THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 23 NUMBER 195

Washington, Saturday, October 4, 1958

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10784

SPECIFICATION OF LAWS FROM WHICH FUNCTIONS AUTHORIZED BY THE MUTUAL SECURITY ACT OF 1954, AS AMENDED, SHALL BE EXEMPT

By virtue of the authority vested in me by section 533 of the Mutual Security Act of 1954, 68 Stat. 860 (22 U. S. C. 1793), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by that act, as amended (including the performance of functions authorized by section 544 thereof), without regard to the laws specified in the lettered subdivisions of sections 1 and 2 of this order and without regard to consideration as specified in section 3 of this order will further the purposes of the Mutual Security Act of 1954, as amended:

SECTION 1. With respect to functions authorized by the Mutual Security Act of 1954, as amended (22 U. S. C. 1750 *et seq.*), except those exercised by the Department of Defense under authority of sections 521 and 524 of that act (22 U. S. C. 1781, 1784):

(a) The act of March 26, 1934, c. 90, 48 Stat. 500, as amended (15 U. S. C. 616a).

(b) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U. S. C. 529).

(c) Section 305 of the Federal Property and Administrative Services Act of 1949, c. 288, 63 Stat. 396, as amended (41 U. S. C. 255).

(d) Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5).

(e) Section 3710 of the Revised Statutes (41 U. S. C. 8).

(f) Section 2 of Title III of the act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U. S. C. 10a).

(g) Section 3735 of the Revised Statutes (41 U. S. C. 13).

(h) Section 304 (c) of the Federal Property and Administrative Services Act of 1949, as added by the act of October 31, 1951, c. 652, 65 Stat. 700 (41 U. S. C. 254 (c)), but only with respect to contracts entered into with foreign governments or agencies thereof for the rendering of services to the United States or an agency thereof within the continental limits of the United States.

(i) Section 901 of the Merchant Marine Act, 1936, c. 858, 49 Stat. 2015, as amended (46 U. S. C. 1241 (a)).

SEC. 2. With respect to purchases authorized to be made outside the continental limits of the United States under the Mutual Security Act of 1954, as amended:

(a) Section 2276 (a) of title 10 of the United States Code.

(b) Section 2313 (b) of title 10 of the United States Code.

(c) Section 304 (c) of the Federal Property and Administrative Services Act of 1949, as added by the act of October 31, 1951, c. 652, 65 Stat. 700 (41 U. S. C. 254 (c)).

(d) Section 1301 of the Second War Powers Act, 1942, c. 199, 56 Stat. 185 (50 U. S. C. App. 643), as extended by the provisions of the act of June 30, 1953, c. 169, 67 Stat. 120.

SEC. 3. With respect to cost-type contracts heretofore or hereafter made under authority of the Mutual Security Act of 1954, as amended, with non-profit institutions under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

This order supersedes Executive Order No. 10519 of March 5, 1954 (3 CFR, 1954 Supp., p. 48), entitled "Specifications of Laws from Which Functions Authorized by Mutual Security Act of 1951, as Amended, Shall Be Exempt."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 1, 1958.

[F. R. Doc. 58-8254; Filed, Oct. 3, 1958; 10:07 a. m.]

CONTENTS

THE PRESIDENT

Executive Order — Page

Specification of laws from which functions authorized by Mutual Security Act of 1954, as amended, shall be exempt 7691

EXECUTIVE AGENCIES

Agricultural Marketing Service
Notices:
Potatoes, Irish, fresh; diversion payment program 7713
Rules and regulations:
Grapefruit grown in Florida; limitation of shipments 7695
Lemons grown in California and Arizona; limitation of handling 7695

Agriculture Department
See Agricultural Marketing Service; Commodity Stabilization Service.

Alien Property Office
Notices:
Vested property, intention to return:
Feigel, Ludwig 7716
Kohn, Flora 7717
Rens, Salomon, et al 7716
Schindler, Charles 7716

Civil Service Commission
Notices:
Certain actuary positions throughout continental U. S.; increase in minimum rates of pay 7714

Coast Guard
Rules and regulations:
Aids to navigation; miscellaneous amendments 7701

Commerce Department
See also Federal Maritime Board; Foreign Commerce Bureau; Maritime Administration.
Notices:
Statements of changes in financial interests:
Blumoehr, Clarence 7713
Oheim, Curt 7713

Commodity Stabilization Service
Notices:
Sugarcane prices in Puerto Rico and wages in Virgin Islands; notice of hearing and designation of presiding officers 7713

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CONTENTS—Continued

Commodity Stabilization Service—Continued Page
Proposed rule making:
Puerto Rico sugar quotas, 1959 allotment 7710
Rules and regulations:
Hawaii and Puerto Rico; sugar requirements and quotas, 1958 7694
Reconstitution of farms, farm allotments, and farm history and soil base acreages 7693

Federal Maritime Board
Documentation, transfer or charter of vessels; declaration of officer of incorporated company (*see* Maritime Administration).

Federal Power Commission
Notices:
Atlantic Seaboard Corp.; application and date of hearing; correction 7714

Federal Trade Commission Page
Rules and regulations:
True, James E., et al.; cease and desist order 7697

Fish and Wildlife Service
Proposed rule making:
Northwest Atlantic commercial fisheries; haddock and cod fisheries; extension of time for filing comments 7710

Food and Drug Administration
Rules and regulations:
Certification of chlortetracycline (or tetracycline) and chlortetracycline- (or tetracycline) containing drugs; miscellaneous amendments 7698
Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; tolerance for residues of inorganic bromides resulting from soil treatment with ethylene dibromide 7698

Foreign Commerce Bureau
Notices:
Engler, Ltd.; order temporarily revoking and denying export privileges 7712

Health, Education, and Welfare Department
See Food and Drug Administration.

Housing and Home Finance Agency
Notices:
Appraisers of Federal Housing Administration; designation as appraisers to determine appraised value of certain Federal property at Boulder City, Nev.; correction 7714

Interior Department
See Fish and Wildlife Service; Land Management Bureau; National Park Service.

Internal Revenue Service
Rules and regulations:
Labeling and advertising of wine 7698

Interstate Commerce Commission
Notices:
Diversion or rerouting of traffic:
New York, Ontario and Western Railway 7715
Pennsylvania Railroad Co. 7716
Fourth section applications for relief 7715

Justice Department
See Alien Property Office.

Labor Department
See Wage and Hour Division.

Land Management Bureau
Rules and regulations:
California; public land order 7701

Maritime Administration
Rules and regulations:
Documentation, transfer or charter of vessels; declaration of officer of incorporated company 7702

National Park Service Page
Notices:
Certain officials; delegation of authority 7711

Post Office Department
Notices:
Fourth-class mail; proposed increased postage rates and other reformations 7711

Securities and Exchange Commission
Notices:
Hearings, etc.:
Cities Service Co. 7715
Spreckles Companies 7714
West Texas Utilities Co. and Central and South West Corp. 7715
Rules and regulations:
General rules and regulations, Public Utility Holding Company Act of 1935; exemption of small holding company systems; postponement of rescission 7698

Small Business Administration
Rules and regulations:
Loans to State and local development companies 7696

Tariff Commission
Notices:
Iron ore; notice of hearing with respect to investigation 7715

Treasury Department
See also Coast Guard; Internal Revenue Service.
Notices:
Deputy Commissioner of Internal Revenue; delegation of functions 7711
Proposed rule making:
Practice of attorneys and agents before Internal Revenue Service 7702
Rules and regulations:
Claims regulations; miscellaneous amendments 7701

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries 7717
Rules and regulations:
Apparel industry; employment of learners 7700

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.

Title 3 Page
Chapter II (Executive orders):
Jan. 26, 1867 (revoked in part by PLO 1738) 7701
2750 (revoked in part by PLO 1738) 7701
10519 (superseded by EO 10784) 7691
10784 7691

Title 7
Chapter VII:
Part 719 7693

CODIFICATION GUIDE—Con.

Title 7—Continued	Page
Chapter VIII:	
Part 812	7694
Part 814 (proposed)	7710
Chapter IX:	
Part 933	7695
Part 953	7695
Title 13	
Chapter II:	
Part 108	7696
Title 16	
Chapter I:	
Part 13	7697
Title 17	
Chapter II:	
Part 250	7698
Title 21	
Chapter I:	
Part 120	7698
Part 146c	7698
Title 27	
Chapter I:	
Part 4	7698

CODIFICATION GUIDE—Con.

Title 29	Page
Chapter V:	
Part 522	7700
Title 31	
Subtitle A:	
Part 3	7701
Part 10 (proposed)	7702
Part 12 (proposed)	7702
Part 13 (proposed)	7702
Part 14 (proposed)	7702
Title 33	
Chapter I:	
Part 67	7701
Title 43	
Chapter I:	
Appendix (Public land orders): 1738	7701
Title 46	
Chapter II:	
Part 221	7702
TITLE 50	
Chapter I:	
Part 155 (proposed)	7710

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

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

[Amdt. 1]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), to provide regulations governing the transfer of farm acreage allotments under section 378 of the act (P. L. 85-835, approved August 28, 1958) where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain, and to correct §§ 719.8 (a) and 719.10 (a) of this part (23 F. R. 6731).

