonesboro, Tennessee, Docket No. 12098, File No. BP-10900; Eugene Slatkin and Boyce H. Hanna, d/b as Cleveland County Broadcasting Company, Shelby, North Carolina, Docket No. 12099, File No. BP-11062; L. C. Young, tr/as Scott County Broadcasting Co., Gate City, Virginia, Docket No. 12100, File No. BP-11082; Daniel Gabriel and Arnold H. Johnson, d/b as Lee County Broadcasting Company, Pennington Gap, Virginia, Docket No. 12101, File No. BP-11141; for construction permits.

It is ordered, This 23d day of July 1957, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1957, in Washington, D. C.

Released: July 24, 1957.

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

[F. R. Doc. 57-6149; Filed, July 26, 1957; 8:48 a. m.]

[Docket Nos. 12102, 12103; FCC 57M-718]

MUSIC BROADCASTING CO. (WGRD) AND GREAT TRAILS BROADCASTING CORP. (WING)

ORDER SCHEDULING HEARING

In re applications of Music Broadcasting Company (WGRD) Grand Rapids, Michigan, Docket No. 12102, File No. BML-1638; for authority to operate specified pre-sunrise hours; Great Trails Broadcasting Corporation (WING) Dayton, Ohio, Docket No. 12103, File No. BR-292; for renewal of license.

It is ordered, This 23d day of July 1957, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence October 7, 1957, in Washington, D. C.

Released: July 24, 1957.

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

[F. R. Doc. 57-6150; Filed, July 26, 1957; 8:48 a. m.]

[Docket Nos. 12104, 12105; FCC 57M-719]

RALPH D. EPPERSON AND WILLIAMSBURG BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Ralph D. Epperson, Williamsburg, Virginia, Docket No. 12104, File No. BP-10958; Mary Cobb and Richard S. Cobb, d/b as Williamsburg Broadcasting Co., Williamsburg, Virginia, Docket No. 12105, File No. BP-11199; for construction permits.

It is ordered, this 23d day of July 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1957, in Washington, D. C.

Released: July 24, 1957.

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

[F. R. Doc. 57-6151; Filed, July 26, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2115]

BELLANCA CORP.

ORDER SUMMARILY SUSPENDING TRADING

JULY 23, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Bellanca Corporation, File No. 1-2115.

I. The $1.00 par value Capital Stock of Bellanca Corporation is listed and registered on the American Stock Exchange, a national securities exchange; and

II. The Commission on April 24, 1957, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing beginning July 10, 1957, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the capital stock of Bellanca Corporation (hereinafter called "registrant") on the American Stock Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, and for failure to comply with the disclosure requirements of Regulation X-14 adopted pursuant to section 14 (a) of the act.

On July 14, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from the date of the aforesaid order.

III. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the American Stock Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten (10) days, July 24 through August 2, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6140; Filed, July 26, 1957; 8:46 a. m.]

[File No. 811-423]

GREAT AMERICAN LIFE UNDERWRITERS, INC.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR ORDER DECLARING COMPANY NOT AN INVESTMENT COMPANY

JULY 22, 1957.

The Great American Life Underwriters, Inc. ("Applicant"), a registered face-amount certificate company, having filed an amended application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission declaring that Applicant is not, or has ceased to be, an investment company by reason of the exception contained in section 3 (c) (8) of the act, or, in the alternative, that the Commission issue an order pursuant to section 6 (c) of the act exempting Applicant from the act on the ground that it is not an investment company, being primarily engaged in the life insurance business through a controlled company and enter an order declaring that Applicant is not or has ceased to be an investment company;

The Commission having given public notice of the filing of such amended application and having therein given all interested persons an opportunity to request that a hearing be held thereon (Investment Company Act Release No. 2542); and

The Commission having received requests from certain stockholders of Applicant that a hearing be held with respect to said matter; and

The Commission having considered said requests and it appearing to the Commission that it is appropriate, in the public interest and in the interest of investors that a hearing be held with respect to said amended application for the purpose of affording interested persons an opportunity to be heard with respect to said amended application;

It is ordered, Pursuant to section 40 (a) of the act that a hearing on the aforesaid amended application under the appropriate provisions of the act and of the rules and regulations thereunder be held on the 23d day of October 1957, at 10:00 o'clock a. m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission, his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule setting forth any issues of law or fact which he desires to controvert, or any additional issues which he deems raised by this Notice and Order or by such amended application.