In order that transfer of farm acreage allotments may be effected pursuant to section 378 of the act which repealed various sections of the act previously applicable to such transfers, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

The regulations (23 F. R. 6731) pertaining to reconstitution of farms, farm allotments, farm history and soil bank base acreages are hereby amended as follows:

1. Section 719.8 (a) is corrected by changing the reference in the proviso from "(c) (2)" and "(c) (4)" to "(b) (2)" and "(b) (4)". This paragraph as corrected reads as follows:

(a) *Methods for reconstituting farm allotments and history acreages where the farm divided consists of land under one ownership.* If the farm to be divided into two or more tracts consists of land under one ownership the current allotments and farm history acreages determined for the parent farm shall be apportioned among the tracts in the same proportion as the acreage of cropland (acreage of developed rice land for rice) for each such tract bears to the cropland in the parent farm: *Provided, however,* That the proviso in paragraph (b) (2) of this section or the provisions of paragraph (b) (4) of this section may be applied. The sum of allotment and history acreages for the respective tracts of a division shall not exceed the respective acreages for the parent farm, subject to the provisions of § 719.7 (e).

2. Section 719.10 (a) is corrected by adding the word "year" following the words, "preceding the crop" in the second sentence. This paragraph as corrected reads as follows:

(a) *Tilled land.* Cropland planted or devoted to a crop (other than a permanent vegetative cover) and from which a crop is harvested or on which tillage operations are carried out in a workmanlike manner during the summer growing season in preparation of the land for the seeding of a crop for harvest shall be considered as meeting the "tilled" requirement for that year. Non-cropland (new land or cropland previously reclassified as non-cropland) broken out during the calendar year immediately preceding the crop year for which the determination is being made and planted to a crop (other than a permanent vegetative cover) in a workmanlike manner shall be considered as having been tilled during such preceding year if a crop is or will be harvested from the land in the calendar year immediately preceding the crop year for which the determination is being made. The harvesting requirements of this paragraph shall not of itself affect the classification of the land if the county committee determines that harvest was not possible or practicable because of crop failure resulting from adverse weather, insects or disease.

3. A new § 719.12 is added, reading as follows:

TRANSFER OF ALLOTMENTS FOR DISPLACED OWNERS

§ 719.12 *Pooling of farm acreage allotments where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain*—(a) *Applicability*—(1) *General limitation.* This section shall not be applicable to a farm acquired by a Federal, State, or other agency having the right of eminent domain (referred to in this section as "agency") if the allotment next established after the owner is displaced for such farm would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report. This section also shall not be applicable to any farm from which the owner was displaced:

(i) Prior to 1950, in the case of upland cotton, extra long staple cotton, tobacco, and peanuts;

(ii) Prior to 1954, in the case of wheat and corn; and

(iii) Prior to 1955, in the case of rice.

(2) *Special limitations.* This section shall not be applicable if any of the following conditions exist at the time the county committee considers for approval an application filed pursuant to paragraph (d) (2) of this section:

(i) There remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the farm acquired by an agency or by the owner of the farm so acquired;

(ii) Any of the commodity produced on the farm acquired by an agency has not been accounted for as required under applicable commodity regulations;

(iii) The county in which the farm is located for which the owner applies for transfer of allotment from the pool has no farm acreage allotments currently in effect for the commodity for which application is made, and the county committee determines that farms in such county are not suitable for the production of such commodity; or

(iv) The farm owner applying for a transfer of acreage from the pool previously had an allotment for the commodity established or increased under superseded related transfer of allotment provisions of commodity regulations be-

cause of displacement from the farm by an agency acquisition.

(b) *Related transfer of allotment provisions of commodity regulations are superseded.* This section supersedes related transfer of allotment provisions of commodity regulations, but any allotments established or increased under such provisions shall remain in effect except that any such allotments established or increased in the period August 28, 1958, to the effective date of this section shall be reviewed and revised as may be required to conform to the provisions of this section.

(c) *Where agency will continue production of an allotment crop.* If an agency acquires a farm and the production of an allotment crop will be continued on such farm, and the agency files a written notice with the county committee of the county in which the farm is located within 30 days following the date of acquisition or December 31, 1958, whichever is later, designating the allotment crops to be produced on the acquired farm, the acreage allotment established for such farm for each allotment crop for which production will be continued shall remain effective and the allotments for such farm for subsequent years shall be determined in accordance with applicable commodity regulations.

(d) *Where agency will not continue production of allotment crops*—(1) *Allotment pool.* If an agency acquires a farm and no notice is filed by the agency designating a particular allotment crop as one to be produced on the acquired farm pursuant to paragraph (c) of this section, the allotment for such commodity shall be placed in an allotment pool and shall be available only for use in providing equitable allotments for other farms owned or purchased by the displaced owner. During the period of eligibility for establishing or increasing allotments for a displaced owner under this section, acreage allotments shall be established and placed in the allotment pool for the agency-acquired farm in accordance with applicable commodity regulations for other farms, and for purposes of establishing future allotments, such allotments shall be considered to have been fully planted.

(2) *Transfer of allotment from the pool.* Upon application by the displaced owner in writing to the county committee of the county in which the farm which is to receive allotment from the pool is located by August 29, 1961, or within three years after such owner is displaced, whichever is later, the county committee shall determine an allotment or increase of allotment to be transferred from the pool for such farm. The allotment to be transferred for a commodity shall be no greater than an amount required to establish an allotment comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity, taking into consideration the land, labor and equipment available for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided, however,* That the acreage transferred from the pool shall not exceed the allotment most recently established for the farm acquired from the applicant and placed in the pool. When all or a part of the allotment placed in the pool is transferred and used to establish or increase the allotment for other farms owned or purchased by the displaced owner, all or the proportionate part of the past acreage history for the farm from which the owner was displaced shall be transferred to, and considered for purposes of future allotments, to have been planted on the farm for which an allotment is established or increased under this section. If only a part of the available allotment is transferred from the pool, the remaining part of the allotment and past acreage history shall remain in the pool for transfer to other farms of the displaced owner until all such allotment acreage has been transferred or until the period of eligibility for establishing or increasing allotments under this section has expired.

(3) *Notice of displacement.* The owner of a farm acquired by an agency or the agency acquiring the farm should notify the county committee within thirty days after the date of such acquisition of the farm of the expected date of displacement of the owner from such agency-acquired farm. Any owner who voluntarily relinquishes possession of land subsequent to its acquisition by an agency but prior to actual displacement shall be considered as having been displaced as of the date he voluntarily relinquished the land.

(e) *Where only part of farm acquired by an agency.* Where only part of a farm is acquired by an agency, that part of the farm so acquired and that part of the farm not so acquired shall be reconstituted in accordance with §§ 719.1 to 719.11: *Provided, however,* That no reconstitution shall be made in any case where the cropland acquired by an agency for non-farming purposes is less than fifteen percent of the total cropland on the farm, in which case that portion of the allotment and acreage history attributable to that part of the farm so acquired shall be transferred to that part of the farm not so acquired.

(f) *Procedure in the event of death of owner or joint ownership.* The owner of a farm acquired by an agency may, at any time before or after such acquisition, notify the county committee in writing of his designation of a beneficiary to make application for transfer of allotment to a farm owned by the beneficiary under paragraph (d) (2) of this section in the event of death of the owner prior to a transfer of allotment thereunder and after acquistion by the agency. Such beneficiary shall be limited to the owner's surviving spouse, mother, father, brothers, sisters, or children. The owner may change his designation of beneficiary at any time by giving written notice to the county committee. In case of death of a displaced owner, who owns or has acquired another farm, prior to application for transfer of allotment under paragraph (d) (2) of this section and where no designation of beneficiary was made by the owner under this paragraph, application may be made by the person who succeeds to the owner's interest by reason of the owner's death in any such farm owned by such deceased owner at the time of his death.

Where a farm acquired by an agency is jointly owned, each joint owner may apply for transfer of allotment to the extent of and in proportion to such joint owner's interest in such agency-acquired farm.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 378, 72 Stat. 988; 7 U. S. C. 1378)

Done at Washington, D. C., this 1st day of October 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-8205; Filed, Oct. 3, 1958; 8:51 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 812, Amdt. 2]

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

1958 PRORATION OF DEFICIT IN QUOTA FOR HAWAII

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended (61 Stat. 922, as amended), for the purpose of revising the determination and proration of a deficit in the quota for sugar to be marketed for consumption in Hawaii.

Earlier this year, when processors in the Territory of Hawaii, due to a strike, had no sugar available to supply the needs for local consumption and it was uncertain when a supply of sugar would become available, a deficit in the quota for consumption in Hawaii of 15,000 tons was determined and prorated equally to the Domestic Beet and Mainland Cane Sugar Areas and Cuba. Production of sugar in Hawaii was resumed in June and processors now have an ample supply of sugar to meet local needs.

During the period when the supply of Hawaiian sugar was limited 748 tons and 1,152 tons of the quota for consumption in Hawaii was filled by the Domestic Beet Sugar Area and Cuba, respectively. Emergency needs for sugar from these areas have now been fully met and Hawaiian sugar is available to supply subsequent requirements in Hawaii. Consequently, the determination and proration of deficits in the quota for consumption in Hawaii have been established accordingly.

The Secretary has found, in regard to this amendment, that the notice procedure and 30-day effective date provisions of the Administrative Procedure Act are impracticable and not in the public interest and this amendment shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary by sections 203, 204 and 403 (a) of the Act, §§ 812.23 and 812.24

(a) of Part 812 are hereby amended to read as follows:

§ 812.23 *Deficit in quotas.* A deficit in the quota for Hawaii established in § 812.21 amounting to 1,900 short tons, raw value, is hereby established.

§ 812.24 *Proration of deficit.* (a) The deficit in the quota for sugar to be marketed for consumption in Hawaii determined in § 812.23 is hereby prorated as follows:

Area:	*Short tons, raw value*
Domestic Beet Sugar Area	748
Mainland Cane Sugar Area	0
Cuba	1,152

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply secs. 201, 203, 209, 210; 61 Stat. 923, as amended, 925, 928; 7 U. S. C. 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 1st day of October 1958.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 58-8206; Filed, Oct. 3, 1958; 8:51 a. m.]

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

[Grapefruit Reg. 292]

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

LIMITATION OF SHIPMENTS

§ 933.918 *Grapefruit Regulation 292*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 30, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., October 6, 1958, and ending at 12:01 a. m., e. s. t., October 13, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

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

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

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

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

Dated: October 1, 1958.

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

[F. R. Doc. 58-8203; Filed, Oct. 3, 1958; 8:50 a. m.]

[Lemon Reg. 759]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.806 *Lemon Regulation 759*—(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 become 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 October 1, 1958.

(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., October 5, 1958, and ending at 12:01 a. m., P. s. t., October 12, 1958, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 130,200 cartons;

(iii) District 3: 9,300 cartons.

(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: October 2, 1958.

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

[F. R. Doc. 58-8234; Filed, Oct. 3, 1958; 9:15 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Sec.
108.1 Policy.
108.2 Definitions.
108.3 Section 502 loans.
108.4 Procedures for loan applications.

AUTHORITY: §§ 108.1 to 108.4 issued under sec. 5, Pub. Law 85-536, sec. 308, Pub. Law 85-699. Interpret or apply secs. 103, 502, Pub. Law 85-699.

§ 108.1 *Policy.* As part of the Congressional policy to improve and stimulate the national economy in general, and the small-business segment thereof in particular, by establishing a program to stimuate the flow of private equity capital and long-term loans for the sound financing of the operations, growth, expansion and modernization of small-business concerns, the Small Business Administration is authorized to make loans to State and local development companies which will further that policy. This policy shall be carried out in such manner as to insure the maximum participation of private financing sources. No such loan shall be made if the effect thereof will be to cause a substantial increase of unemployment in any area of the country.

§ 108.2 *Definitions.* For purposes of this part:

(a) "Administrator" means the Administrator of the Small Business Administration.

(b) "SBA" means the Small Business Administration.

(c) "Small-Business concern" means a business concern which would qualify as a small business under §§ 103.2 and 103.4 of this chapter.

(d) "Development company" means an enterprise incorporated under the law of one of the several States, the Territories of Alaska and Hawaii, the District of Columbia or the Commonwealth of Puerto Rico with the authority to promote and assist the growth and development of small-business concerns in the areas covered by their operations, provided that said authority need not be an exclusive authority but may be part of an over-all authority to assist the growth and development of business generally in such areas. Such development company may be organized either as a profit or non-profit enterprise. A State development company is a corporation organized under or pursuant to a special legislative Act to operate statewide. A local development company is a corporation with a broad base of ownership incorporated under any applicable State laws by parties interested in furthering the economic development of their communities and environs.

(e) "Section 502 loan" means a loan authorized under section 502 of the Small Business Investment Act of 1958.

§ 108.3 *Section 502 loans.* SBA is authorized to make loans to development companies to finance plant construction, conversion or expansion, including the acquisition of land, provided that such loans will assist an identifiable small-business concern in accomplishing a sound business purpose, and, provided further, that no loan may be made under this section to any local development company after June 30, 1961.

(a) *Sound business purpose.* A loan will not be considered to be for a sound business purpose (1), if, in any case where the relocation of a small-business concern is involved, the relocation will result in the avoidance by such concern of obligations incurred in the location from which the move is to be made or if the primary incentive for such relocation is a local subsidy; (2) if the concern is being relocated from another area unless there is demonstrated to SBA a need to locate closer to the source of basic materials or to major consumers, or to consolidate operations in one location, or unless such relocation is justified by other reasons satisfactory to SBA; (3) if it is to accomplish an expansion or conversion which is unwarranted in the light of the small-business concern's past experience and management ability; (4) if it will subsidize inferior management; (5) if it provides funds for speculation; or (6) if its effect will be to encourage monopolies or be inconsistent with accepted standards of the American system of free competitive enterprise.

(b) *Ineligible categories.* A loan will not be made if (1) it provides assistance for an eleemosynary institution; (2) it is to finance the construction, acquisition, conversion or operation of facilities which are or will be used for recreational or amusement purposes; (3) it will provide assistance to a newspaper, magazine, radio or television broadcasting company or similar enterprise; (4) it provides assistance for a small-business concern, any part of whose gross income or that of any of its principal owners is derived from gambling activites; (5) a substantial portion of the small-business concern's gross income is derived from the sale of alcoholic beverages; or (6) it provides assistance for a small-business concern primarily engaged in lending or investment.

(c) *Collateral.* All loans made under this section shall be so secured as reasonably to assure repayment. The nature the value of the collateral as determined by the SBA shall be such that upon liquidation SBA can reasonably expect to be repaid in full. Collateral shall be insured against such hazards and risks as SBA may require.

(d) *Loan amount.* (1) Loans made by SBA under this section shall be limited to $250,000 for each identifiable small-business concern. The total unpaid amount of any such SBA loan or loans in aid of a particular small-business concern shall never exceed $250,000.

(2) Development companies may be eligible to be considered for such additional loans of not more than $250,000 each, as there may be additional identifiable small-business concerns to be assisted.

(e) *Participation by the development company.* A development company may be required to furnish a reasonable part of the funds necessary to accomplish the plant construction, conversion or expansion, or the acquisition of land. SBA may require that the funds to be furnished by the development company be derived from paid-in capital or surplus of the development company as well as from other sources. The amount of paid-in capital to be required will depend in part upon the amount of the loan, the maturity of the loan, the extent to which other borrowings of the development company may be subordinated to the SBA loan and such other factors as the SBA may consider appropriate to the individual case. For the purposes of this section "paid-in capital" is cash and property actually received in exchange for shares of stock issued by the development company or cash and property contributed to the development company without obligation therefor.

(f) *Other financing.* (1) A loan will not be made unless the development company and the small-business concern shall show to the satisfaction of SBA that the desired financial assistance is not available on reasonable terms.

(2) In the case of a development company, it shall be satisfactorily demonstrated that the desired financing is not available by means of sale of stock in the development company; from funds agreed to be furnished by participating members of the development company; and by means of loans from not less than two lending institutions within the area served by the development company which have a sufficient legal and normal lending limit to cover the loan applied

for. If such development company be a public corporation it shall show that such financial assistance is not reasonably available from an appropriation of public funds, nor by the public issuance of its bonds or other means.

(3) In the case of a small-business concern, the demonstration of the unavailability of the desired financial assistance on reasonable terms shall be in accordance with § 101.2 (a) (1) of this chapter. SBA will rely on the development company's certification as to the unavailability of such other financial assistance to the small-business concern.

(g) *Participation by other financial institutions in loans to development companies.* In order to stimulate and encourage loans by banks and other lending institutions, the SBA shall require that:

(1) An applicant for a loan show that a participation by another lending institution is not available. No financial assistance shall be extended in participation with another lending institution on an immediate basis unless the applicant shall show that a participation on a deferred basis is not available.

(2) In all agreements to participate in loans on a deferred or immediate basis, the participation by SBA shall not be in excess of 90 percent of the balance of the loan outstanding at the time of disbursement.

(3) Participation charges and service fees shall be in accordance with § 101.3 (b) (1) and (3), respectively, of this chapter.

(h) *Interest rate.* The interest rate on SBA's share of a loan to a development company shall be five and one-half per centum per annum.

(i) *Loan maturity.* The maturity of any loan under this section may not exceed ten years plus such additional period as is estimated may be required to complete construction, conversion, or expansion. It shall be the policy of SBA generally to require repayment of the loans in equal periodic installments. Extensions or renewals of loans for additional period not to exceed ten years beyond the stated maturity may be granted by SBA only if such extensions or renewals will aid in the orderly liquidation of such loans.

§ 108.4 *Procedures for loan applications*—(a) *Form of application.* Application for section 502 loans will be made upon "SBA Form 4" and shall include all other pertinent information required in supporting schedules and forms. The application and supporting materials will be submitted in duplicate if the request is for a direct loan from SBA. If the loan is to be made in participation with a bank or other lending institution the application and supporting materials will be submitted in triplicate. Detailed instructions on filling out application forms will be found on SBA Form 4 and SBA Form 4A.

(b) *Place of filing.* Application may be made to any SBA Field Office serving the area in which the applicant is located, if no bank participation in the loan is available. If a bank participation is available, the application shall be submitted to such bank or other lending institution which will in turn execute the Application for Participation Agreement contained on page 4 of SBA Form 4 and transmit two copies of the application and supporting materials to any SBA Field Office serving the area in which the applicant or participating institution may be located.

(c) *Acceptance of application.* No loan application will be accepted and docketed for processing by SBA unless the application is complete in all material respects.