It is further ordered, That James Ewell, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the amended application, and that upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to it specifying additional matters and questions upon further examination:

1. Whether the Applicant is not, or has ceased to be, an investment company by reason of the exception provided in section 3 (c) (8) of the act.

2. Whether the Applicant is primarily engaged through a controlled company in the life insurance business.

3. Whether the requested exemption from all the provisions of the act pursuant to section 6 (c) of the act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and the provisions of the act.

4. Whether, in the event the Commission grants the amended application pursuant to either section 8 (f) or section 6 (c) of the act, it is necessary or appropriate in the public interest and consistent with the protection of investors to impose conditions.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to The Great American Life Underwriters, Inc., and that notice to all persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That The Great American Life Underwriters, Inc., shall give notice of this hearing to all of its stockholders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this Notice and Order to his last known address at least 20 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-6141; Filed, July 26, 1957; 8:46 a. m.]

[File No. 812-1093]

COLONIAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES FROM UNDERWRITING SYNDICATE

JULY 22, 1957.

Notice is hereby given that The Colonial Fund, Inc. ("Colonial"), a registered open-end, diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) the proposed purchase by Colonial of not exceeding 2,000 shares of __ percent Cumulative Convertible Preferred Stock of McLouth Steel Corporation ("McLouth") to be publicly offered in the near future.

The application recites that James H. Orr, one of the seven directors of Colonial, is a director of The First Boston Corporation an investment banking firm. None of the other Directors or Advisory Board members of Applicant is an affiliated person of an investment banking firm. Applicant states it is informed that The First Boston Corporation expects to act as representative of a group of underwriters of 105,000 shares of said Preferred Stock.

It is represented that the Directors of Colonial have authorized the purchase by Colonial at the public offering price, of not exceeding 2,000 shares of said Preferred Stock subject to market conditions at the time of offering, such purchase to be made from underwriters or members of the selling group, if any, other than The First Boston Corporation.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or member of an advisory board is an affiliated person, unless the Commission by order upon application grants an exemption therefrom. The application states that since Orr is an affiliated person of an investment banking firm which is part of the principal underwriting group of said Preferred Stock, the proposed transaction is subject to the provisions of section 10 (f).

McLouth, a Michigan corporation, is engaged in the production and sale of flat rolled carbon and stainless steel products, both in finished and semi-finished form. Its sales are made principally to the automotive industry. The Corporation is one of three major producers of carbon steel and one or two major producers of stainless steel in the Detroit area.

The application states that if Colonial were to purchase all of 2,000 shares of Preferred Stock authorized by its directors it would acquire 1.9 percent of the total offering, and assuming a price of $100 a share the purchase would represent an investment of $200,000 or approximately 0.5 percent of the total assets of Colonial as of April 30, 1957.

It is represented that the proposed purchase by Colonial is consistent with its stated investment policies. Colonial considers it desirable to be in a position to purchase said Preferred Stock on the original offering in order to have reasonable assurance of being able to obtain a substantial block of the Preferred Stock and to avoid the possibility of a higher price after the underwriting syndicate has been dissolved.

Notice is further given that any interested person may, not later than July 31, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing

upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed, Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-6142; Filed, July 26, 1957; 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), and Administrative Order No. 414 (16 F. R. 7367), 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.

Bannon Mills, Inc., Seventh and Union Streets, Lebanon, Pa.; effective 7-18-57 to 7-17-58 (infants' and children's outerwear).

Bestform Foundations of Pa., Inc., Cherry and Baumer Streets, Johnstown, Pa.; effective 8-3-57 to 8-2-58 (brassieres).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; effective 8-5-57 to 8-4-58 (sport shirts).

Horton Garment Co., Horton Kans.; effective 7-19-57 to 7-18-58 (dresses).

Hunter-Sadler Co., Strauss Street, Tupelo, Miss.; effective 7-16-57 to 7-15-58 (jackets, shirts).

The Joanie Jan Co., Walnut Ridge, Ark.; effective 7-19-57 to 7-18-58 (wash frocks).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-57 to 7-20-58 (cotton dresses).