Effective date: September 29, 1958.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 58-8183; Filed, Oct. 3, 1958; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7123]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JAMES E. TRUE ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.25 *Competitors and their products:* Competitors' products; § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.247 *Statutes and regulations.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, James E. True et al., t/a Timed Energy, New York, N. Y., Docket 7123, September 9, 1958]

In the Matter of James E. True, Charles H. Ruby, Patricia M. Gallehr, and Leon Weiss, Copartners Trading Under the Name of Timed Energy

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in New York City of a vitamin and mineral preparation designated "Vita-Timed Capsules" with representing falsely in advertisements in newspapers, circulars, etc., that vitamins purchased in drug stores frequently were stale and therefore had lost potency; that use of their capsules would contribute to perfect health and safeguard against a variety of serious degenerative diseases; that some vitamin products were coated with insoluble substances and would pass through the system without releasing the contents, but that the "Timed-Release" feature of "Vita-Timed Capsules" made them more effective nutritionally than competitive products; and that there was no federal law preventing sellers from making unjustified claims for excessive dosages of vitamins and minerals or insuring the effectiveness or potency of any preparation.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents James E. True, Charles H. Ruby, Patricia M. Gallehr and Leon Weiss, copartners, trading under the name of Timed Energy, or any other name or names, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation, Vita-Timed Capsules, or any other preparation of similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That gelatine coated vitamin products or vitamin products in sealed capsules lose their potency because of shelf age;

(b) That the use of Vita-Timed Capsules will contribute to health unless expressly and clearly limited to those cases in which ill health is due to a deficiency of one or more of the vitamins and minerals supplied by said preparation;

(c) That the use of Vita-Timed Capsules will provide a safeguard against degenerative diseases such as arthritis, diabetes, gastro-intestinal disorders, high blood pressure, pernicious anemia or heart trouble;

(d) That coated vitamin and mineral products pass through the body without releasing their contents;

(e) That vitamin products release their contents so rapidly that sufficient vitamins are not absorbed by the body to provide the quantity needed at the time;

(f) That a vitamin product which releases its contents gradually provides any greater nutrition than other types of vitamin products;

(g) That there is no Federal law which prevents sellers of vitamin products from making unjustified claims for excessive doses of vitamins or minerals;

(h) That there is no Federal law which insures the dietary effectiveness of vitamins and minerals in a product;

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of respondents' preparation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 hereof or which fails to observe the limitation set out in Paragraph 1 (b) hereof.

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

It is ordered, That respondents James E. True, Charles H. Ruby, Patricia M. Gallehr, and Leon Weiss, copartners trading under the name of Timed Energy, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in

which they have complied with the order to cease and desist.

Issued: September 9, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 58-8178; Filed, Oct. 3, 1958; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

EXEMPTION OF SMALL HOLDING-COMPANY SYSTEMS; POSTPONEMENT OF RESCISSION

The Securities and Exchange Commission today announced the postponement from September 30, 1958, to December 31, 1958, of the effective date for the rescission of § 250.9 (Rule U-9) promulgated under the Public Utility Holding Company Act of 1935 ("act") which rule affords a basis for claiming exemption from all provisions of the act by small holding company systems.

Since the announcement on February 5, 1958, of the rescission of Rule 9 effective September 30, 1958 (Holding Company Act Release No. 13670), several small holding companies theretofore claiming exemption under Rule 9 have reorganized their corporate relationships in such manner as to qualify for exemption under other rules or provisions of the act; and other such companies are now taking steps to the same end. The three-months' extension of the exemption provided by Rule 9 is granted at the request of several companies which have been unable to complete their reorganization programs within the time heretofore provided.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

By the Commission.

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

SEPTEMBER 25, 1958.

[F. R. Doc. 58-8182; Filed, Oct. 3, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter B—Food and Food Products

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

TOLERANCE FOR RESIDUES OF INORGANIC BROMIDES RESULTING FROM SOIL TREATMENT WITH ETHYLENE DIBROMIDE

A petition was filed with the Food and Drug Administration by Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance for residues of inorganic bromides in or on potatoes, resulting from soil treatment with ethylene dibromide.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (23 F. R. 6403) are amended by adding to § 120.126 (a) the word "potatoes" in proper alphabetical order.

As amended, § 120.126 (a) reads as follows:

§ 120.126 *Tolerances for residues of inorganic bromides resulting from soil treatment with ethylene dibromide.* * * *

(a) 75 parts per million in or on broccoli, carrots (with or without tops), melons, parsnips, potatoes.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: September 29, 1958.

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

[F. R. Doc. 58-8198; Filed, Oct. 3, 1958; 8:49 a. m.]

Subchapter C—Drugs

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

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146c.206, 146c.230; 21 CFR, 1957 Supp. (23 F. R. 5665)) are amended as indicated below:

1. In § 146c.206 *Chlortetracycline ophthalmic* * * *, paragraph (a) *Standards of identity* * * * is amended by changing the fifth sentence to read as follows: "Such solution has a pH of not less than 7.9 and not more than 8.4."

2. Section 146c.230 *Chlortetracycline hydrochloride powder topical* * * * is amended as follows:

a. In paragraph (c) *Labeling*, subparagraph (1) (iii) is amended by changing the figure "24" to read "36".

b. In paragraph (f) *Exemption of chlortetracycline hydrochloride powder* * * *, subparagraph (d) is amended by changing the figure "24" to read "36".

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

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

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

Dated: September 29, 1958.

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

[F. R. Doc. 58-8199; Filed, Oct. 3, 1958; 8:50 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6319]

[Reg. 4]

PART 4—LABELING AND ADVERTISING OF WINE

MISCELLANEOUS AMENDMENTS

Notice of public hearing to be held in Washington, D. C., on November 27, 1956, and in San Francisco, California, on December 4, 1956, with respect to certain proposals to amend Regulations No. 4, Relating to Labeling and Advertising of Wine, was published in the FEDERAL REGISTER on October 12, 1956 (21 F. R. 7804). Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to Regulations No. 4 (27 CFR Part 4) are hereby adopted:

PARAGRAPH 1. In order to make certain changes in the regulations to correspond with the wine taxing provisions of the Internal Revenue Code of 1954:

(A) Section 21, class 1 (a) (27 CFR 4.21 (a) (1)) is amended by adding immediately following subparagraph (2), a

new subparagraph (3) reading as follows:

(3) In the case of domestic wine, in accordance with section 5383 of the Internal Revenue Code.

(B) The proviso at the end of the first paragraph of section 21, class 4 (a) (27 CFR 4.21 (d) (1)) is amended to read as follows: "*Provided*, That a domestic product may be ameliorated or sweetened in accordance with the provisions of section 5384 of the Internal Revenue Code and any product other than domestic may be ameliorated before, during, or after fermentation by adding, separately or in combination, dry sugar, or such an amount of sugar and water solution as will not increase the volume of the resulting product more than 35 percent, but in no event shall any product so ameliorated have an alcoholic content, derived by fermentation, of more than 13 percent by volume, or a natural acid content, if water has been added, of less than 5 parts per thousand, or a total solids content of more than 22 grams per 100 cubic centimeters."

(C) The proviso at the end of the first paragraph of section 21, class 5 (a) (27 CFR 4.21 (e) (1)) is amended to read as follows: "*Provided*, That a domestic product may be ameliorated or sweetened in accordance with the provisions of section 5384 of the Internal Revenue Code and any product other than domestic may be ameliorated before, during, or after fermentation by adding, separately or in combination, dry sugar, or such an amount of sugar and water solution as will increase the volume of the resulting product, in the case of wines produced from loganberries, currants, or gooseberries, having a normal acidity of 20 parts or more per thousand, not more than 60 percent, and in the case of other fruit wines, not more than 35 percent, but in no event shall any product so ameliorated have an alcoholic content, derived by fermentation, of more than 13 percent by volume, or a natural acid content, if water has been added, of less than 5 parts per thousand, or a total solids content of more than 22 grams per 100 cubic centimeters."

(D) The proviso at the end of the first paragraph of section 21, class 6 (a) (27 CFR 4.21 (f) (1)) is amended to read as follows: "*Provided*, That a domestic product may be ameliorated or sweetened in accordance with Subpart T of 26 CFR Part 240, and any product other than domestic may be ameliorated before, during, or after fermentation by adding, separately or in combination, dry sugar or such an amount of sugar and water solution as will not increase the volume of the resulting product more than 35 percent, but in no event shall any product so ameliorated have an alcoholic content, derived by fermentation of more than 13 percent by volume, or a natural acid content, if water has been added, of less than 5 parts per thousand, or a total solids content of more than 22 grams per 100 cubic centimeters."

These amendments are of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 2. Section 21, class 2 (c) (27 CFR 4.21 (b) (3)) is amended by deleting the words "all the words in any such further designation shall be equally conspicuous and shall appear in direct conjunction with and in lettering approximately one-half the size of the words 'sparkling wine'", and inserting in lieu thereof the following wording: "all the words in such further designation shall appear in lettering of substantially the same size and such lettering shall not be substantially larger than the words 'sparkling wine'."

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 3. In order to permit the statement of net contents to be omitted from the label if permanently marked on the sides, front, or back of the bottles, the first sentence of section 37 (d) (27 CFR 4.37 (d)) is amended to read as follows:

(d) The net contents need not be stated on any label if the net contents are displayed by having the same blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, in the sides, front, or back of the bottle, in letters and figures in such manner as to be plainly legible under ordinary circumstances, and such statement is not obscured in any manner in whole or in part.

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 4. In order to prohibit any accentuation of alcoholic content statements as well as to provide for a minimum size of type for such statements, section 38 (b) (27 CFR 4.38 (b)) is amended to read as follows:

(b) *Size of type.* Alcoholic content statements, whether required or optional, on labels on containers having a capacity of 1 gallon or less shall be in readily legible script, type, or printing not smaller than 6-point Gothic caps, except in the case of containers having a capacity of less than one-half pint, in which case such script, type, or printing need not be as large as 6-point Gothic caps, but shall be readily legible under ordinary conditions. Alcoholic content statements shall not appear in script, type, or printing larger or more conspicuous than 8-point Gothic caps on labels on containers having a capacity of 1 gallon or less and shall not be set off with a border or otherwise accentuated.

This amendment shall become effective 90 days after publication in the FEDERAL REGISTER.

PAR. 5. In order to prohibit the use of the word "unfortified" on wine labels, section 39 (a) (7) (27 CFR 4.39 (a) (7)) is amended to read as follows:

(7) Any statement, design, device, or representation (other than a statement of alcoholic content in conformity with section 36) which tends to create the impression that a wine is "unfortified" or has been "fortified", or contains distilled spirits, or has intoxicating qualities, except that a statement of composition, if required to appear as the designation of a product not defined in these regulations, may include a reference to the type of distilled spirits employed therein.

This amendment is to be effective 90 days after publication in the FEDERAL REGISTER.

PAR. 6. In order to permit the appearance of the vintage date on labels of imported champagne even though packaged in bottles containing more than 1 gallon, section 39 (b) (3) (27 CFR 4.39 (b) (3)) is amended by inserting the following parenthetical phrase in the first sentence immediately following the words "In the case of imported wine, the year of vintage may be stated if such wine was bottled prior to importation in containers of 1 gallon or less,": "(except that the year of vintage may be stated in the case of champagne whether or not bottled in containers of 1 gallon or less.)"

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 7. In order to authorize the Director, Alcohol and Tobacco Tax Division, to require under certain circumstances a certificate of origin and identity for imported wine and a certificate as to authenticity of vintage dates in the case of imported wine bottled prior to importation in containers of 1 gallon or less:

(A) Section 39 (b) (3) (27 CFR 4.39 (b) (3)) is amended by changing the period at the end of this subparagraph to a colon and inserting the following proviso: "*Provided*, That in the case of imported wine bottled prior to importation in containers of 1 gallon or less, the year of vintage may be stated only when the invoice is accompanied by a certificate identical with that required above in the case of wine bottled in the United States in containers of 1 gallon or less, if the issuance of such a certificate with respect to such wine has been authorized by the foreign Government concerned."

(B) Section 39 (f) (27 CFR 4.39 (f)) is amended by inserting the following new subparagraph (3) at the end thereof:

(3) If imported wines are covered by a certificate of origin and/or a certificate of vintage date issued by a duly authorized official of the appropriate foreign government, the label, except where prohibited by the foreign government, may refer to such certificate or the fact of such certification, but shall not be accompanied by any additional statements relating thereto. The reference to such certificate or certification shall be substantially in the following form:

This product accompanied at the time of the importation by a certificate issued by the

---

(Name of government)

government indicating that the product is

---,

(Class and type as stated on the label)

and (if label bears a statement of vintage date) that the wine is of the vintage of

---

(Year of vintage stated on the label)

(C) There is inserted a new section numbered 45 (27 CFR 4.45) immediately following section 40 (27 CFR 4.40), reading as follows:

§ 4.45 *Certificates of origin and identity.* Imported wine shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate of origin issued by a duly authorized official of the appropriate foreign government, if the issuance of such certificates with respect to such wine has been authorized by the foreign government concerned, certifying as to the identity of the wine and that the wine has been produced in compliance with the laws of the respective foreign government regulating the production of such wine for home consumption.

These amendments shall become effective 90 days after publication in the FEDERAL REGISTER.

PAR. 8. In order to permit dates of establishment of businesses or brand names to appear on labels other than in direct conjunction with the name of the company or brand name to which they refer, section 39 (e) (27 CFR 4.39 (e)) is amended to read as follows:

(e) *Statement of miscellaneous dates.* No date, except as provided in paragraphs (b) and (c) of this section with respect to statement of vintage year and bottling date, shall be stated on any label unless in addition thereto and in direct conjunction therewith in the same size and kind of printing, there shall be stated an explanation of the significance thereof such as "established" or "founded in". If any such date refers to the date of establishment of any business or brand name, it shall not be stated, in the case of containers of a capacity of 1 gallon or less, in any printing, type, or script larger than 8-point Gothic caps, and shall be stated in direct conjunction with the name of the person, company, or brand name to which it refers if the Director finds that this is necessary in order to prevent confusion as to the person, company, or brand name to which the establishment date is applicable.

This amendment is of a liberalizing nature and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 9. In order to eliminate the requirement that an "Affidavit for Release of Distilled Spirits, Wine, or Malt Beverages under the Federal Alcohol Administration Act" on Form 1652 be deposited with the appropriate customs officer at the port of entry before imported wine may be released from customs custody:

(A) Section 40 (b) (27 CFR 4.40 (b)) is amended to read:

(b) *Certificate of Label Approval.* No imported wine shall be released from customs custody unless there shall have been deposited with the appropriate customs officer at the port of entry the original or a photostatic copy of a "Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1649). Such certificate shall be issued by the Director upon application made on the form designated "Application for Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1647), properly filled out and certified to by the importer or transferee in bond.

(B) Section 40 (c) (27 CFR 4.40 (c)) is amended to read:

(c) *Release.* If the original or photostatic copy of the "Certificate of Label Approval under the Federal Alcohol Administration Act" (Form 1649) bears the signature of the Director, then the brand or lot of imported wine bearing labels identical with those shown thereon may be released from customs custody.

These amendments relieve a restriction presently contained in the regulations and shall become effective on the date of publication in the FEDERAL REGISTER.

PAR. 10. In order to prohibit the use of the word "unfortified" in advertisements for wine, section 64 (a) (8) (27 CFR 4.64 (a) (8)) is amended to read as follows:

(8) Any statement, design, device, or representation which relates to alcoholic content or which tends to create the impression that a wine is "unfortified" or has been "fortified", or contains distilled spirits, or has intoxicating qualities, except that a statement of composition, if required to appear as a designation of a product not defined in these regulations, may include a reference to the type of distilled spirits employed therein.

This amendment is to be effective 90 days after publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U. S. C. 205)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: October 1, 1958.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 58-8200; Filed, Oct. 3, 1958; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

APPAREL INDUSTRY

Notice was published in the FEDERAL REGISTER on August 14, 1958 (23 F. R. 6267), that I proposed to amend the regulations heretofore issued pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), which provide for the employment of learners in the apparel industry under special certificates at wages lower than the minimum wage applicable under section 6 of the Act (52 Stat. 1062, as amended; 29 U. S. C. 206), and which are published in Title 29, Code of Federal Regulations, Part 522, § 522.24. Interested persons were invited to submit in writing any data, views, or arguments pertaining to the proposal on or before August 30, 1958.

All relevant matter submitted has been considered, together with all other available information, and I find and conclude therefrom that promulgation of the amendment is necessary and proper. The purpose of the amendment is to increase the special minimum learner rates presently authorized in divisions of the apparel industry from 75 cents and 80 cents an hour to 80 cents and 85 cents respectively to comport to changes in wage levels and admistrative experience with minimum rates for learners in the apparel industry since the effective date of the statutory $1.00 minimum rate.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp. P. 165), and General Order No. 45–A (15 F. R. 3290) of the Secretary of Labor, and in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), 29 CFR 522.24 is amended as follows:

Section 522.24 is amended as follows:

1. Paragraph (a) (2) and (3) is amended to read as follows:

(2) Not less than 80 cents per hour for the first 320 hours, and not less than 85 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

(3) An experienced worker in any one of the occupations shown in § 522.23 (a) for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph, having such a 480-hour maximum period, shall be paid at wage rates not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the next 160 hours, if employed in the Women's Apparel Division of the Apparel Industry, as defined in § 522.21 (a); and at wage rates not less than 80 cents per hour for the first 160 hours and not less than 85 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparal Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

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

(2) Not less than 85 cents per hour if employed in any of the other divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

3. Paragraph (c) is amended to read as follows:

(c) A learner employed in any occupation for which a 160-hour learning period is authorized in § 522.23 (a) shall be paid not less than 85 cents per hour if employed in the Women's Apparel Division, as defined in § 522.21 (a), and not less than 80 cents per hour if employed in any of the divisions of the Apparel In-

dustry, as defined in § 522.21 (b), (c), (d), (e), and (f).

(Sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214)

These amendments shall take effect November 3, 1958.

Signed at Washington, D. C., this 30th day of September 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-8176; Filed, Oct. 3, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58-34]

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

The purpose of the following amendments to the regulations is to clarify that part of the regulations relating to the display and visibility of lights required on private aids to navigation on the outer continental shelf and waters under the jurisdiction of the United States.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders Nos. 167-3 (18 F. R. 2962) and 167-23 (21 F. R. 5852) to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

SUBPART 67.05—GENERAL REQUIREMENTS FOR LIGHTS

Section 67.05-15 is amended to read as follows:

§ 67.05-15 *Operating periods of obstruction lights.* Obstruction lights shall be displayed at all times between the hours of sunset and sunrise, local time, commencing at the time the construction of a structure is begun. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessel shall be used. In addition, when lights are in use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction lights for the class of structure, the actual operation of obstruction lights also will not be required.

SUBPART 67.20—CLASS "A" REQUIREMENTS

Section 67.20-5 is amended to read as follows:

§ 67.20-5 *Obstruction lights.* The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part. The lights shall be of sufficient candlepower as to be visible at a distance of at least five nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that specified in § 67.05-1 (f).

SUBPART 67.25 CLASS "B" REQUIREMENTS

Section 67.25-5 is amended to read as follows:

§ 67.25-5 *Obstruction lights.* (a) The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least three nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20, nor more than 60 feet, above mean high water, except that on Class "B" structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights specified above.

(b) The District Commander may waive the requirement for obstruction lights on Class "B" structures if there is no hazard to navigation by so doing.

SUBPART 67.30—CLASS "C" REQUIREMENTS

Section 67.30-5 is amended to read as follows:

§ 67.30-5 *Obstruction lights.* (a) The obstruction lights shall be white or red lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least one nautical mile 90 percent of the nights of the year. The lights shall be displayed at such height, above mean high water, as shall be prescribed by the District Commander. When the District Commander shall authorize red lights to mark a Class "C" structure, the color thereof shall conform to the shade of red prescribed in Military Specification Mil-C-25050 (ASG), Type 1, Grade D. A copy of the specification may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C.