C. A. Neuburger Co., Division of Sherman Wash Wear, Inc., 908-914 South Main Street, Oshkosh, Wis.; effective 7-30-57 to 7-29-58. Learners may not be engaged at special minimum wage rates in production of separate skirts (dresses).

Page Manufacturing Co., 508 West Main Street, Lexington, Ky.; effective 7-17-57 to 7-16-58 (women's dresses).

R & G Shirt Corp., Parksley, Va.; effective 7-28-57 to 7-27-58 (boys' sport shirts).

Renovo Shirt Co., Inc., Mena, Ark.; effective 7-27-57 to 7-26-58 (sport shirts).

Searcy Co., Inc., Enterprise, Ala.; effective 7-19-57 to 7-18-58 (men's sport shirts).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-1-57 to 7-31-58 (work pants, shirts).

Toby Manufacturing Co., Inc., 620 Franklin Avenue, Essex, Baltimore, Md.; effective 7-28-57 to 7-27-58 (work pants).

Top-Notch Manufacturing Co., Inc., 400 South Kansas Street, El Paso, Tex.; effective 7-19-57 to 7-18-58 (denim overalls).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-17-57 to 7-16-58 (ladies' rainwear).

Whiteville Manufacturing Co., Inc., Wilmington Road, Whiteville, N. C.; effective 7-18-57 to 7-17-58 (pants, slacks, jackets).

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

Mylcraft Manufacturing Co., Inc., North Main Plant, Rich Square, N. C.; effective 7-31-57 to 7-30-58; 10 learners (ladies' pajamas).

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

Carlisle Manufacturing Co., Monroe, Utah; effective 7-19-57 to 1-18-58; 25 learners (men's shirts).

Jasper Brassiere Co., Jasper, Ala.; effective 7-17-57 to 1-16-58; 10 learners (brassieres).

Maury Manufacturing Co., Inc., Mount Pleasant, Tenn.; effective 7-17-57 to 1-16-58; 30 learners (men's sport shirts).

Temple Manufacturing Co., Temple, Okla.; effective 7-19-57 to 1-7-58; 55 learners (supplemental certificate) (men's and boys' dress pants).

United Garment Manufacturing Co., Iron Mountain, Mich.; effective 7-16-57 to 1-15-58; 25 learners (outerwear for women and children).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Budd Cigar Co., Clark Street, Quincy, Fla.; effective 7-25-57 to 7-24-58; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of: (1) cigar machine operators for a learning period of 320 hours at the rate of 80 cents an hour; and (2) cigar packers (cigars retailing for 6 cents or less), and machine strippers, each for a learning period of 160 hours at the rate of 80 cents an hour.

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

Morris Manufacturing Co., Newbern, Tenn.; effective 7-22-57 to 7-21-58; 10 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 522.43, as amended).

Duke Hosiery Corp., 70 Eighth Street Place, SE., Hickory, N. C.; effective 7-17-57 to 7-16-58; 5 percent of the total number of factory production workers for normal labor turnover purposes. Workers engaged in finishing operations only (seamless).

Mayo Knitting Mill, Inc., Chestnut Street, Tarboro, N. C.; effective 7-22-57 to 7-21-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Unique Knitting Co., Acworth, Ga.; effective 7-22-57 to 7-21-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.70 to 522.74, as amended).

Western States Telephone Co., Inc., Truth or Consequences, N. Mex.; effective 7-15-57 to 7-14-58.

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

Strutwear, Inc., Underwear Division, 1015 Sixth Street South, Minneapolis, Minn.; effective 7-15-57 to 12-26-57; 20 additional learners for plant expansion purposes (supplemental certificate) (women's underwear and sleepwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Maisak-Handler Shoe Co., Inc., Senath (Dunklin County), Mo.; effective 8-1-57 to 7-31-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

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

Brady Manufacturing Co., Inc., Ramseur, N. C.; effective 7-22-57 to 1-21-58; authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of sewing machine operator and presser, each for a learning period of 320 hours at the rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours (men's handkerchiefs).

Palm Beach Co., Danville, Ky.; effective 8-1-57 to 1-31-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of sewing machine operator, final presser, and hand sewing, each for a learning period of 480 hours at the rates of 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours (men's coats).

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

Signed at Washington, D. C., this 22d day of July 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-6137; Filed, July 26, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ERNEST BACHMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Ernest Bachmann, Grabenstrasse 1, Schaffhausen, Switzerland; Claim No. 62317, Vesting Order No. 17829; $1092.73 in the Treasury of the United States.