(b) When Class "C" structures are erected in close proximity to each other, or are connected in such a manner as to prevent marine traffic from passing freely through the field, obstruction lights may be authorized to mark the perimeter structures only, when in the judgment of the District Commander the group of structures which are equipped with obstruction lights are so arranged that the particular structures are protected to the degree required by this part, and are not a hazard to navigation.

(c) Unless advised to the contrary by the District Commander, obstruction lights shall be required on Class "C" structures erected in depths of water greater than 3 feet at mean low water.

(d) In cases where, although not required, an applicant desires to establish and operate obstruction lights, a permit therefor shall be granted, at the discretion of the District Commander: *Provided*, That the lights meet the requirements set forth in this part.

(Sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92)

Dated: September 25, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral,
U. S. Coast Guard,
Commandant.

[F. R. Doc. 58-8185; Filed, Oct. 3, 1958; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

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

Appendix—Public Land Orders

[Public Land Order 1738]

[1373468]

CALIFORNIA

PARTIALLY REVOKING THE EXECUTIVE ORDER OF JANUARY 26, 1867 AND EXECUTIVE ORDER NO. 2750 OF NOVEMBER 5, 1917, WHICH RESERVED BODEGA AND REDDING ROCKS, RESPECTIVELY, FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of January 26, 1867, which reserved for lighthouse purposes Bodega Rock, off Bodega Head, in unsurveyed T. 5 N., R. 11 W., M. D. M., California, and Executive Order No. 2750 of November 5, 1917, which reserved for similar purposes Redding Rock, reported on U. S. Coast and Geodetic Survey Chart No. 5800 as being in approximate latitude 41°20' N., longitude 124°10' W., which, if surveyed would probably be in Section 7, T. 11 N., R. 1 E., H. M., California, are hereby revoked so far as they affect the areas described in this paragraph.

2. The rocks are subject to Executive Order No. 5326 of April 14, 1930, which withdrew all unreserved islands, rocks, and pinnacles situated in the Pacific Ocean, off the Coast of California, for classification and in aid of legislation.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 29, 1958.

[F. R. Doc. 58-8175; Filed, Oct. 3, 1958; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 3—CLAIMS REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (d) of § 3.22 of Title 31 is amended to delete the cross reference to § 3.60. Paragraph (d) of § 3.22 as revised reads as follows:

(d) Any claim arising in respect of the assessment or collection of any tax

or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

2. Section 3.60 of Title 31 is amended to change the example of the type of claim which will be considered under the provisions of the Small Claims Act. Section 3.60 as revised reads as follows:

§ 3.60 *General.* The act of December 28, 1922, 42 Stat. 1060, the so-called Small Claims Act, authorized the head of each department and establishment to consider, ascertain, adjust, and determine claims of $1,000 or less for damage to, or loss of, privately owned property caused by the negligence of any officer or employee of the Government acting within the scope of his employment. The Federal Tort Claims Act superseded the Small Claims Act with respect to claims that are allowable under the former act. Therefore, claims that are not allowable under the Federal Tort Claims Act, for example, claims arising abroad, are allowable under the Small Claims Act.

(R. S. 161, Sec. 2, 42 Stat. 1066, 57 Stat. 372, as amended; 5 U. S. C. 22, 31 U. S. C. 215, 223b-d)

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-8186; Filed, Oct. 3, 1958; 8:47 a. m.]

TITLE 46—SHIPPING

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

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 61, 2d Rev., Amdt. 4]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

DECLARATION OF OFFICER OF INCORPORATED COMPANY

Paragraph (f) of § 221.11 is hereby amended to read as follows:

(f) Form MA-4562 for execution by a corporation falling within the purview of Public Law 85-902 (72 Stat. 1736) shall read as follows:

Form MA-4562

U. S. DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION

OWNER OF VESSEL

(Section 40, Shipping Act, 1916, as amended)

U. S. C., Title 46, Sec. 838, 40 Stat. 902, 62 Stat. 212

DECLARATION OF OFFICER OF INCORPORATED COMPANY [1]

This declaration is filed in accordance with the provisions of Public Law 85-902 (72 Stat. 1736).

I, _____, of _____, declare that I am a duly authorized officer of the _____, a corporation organized under the laws of the State of _____, with offices at _____; that said corporation is the owner of the vessel, or part thereof, or interest therein, called _____, of _____; official number _____, gross _____, net _____, built in 19__, at _____ as appears by _____ No. _____, issued at _____, on _____, 19__, surrendered _____;
(Give cause of surrender)

that I am a citizen of _____;
that a majority of the officers and directors of said corporation are citizens of the United States of America; that not less than 90 per centum of the employees of said corporation are residents of the United States of America; that said corporation is engaged primarily in a manufacturing or mineral industry in the United States of America or any Territory, District, or possession thereof; that the aggregate book value of the vessels owned by said corporation does not exceed 10 per centum of the aggregate book value of the assets of said corporation; and that said corporation purchases or produces in the United States of America, its Territories, or possessions, not less than 75 per centum of the raw materials used or sold in its operations.

_____
(Date)

_____
(Signature and Title)

Penalty for false statement. Section 40, Shipping Act, 1916, as amended, provides "Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both."

[1] This declaration is to be taken whenever any bill of sale or conveyance of any vessel, or part thereof, or interest therein, is presented by corporations within the purview of Public Law 85-902 (72 Stat. 1736) to any collector of customs for recording.

If more than one vessel is involved, only one form of declaration need be filed if by a notation inserted in the clause immediately prior to the clause about the citizenship of declarant, appropriate reference is made to a schedule added to said declaration, in which schedule shall be inserted the name and data of each additional vessel as required for the first vessel, owned by the party on behalf of whom said declaration is made.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interprets or applies Pub. Law 85-902, 85th Cong.)

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-8229; Filed, Oct. 3, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Parts 10, 12, 13, 14]

PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE INTERNAL REVENUE SERVICE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act, 60 Stat. 238 (5 U. S. C. 1003), that the regulations set forth in tentative form below are proposed to be prescribed by 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 Commissioner of Internal Revenue, attention Director of Practice, 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 3 of the Act of July 7, 1884, 23 Stat. 258 (5 U. S. C. 261), Reorganization Plan No. 26 of 1950, section 161 of the Revised Statutes (5 U. S. C. 22), the Administrative Procedure Act, 60 Stat. 237 as amended (5 U. S. C. 1001 to 1011).

At a subsequent date a further notice of proposed rule making will be published regarding an addition to § 10.7 (a) of these proposed regulations.

[SEAL] FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

OCTOBER 1, 1958.

Parts 10, 12, 13 and 14 of Title 31 of the Code of Federal Regulations, comprising Treasury Department Circular No. 230, as amended, are consolidated and reconstituted Part 10 of such title, and as consolidated and reconstituted are amended to read as follows:

Sec.
10.0 Scope of part.

Subpart A—Rules Governing Authority To Practice

10.1 Director of practice.
10.2 Regulation of practice.
10.3 Eligibility for enrollment.
10.4 Ineligibility for enrollment.
10.5 Application for enrollment.
10.6 Enrollment.
10.7 Practice without enrollment.
10.8 Customhouse brokers.

Subpart B—Duties and Restrictions Relating to Enrolled Attorneys and Agents

10.20 Loss of status.
10.21 Ethics.
10.22 Information to be furnished.
10.23 Knowledge of client's omission.
10.24 Diligence as to accuracy.
10.25 Moneys received from or for a client.
10.26 Endorsement of client's checks.
10.27 Prompt disposition of pending matters.
10.28 Assistance from unenrolled persons.
10.29 Employees of accounting corporations.
10.30 Certain partnerships prohibited.
10.31 State officers and employees.
10.32 Practice by former Government employees.
10.33 Practice by former Internal Revenue Service employees.
10.34 Assisting former employees.
10.35 Enrollees as notaries.
10.36 Attempting to obtain information.
10.37 Fees.
10.38 Solicitation and advertising.
10.39 Rights and duties of agents.

Subpart C—Rules Applicable to Disciplinary Proceedings

10.50 Authority to disbar or suspend.
10.51 Disreputable conduct.
10.52 Violation of regulations.
10.53 Authority to reprimand.

Sec.
10.54 Receipt of information concerning enrolled attorneys and agents.
10.55 Institution of proceeding.
10.56 Conferences.
10.57 Contents of complaint.
10.58 Service of complaint and other papers.
10.59 Answer.
10.60 Supplemental charges.
10.61 Reply to answer.
10.62 Proof; variance; amendment of pleadings.
10.63 Motions and requests.
10.64 Representation.
10.65 Examiner.
10.66 Hearings.
10.67 Evidence.
10.68 Depositions.
10.69 Transcript.
10.70 Proposed findings and conclusions.
10.71 Decision of the Examiner.
10.72 Appeal to the Secretary.
10.73 Decision of the Secretary.
10.74 Effect of disbarment or suspension; surrender of card.
10.75 Notice of disbarment or suspension.

Subpart D—General Provisions

10.90 Official records.
10.91 Information, requests, and submittals.
10.92 Effective date of regulations.
10.93 Saving clause.
10.94 Special orders.