Executed at Washington, D. C., on July 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-6152; Filed, July 26, 1957; 8:48 a. m.]

SELMA BARUTH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Selma Baruth, Ramat-Gan, Tel Benyamin, Israel; Claim No. 63591; Vesting Order No. 693; one-eighth (1/8) of $2,345.33 in the Treasury of the United States.

Executed at Washington, D. C., on July 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-6153; Filed, July 26, 1957; 8:48 a. m.]

CEMENTIA HOLDING, A. G.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Cementia Holding, A. G., Zurich, Switzerland; Claim No. 42838; Vesting Order No. 1418; $1,350.93 in the Treasury of the United States.

All right, title, interest and claim of any name or nature whatsoever in and to all obligations, contingent or otherwise and whether or not matured, owing to Cementia Holding, A. G. by Atlantic-Pacific Trading Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to sue for and collect such obligations.

Executed at Washington, D. C., on July 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-6154; Filed, July 26, 1957; 8:48 a. m.]

ELIZABETH FOEHR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Elizabeth Foehr, as successor in interest to Alice Foehr, deceased, Stuttgart, Germany; Claim 39388; Cash in the Treasury of the United States $3,750.00 (representing three-fourths of the amount originally claimed by Alice Foehr, deceased).

Executed at Washington, D. C., on July 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-6155; Filed, July 26, 1957; 8:49 a. m.]

PIJO GASPAROVIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Pijo Gasparovic, Calle de Julio 654 Cipolletti, Province of Rio Negro, Argentina; Claim No. 38464; Voluntary turnover; $61.16 in the Treasury of the United States.

Executed at Washington, D. C., on July 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-6156; Filed, July 26, 1957; 8:49 a. m.]

WILHELM BENJAMIN REPPMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Wilhelm Benjamin Reppmann, Oss, The Netherlands; Claim No. 42943; Vesting Order No. 291; Property described in Vesting Order No. 291 (7 F. R. 9834—November 26, 1942) relating to Patent Application Serial No. 332,822 (now United States Letters Patent No. 2,330,625).

Executed at Washington, D. C., on July 19, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-6157; Filed, July 26, 1957; 8:49 a. m.]

NINISTIFTUNG IN GLARUS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant Property, and Location

Ninistiftung in Glarus c/o Rahel Frischman, Tel-Aviv, Israel; Claim No. 60918; Vesting Order No. 18234; $12,200.30 in the Treasury of the United States.

Executed at Washington, D. C., on July 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 57-6158; Filed, July 26, 1957; 8:49 a. m.]

MARIA WEINBERGER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Maria Weinberger, Vienna XIII, Austria; Claim No. 62480; Hans Weinberger, Post Werfen, Austria; Claim No. 62481; Margarethe Markl, Vienna XIII, Austria; Claim No. 62482; Vesting Order No. 17938; $46,800.00 principal amount of United Steel Works Corporation Participation Certificates, 4¾%, 1968, dated January 1, 1953, evidenced by Certificates Nos. C4618/20 at $100.00 each, D980 at $500.00 and M15761/15806 at $1,000.00 each, presently in the custody of the Federal Reserve Bank of New York for safekeeping and $99.99 principal amount of Script for Participation Certificates of United Steel Works Corporation, Scrip No. 002368, dated January 1, 1953, presently in the custody of the Federal Reserve Bank of New York for safekeeping, to the claimants in the following proportions: Two-fifths (2/5ths) thereof to Maria Weinberger, one-fifth (1/5th) thereof to Hans Weinberger, two-fifths (2/5ths) thereof to Margarethe Markl.

Executed at Washington, D. C., on July 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-6159; Filed, July 26, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

JULY 24, 1957.

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. 34049: *Caustic soda—Canton, N. C., to Foley, Fla.* Filed by The Southern Railway Company, for itself, and interested rail carriers. Rates on liquid caustic soda, tank-car loads from Canton, N. C., to Foley, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 39 to Agent Spaninger's tariff I. C. C. 1538.

FSA No. 34050: *Crude petrolatum—Port Arthur, Tex., group to Laurel, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum, tank-car loads from Port Arthur and West Port Arthur, Tex., to Laurel, Miss.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 131 to Agent Kratzmeir's tariff I. C. C. 4118.