AUTHORITY: §§ 10.0 to 10.94 issued under sec. 3, act of July 7, 1884, 23 Stat. 258, 5 U. S. C. 261; R. S. 161, 5 U. S. C. 22; secs. 2 to 12, 60 Stat. 237 et seq. (5 U. S. C. 1001 to 1011); Reorg. Plan No. 26 of 1950, 64 Stat. 1280, 15 F. R. 4935. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 10.0 *Scope of part.* This part contains rules governing the recognition of attorneys, agents and other persons representing clients before the Internal Revenue Service. Customhouse brokers are licensed by the Commissioner of Customs under other regulations. See 19 CFR Part 31. Subpart A of this part sets forth rules relating to authority to practice before the Internal Revenue Service. Subpart B prescribes the duties and restrictions relating to enrolled practitioners. Subpart C contains rules relating to disciplinary proceedings. Subpart D contains general provisions, including provisions relating to availability of official records.

SUBPART A—RULES GOVERNING AUTHORITY TO PRACTICE

§ 10.1 *Director of Practice*—(a) *Establishment of office.* There is established in the Internal Revenue Service the office of Director of Practice. The Director of Practice shall be appointed by the Secretary of the Treasury and shall be under the direction and supervision of the Secretary of the Treasury.

(b) *Duties.* The Director of Practice shall receive and act upon applications for enrollment to practice as attorneys or agents before the Internal Revenue Service; institute and provide for the conduct of disciplinary proceedings relating to enrolled attorneys and agents; make inquiries with respect to matters under his jurisdiction; and perform such other duties as are necessary or appropriate to carry out the provisions of this part or as are prescribed by the Secretary of the Treasury. Decisions of the Director of Practice in individual cases relating to enrollment, disbarment, or disciplinary measures shall not be subject to change by the Commissioner of Internal Revenue.

(c) *Acting Director.* The Secretary of the Treasury will designate an officer or employee of the Treasury Department to act as Director of Practice in the event of the absence of the Director or of a vacancy in that office.

§ 10.2 *Regulation of practice*—(a) *In general.* Except as provided by § 10.7 or other sections of this part no person shall be recognized or permitted to practice before the Internal Revenue Service unless he is enrolled as an attorney or agent pursuant to this part. An enrollment card issued pursuant to the regulations superseded by this part will be recognized to evidence enrollment to practice pursuant to the regulations in this part and subject to the limitations specified by that card.

(b) *Definition of practice.* Practice before the Internal Revenue Service comprehends all matters connected with presentations to the Internal Revenue Service or any of its officers or employees relating to a client's rights, privileges or liabilities under laws or regulations administered by the Internal Revenue Service. Such presentations include the preparation and filing of necessary documents, correspondence with and communications to the Internal Revenue Service, and the representation of a client at conferences, hearings, and meetings. Neither the preparation of tax returns nor the furnishing of information at the request of the Internal Revenue Service or any of its officers or employees is considered practice, and enrollment is not necessary for either of such activities.

§ 10.3 *Eligibility for enrollment*—(a) *In general.* Persons applying for enrollment to practice before the Internal Revenue Service must show to the satisfaction of the Director of Practice that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render valuable service to clients, and otherwise competent to advise and assist clients in the presentation of their interests to the Internal Revenue Service. Applicants for enrollment have the burden of establishing that they possess a good character and reputation, an adequate education, knowledge and understanding of the laws and regulations relating to tax matters and other subjects administered by the Internal Revenue Service, and a knowledge of the rules governing practice before the Internal Revenue Service.

(b) *Character and reputation.* Good character and good reputation are not identical requirements. The former is determined by the applicant's actual qualities; the latter depends upon the opinion entertained of the applicant by those who have had the opportunity of knowing him in the community in which he resides or in which he practices his profession. It follows that evidence of any act or omission which tends to establish lack of integrity or untrustworthiness or other qualities reprehensible in a professional man, is material as bearing upon the character of the applicant, notwithstanding there is clear proof that his reputation is good.

(c) *Citizens; natural persons.* Enrollment to practice may be granted only to natural persons who are citizens of the United States and who are over the age of 21 years, except that aliens may be enrolled during the period they are admitted to practice either law or accounting in a State, Territory, possession of the United States, or the District of Columbia.

(d) *Attorneys and certified public accountants.* If found to possess the qualifications provided for in this part, the Director of Practice may grant enrollment to practice before the Internal Revenue Service to persons of the following classes:

(1) Any attorney at law who is a member in good standing of the bar of the highest court of a State, Territory, or possession of the United States, or of the courts of the District of Columbia, and who is lawfully engaged in the active practice of his profession;

(2) Any certified public accountant who has duly qualified to practice as a certified public accountant in a State, Territory, possession of the United States, or in the District of Columbia, and who is lawfully engaged in the active practice of his profession.

(e) *Persons not attorneys or certified public accountants.* With respect to applicants other than attorneys or certified public accountants, the Director of Practice, in his discretion, may grant special enrollment to practice if the applicant demonstrates special competence by written examination or as provided in paragraph (f) of this section. Persons interested in obtaining special enrollment pursuant to this paragraph should apply to the Director of Practice for information as to requirements.

(f) *Special enrollment for former Internal Revenue Service employees.* Former employees of the Internal Revenue Service may be granted special enrollment by the Director of Practice under paragraph (e) of this section, in cases where their service and technical experience in the Internal Revenue Service has qualified them for such enrollment, as follows:

(1) Application for special enrollment on account of former employment in the Internal Revenue Service shall be made to the Director of Practice. Each applicant will be supplied a form by the Director, which shall indicate the information required respecting the applicant's qualifications. In addition to the applicant's name, address, citizenship, age, educational experience, etc., such information shall specifically include a detailed account of the applicant's employment in the Internal Revenue Service, which account shall show (i) positions held, (ii) date of each appointment and termination thereof, (iii) nature of services rendered in each position, with particular reference to the degree of technical experience involved, and (iv) name of supervisor in such positions, together with such other information regarding the experience and training of the applicant as may be relevant.

(2) Upon receipt of each such application, it shall be transmitted to the appropriate officer of the Internal Revenue Service with the request that a detailed report of the nature and rating of the applicant's services in the Internal Revenue Service, accompanied by the recommendation of the superior officer in the particular unit or division of the Internal Revenue Service that such employment does or does not qualify the applicant technically and otherwise for the desired authorization, be furnished to the Director of Practice. (Such report shall be requested in addition to the usual reports requested in cases of application for enrollment.)

(3) In examining the qualifications of an applicant for special enrollment on account of employment in the Internal Revenue Service, the Director of Practice will be governed by the following policies:

(i) Special enrollment on account of such employment may be of the same scope as enrollment granted pursuant to paragraph (d) (2) of this section, or the scope may be limited to permit the presentation of matters only of the particular class or only before the particular unit or division of the Internal Revenue Service for which his former employment in the Internal Revenue Service has qualified the applicant.

(ii) In the case of employees separated from employment in the Internal Revenue Service, application for special enrollment on account of such employment must be made within 2 years after the termination thereof.

(iii) It shall be requisite for special enrollment on account of such employment for practice before the Internal Revenue Service that the applicant shall have had a minimum of 7 years continuous employment in the Internal Revenue Service during at least 5 years of which service he shall have been regularly engaged in applying and interpreting the provisions of the Internal Revenue Code and the regulations thereunder relating to income, estate, gift, employment, or excise taxes.

(iv) For the purposes of subdivision (iii) of this subparagraph, an aggregate of 10 or more years of employment, at least three of which occurred within the 5 years preceding the date of application, shall be deemed the equivalent of 7 years continuous employment.

§ 10.4 *Ineligibility for enrollment*—(a) *In general.* No person shall be eligible for enrollment to practice before the Internal Revenue Service if he fails in any particular to show to the satisfaction of the Director of Practice that he is possessed of the qualities contemplated by section 3 of the Act of July 7, 1884, 23 Stat. 258 (5 U. S. C. 261) and the regulations contained in this part, or if such practice by him would be inconsistent with any of the laws of the United States.

(b) *Particular grounds.* Among the causes sufficient to justify denial of an application for enrollment are failure to show good character or reputation; any conduct or practices which would constitute a violation of any of the provisions of this part if the applicant were enrolled; any conduct which would be a ground for disbarment or suspension from practice pursuant to this part; and any conduct which would be deemed grossly improper in commercial transactions by accepted standards.

(c) *Government officers and employees; judges.* Officers and employees of the United States or of the District of Columbia, Members of Congress or a Delegate or Resident Commissioner thereto, and judges of the Tax Court or any courts of record, unless such judges are permitted by law to practice their profession, shall be ineligible for enrollment.

(d) *Full-time employees of corporations and others.* Except for employees of individuals or partnerships engaged in the practice of law or accounting, persons employed by individuals, partnerships, corporations or other organizations on a full-time basis, and who do not maintain offices apart from their employment, with services available to the general public, shall not be eligible for enrollment.

(e) *Violation by Internal Revenue Service employee of tenure agreement.* Application for enrollment may be denied in any case in which it appears that the applicant without reasonable cause has terminated his employment with the Internal Revenue Service in violation of an obligation assumed as a condition of employment to remain in the service of the Internal Revenue Service for a specified period or for a reasonable time.

(f) *Oath of allegiance.* No person shall be enrolled to practice if he is unable for any reason to take the oath of allegiance, and to support the Constitution of the United States, as required of persons prosecuting claims against the United States by section 3478 of the Revised Statutes (31 U. S. C. 204).

§ 10.5 *Application for enrollment*—(a) *Form; fee.* An applicant for enrollment shall file with the Director of Practice an application on Form 23, properly executed under oath or affirmation. Such application shall be accompanied by a check or money order in the amount of $25.00, payable to the Treasurer of the United States, which amount shall constitute a fee which shall be charged to each applicant for enrollment. The fee shall be retained by the United States whether or not the applicant is granted enrollment. Attorneys at law will apply for enrollment as attorneys, and all other applicants will apply for enrollment as agents, except that an applicant who is qualified to enroll either as an attorney at law or as an agent may elect whether to apply as attorney or agent.