FSA No. 34051: *Grains and grain products from and to points on The Georgia and Florida Railroad.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coarse grains, grain products, soybeans and animal and poultry feed, carloads between points on the Georgia & Florida Railroad, between points on the Georgia & Florida on the one hand, and points in southern territory, Indiana and Illinois, on the other; also from Columbus, Ohio to Georgia & Florida Railroad stations.

Grounds for relief: Short-line distance formulas, grouping, and circuitous routes.

Tariffs: Supplement 20 to Agent Spaninger's tariff I. C. C. 1571 and four other schedules.

FSA No. 34052: *Grain transit rates between southern points and points on Georgia and Southern Railroad.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on grain, feed and related articles, carloads between points in southern territory and points on, or via, the Georgia and Florida Railroad, accorded transit privileges en route.

Grounds for relief: Modified short-line distance formula, grouping and circuitous routes.

Tariff: Supplement 8 to Agent Spaninger's tariff I. C. C. 1579.

FSA No. 34053: *Woodpulp—Brewton, Ala., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads from Brewton, Ala., to specified points in official (including Illinois) territory, also Ohio River Crossing and Virginia Gateways.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 25 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 34054: *Woodpulp—Demopolis and Green Tree, Ala., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads from Demopolis and Green Tree, Ala., to points in official (including Illinois) territory, also Ohio River Crossings, St. Louis, Mo., East St. Louis, Ill., and Virginia Gateways.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 25 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 34055: *Pulpboard and fiberboard—Chicago, Ill., to Muskogee, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pulpboard and fiberboard, noibn, carloads from Chicago, Ill., to Muskogee, Okla.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 47 to Agent Kratzmeir's tariff I. C. C. 4198.

FSA No. 34056: *Scrap or waste paper—Texas points to Denver, Colo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap or waste paper, carloads from Houston and Waco, Tex., to Denver, Colo.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 111 to Agent Kratzmeir's tariff I. C. C. 4136.

FSA No. 34057: *Grain and products—Missouri points to Baton Rouge and New Orleans, La.* Filed by The Kansas City Southern Railway Company, for itself and interested rail carriers. Rates on grain, grain products, and related articles, also seeds, carloads from specified points in Missouri on the Missouri-Kansas-Texas Railroad to Baton Rouge and New Orleans, La., for export.

Grounds for relief: Circuitous routes through competing transit point.

Tariff: Supplement 39 to The Kansas City Southern Railway Company's tariff I. C. C. 5303.

FSA No. 34058: *Trailership service—Motor-ocean-motor, Pan Atlantic Steamship—Class rates.* Filed by Pan-Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on property moving on class rates, loaded in or on motor truck trailers and transported aboard ship in trailership service between port terminals at Baltimore, Md., Boston, Mass., Jersey City, N. J., and Philadelphia, Pa., and Houston, Tex., on traffic from or to points in New England and trunk line territories, and to or from points in Louisiana and Texas.

Grounds for relief: Rail-ocean, ocean-rail, and rail-ocean-rail competition.

Tariffs: Pan Atlantic Steamship Corporation tariffs I. C. C. 258 and 271, also Supplement 1 to the latter tariff.

FSA No. 34059: *Trailership service—Motor-ocean-motor, Pan-Atlantic Steamship—Commodity rates.* Filed by Pan-Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on property, moving on commodity rates, loaded in motor truck trailers and transported aboard ship in trailership service, between port terminals at Baltimore, Md., Boston, Mass., Jersey City, N. J., and Philadelphia, Pa., in the East, and Houston, Tex., in the Southwest, applicable on traffic from or to points in New England and trunk line territories and to or from points in Texas.

Grounds for relief: Rail-ocean, ocean-rail, and rail-ocean-rail competition.

Tariffs: Pan Atlantic Steamship Corporation tariff I. C. C. 257, Supplement 8, and its tariff I. C. C. 269.

FSA No. 34060: *Trailership service—Motor-ocean-motor, Pan-Atlantic Steamship—Class rates.* Filed by Pan-Atlantic Steamship Corporation, for itself and for interested motor carriers. Rates on property, moving on class rates, loaded in or on motor-truck trailers and transported aboard ship in trailer-ship service between Baltimore, Md., Boston, Mass., New York, N. Y., and Philadelphia, Pa., on one hand, and Charleston and Georgetown, S. C., Jacksonville, Miami, Panama City, Pensacola, Port St. Joe and Tampa, Fla., Mobile, Ala., and New Orleans, La., on the other, on traffic from or to points in New England and trunk

line territories to or from points in the Southwest.

Grounds for relief: Rail-ocean, ocean-rail, and rail-ocean-rail competition.

Tariffs: Pan-Atlantic Steamship Corporation tariffs, I. C. C. 269 and 266 and supplement 1 to the latter.

FSA No. 34061: *Trailership service—Motor-ocean-motor, Pan-Atlantic Steamship—Class rates.* Filed by Pan-Atlantic Steamship Corporation, for itself and interested motor carriers. Rates on property, moving on class rates, loaded in motortruck trailers and transported aboard ship in trailership service between Charleston and Georgetown, S. C., Jacksonville, Miami, Panama City, Pensacola, Port St. Joe and Tampa, Fla., Mobile, Ala., New Orleans, La., and Houston and Galveston, Tex., on traffic between such ports and between points in the Southeast and between points in the Southeast and Southwest.

Grounds for relief: All-rail, rail-ocean, and ocean-rail competition.

Tariffs: Pan-Atlantic Steamship Corporation tariff I. C. C. 269. Pan-Atlantic Steamship Corporation tariff I. C. C. 267.

FSA No. 34062: *Sulphuric acid—Fort Worth, Tex., to Longino, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Fort Worth, Tex., to Longino, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 360 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 34063: *Crushed stone—Greencastle, Ind., to Charleston, Ill.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on crushed stone, in bulk, in open-top cars, carloads from Greencastle, Ind., to Charleston, Ill.

Grounds for relief: Motor truck competition.

Tariff: Supplement 104 to New York Central Railroad Company's tariff I. C. C. 1438.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6144; Filed, July 26, 1957; 8:47 a. m.]

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

MISCELLANEOUS AMENDMENTS

JUNE 26, 1957.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, revised to March 25, 1957 (22 F. R. 3987), as amended (22 F. R. 4702), have been further amended, effective immediately, to clarify the assignment of duties to Division 2 and the Board of Suspension by revising Items 4.3 (e), 7.3 and 8.4 to read as follows:

Item 4.3 (e) Sections 15 (7), 216 (g), 218 (c), 307 (g) and (i), and 406 (e), relating to the disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I, II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings: (1) when there are petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, or (2) when there are involved petitions for suspension of schedules or tariffs filed in purported compliance with any decision, order, or requirement of the Commission or a Division thereof, or (3) when such matter is certified to the Division by the Board of Suspension; and including authority to vacate or discontinue orders in proceedings instituted by Division Two, Division Two acting as an appellate division, or Board of Suspension, wherein respondents have cancelled the matter under investigation or suspension, except in those instances where authority has been delegated to the Board of Suspension.

Item 7.3 *Board of Suspension.* Sections 15 (7), 216 (g), 218 (c), 307 (g) and (i), and 406 (e), relating to the initial disposition (1) by declining to suspend or (2) by entering an order of investigation or (3) by entering an order of investigation and suspension, either on its own motion or on petitions or requests for suspension of schedules and tariffs, and relating to authority to institute investigations into rates, fares, charges, and practices of carriers under Parts I. II, III, and IV, as ancillary to such investigations or such investigation and suspension proceedings; and the authority, prior to submission of evidence, to enter orders discontinuing any proceeding instituted by it when the schedules or tariffs under which the proceeding arose have been canceled. This delegation of authority shall not include (1) petitions or requests relating to schedules or tariffs filed in purported compliance with any decision or order of the Commission or a Division thereof, (2) petitions or requests for suspension of proposed general increases in rates, fares, or charges for application throughout a rate territory or region, or of wider scope, nor (3) any action in connection with suspensions to be taken during or after formal hearings or investigations. The Board may certify to Division Two any matter which, in its judgment, should be passed upon by that Division or the Commission.

and

Item 8.4 Division Two is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Board of Suspension or the Fourth Section Board shall be assigned or referred for consideration and action. When so acting, it shall have all authority which the Board is authorized to exercise. Decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-6145; Filed, July 26, 1957; 8:47 a. m.]