(b) *Additional information; examination.* The Director of Practice, as a condition to consideration of an application for enrollment, may require the applicant to file additional information and to submit to any written or oral examination under oath or otherwise. Upon request of the Director of Practice an applicant shall endeavor to stipulate with an officer or employee of the Internal Revenue Service facts pertaining to the application to the fullest extent to which either complete or qualified agreement can be reached. The Director shall grant a hearing on an application at the applicant's written request.

(c) *Temporary recognition.* Upon receipt of a properly executed application, the Director of Practice may grant the applicant temporary recognition to practice pending investigation of the applicant and a determination as to whether enrollment to practice should be granted. Such temporary recognition shall not be granted if the application is not regular on its face; if the information stated therein, if true, is not sufficient to warrant enrollment to practice; or if there is any information before the Director of Practice which indicates that the statements in the application are untrue or that the applicant is not of good character or reputation. Issuance of temporary recognition shall not constitute enrollment to practice or a finding of eligibility for enrollment, and the temporary recognition may be withdrawn at any time by the Director of Practice.

(d) *Appeal from denial of application.* Decisions of the Director of Practice denying enrollment to practice before the Internal Revenue Service may be appealed to the Secretary of the Treasury.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

§ 10.6 *Enrollment*—(a) *Roster.* The Director of Practice shall maintain rosters of all attorneys and agents who are enrolled to practice, of all attorneys and agents who have been disbarred or suspended from practice before the Internal Revenue Service, and of persons whose applications for enrollment have been denied.

(b) *Enrollment cards.* The Director of Practice shall issue an enrollment card to each attorney or agent who is enrolled to practice before the Internal Revenue Service. Unless advised to the contrary by the Director of Practice, any officer or employee of the Internal Revenue Service may consider the holder of an unexpired enrollment card to be duly authorized to practice before the Internal Revenue Service.

(c) *Period of enrollment card.* Every enrollment card shall by its terms become void five years after the date of its issuance. A holder of a void card is not entitled to practice before the Internal Revenue Service.

(d) *Application for renewal.* Application for renewal of enrollment card may be made at any time during a twenty-four month period commencing twelve months before and ending twelve months after the expiration of an enrollment card. Such application shall be filed on Form 23A at such place or places as may be designated by the Director of Practice and there shall be annexed thereto the enrollment card last outstanding. Copies of Form 23A may be obtained from the Director of Practice and at the offices of district directors of internal revenue. Each application shall be accompanied by a check or money order in the amount of $5.00, payable to the Treasurer of the United States, which amount shall constitute a fee which shall be charged each person who applies for issuance of a new enrollment card pursuant to the provisions of this paragraph.

(e) *Expiration of enrollment.* Unless application for a new enrollment card is filed with the Director of Practice within twelve months after the expiration date of an enrollment card, the enrollment of the holder of the card shall automatically terminate, his name shall be stricken from the roster of enrollees, and he shall not be authorized to practice before the Internal Revenue Service except by filing a new application for enrollment, as provided by § 10.5, and obtaining authority to practice from the Director of Practice.

(Sec. 501, 65 Stat. 290; 5 U. S. C. 140)

§ 10.7 *Practice without enrollment*—(a) *In general.* Individuals may appear on their own behalf, and individuals who are qualified, of good character and reputation, and are not under disbarment or suspension from practice before the Internal Revenue Service or from practice of their profession by any other authority, may be permitted to practice without enrollment, provided they present satisfactory identification, in the following classes of cases:

(1) An individual may represent another individual who is his regular full-time employer, may represent a partnership of which he is a member or a regular full-time employee, or may represent without compensation a member of his immediate family.

(2) Corporations, trusts, estates, associations, or organized groups may be represented by a bona fide officer or regular full-time employee.

(3) Trusts, receiverships, guardianships, or estates may be represented by their trustees, receivers, guardians, administrators or executors.

(4) Any governmental unit, agency, or authority may be represented by an officer or regular employee in the course of his official duties.

(5) Unenrolled persons may participate in rule making as provided by section 4 of the Administrative Procedure Act, 60 Stat. 238 (5 U. S. C. 1003).

(6) Enrollment is not required for representation outside of the United States before personnel of the International Operations Division of the Internal Revenue Service.

(b) *Special appearance.* The Director of Practice, subject to such conditions as he deems appropriate, may authorize any person to represent another without enrollment for the purpose of a particular matter.

§ 10.8 *Customhouse brokers.* Nothing contained in the regulations in this part shall be deemed to affect or limit the right of a customhouse broker, licensed as such by the Commissioner of Customs in accordance with the regulations prescribed therefor, in any customs district in which he is so licensed, at the office of the District Director of Internal Revenue or before the National Office of the Internal Revenue Service, to act as a representative in respect to any matters relating specifically to the importation or exportation of merchandise under the customs or internal revenue laws, for any person for whom he has acted as a customhouse broker.

SUBPART B—DUTIES AND RESTRICTIONS RELATING TO ENROLLED ATTORNEYS AND AGENTS

§ 10.20 *Loss of status.* Loss of status to practice as an attorney as a certified public accountant, or as a public accountant shall constitute good cause for disbarment.

§ 10.21 *Ethics*—(a) *Professional ethics.* Enrolled attorneys shall conduct themselves and their practice before the Internal Revenue Service in accordance with recognized ethical standards applicable to attorneys generally. Enrolled agents who are certified public accountants or public accountants shall conduct themselves and their practice before the Internal Revenue Service in accordance with recognized ethical standards applicable to certified public accountants or public accountants generally.

(b) *Observance of regulations.* Enrolled attorneys and agents shall conduct themselves and their practice before the Internal Revenue Service in such manner as not to commit any act of disreputable conduct referred to in § 10.51 or to violate any other provisions of this part.

§ 10.22 *Information to be furnished*—(a) *To the Internal Revenue Service generally.* No enrolled attorney or agent shall neglect or refuse to submit records or information in any matter before the Internal Revenue Service, upon proper and lawful request by a duly authorized officer or employee of the Internal Revenue Service, unless the information or testimony is privileged; and no such attorney or agent shall interfere, or attempt to interfere, with any proper and lawful efforts by the Internal Revenue Service or its officers or employees to obtain information relative to any matter before the Internal Revenue Service.

(b) *To Director of Practice.* It shall be the duty of an enrolled attorney or agent, when requested by the Director of Practice, to provide the Director with any information he may have concerning violation of the regulations in this part by any person, and to testify thereto in any proceeding instituted under this part for the disbarment or suspension of an enrolled attorney or agent, unless such information is privileged.

§ 10.23 *Knowledge of client's omission.* Each enrolled attorney or agent who knows that a client has not complied with the law, or has made an error in or omission from any return, document, affidavit, or other paper which the client is required by law to execute in connection with any matter administered by the Internal Revenue Service, shall advise the client promptly of the fact of such noncompliance, error, or omission.

§ 10.24 *Diligence as to accuracy.* Each enrolled attorney or agent shall exercise due diligence to determine the accuracy of representations made by him to the Internal Revenue Service, and to clients with reference to any matter administered by the Internal Revenue Service, including the accuracy of oral statements and of returns, documents, affidavits and other papers prepared, approved, or filed by the attorney or agent.

§ 10.25 *Moneys received from or for a client.* Each enrolled attorney or agent shall promptly pay over to the United States when due all sums received for the payment of any tax, duty, or other debt or obligation owing to the United States, and shall promptly account to a client for funds received for him from the United States, or received from a client in excess of the charges properly payable in respect of the client's business.

§ 10.26 *Endorsement of client's checks.* No enrolled attorney or agent shall, without authority of his client, accept or endorse any Government draft, check, or warrant drawn to the order of such client.

§ 10.27 *Prompt disposition of pending matters.* No enrolled attorney or agent shall unreasonably delay the prompt disposition of any matter before the Internal Revenue Service.

§ 10.28 *Assistance from unenrolled persons.* No enrolled attorney or agent shall in any Internal Revenue Service matter knowingly and directly or indirectly:

(a) Employ or accept assistance from any unenrolled person who is disbarred from practice before the Internal Revenue Service or any other department or agency of the Federal Government or before any court of record; who is under suspension from practice before any such department, agency, or court; who has been deprived of his certificate as a certified public accountant or public accountant; or who to the knowledge of the enrolled attorney or agent solicits business, obtains clients, or otherwise conducts his practice in a manner forbidden under the regulations in this part to enrolled persons; or

(b) Accept employment as associate, correspondent, or sub-agent from, or share fees with, any such person, or any person who is not an attorney, a certified public accountant, or a public accountant. Nothing in this section shall be construed to authorize the acceptance of employment or the sharing of fees contrary to recognized ethical standards which are to be followed pursuant to § 10.21.

§ 10.29 *Employees of accounting corporations.* No enrolled attorney or agent shall be connected with an accounting corporation either as officer, employee, or stockholder.

§ 10.30 *Certain partnerships prohibited.* No enrolled attorney or agent shall maintain a partnership for the practice of law, accountancy, or other related professional service with a person who is under disbarment from practice before the Internal Revenue Service or any other department or agency of the Federal Government, or with an unenrolled person who is neither an attorney legally practicing law nor a certified public accountant or a public accountant legally practicing accounting. Nothing in this section shall be construed to authorize the maintenance of a partnership contrary to recognized ethical standards which are to be followed pursuant to § 10.21.

§ 10.31 *State officers and employees.* Officers and employees of any State, or subdivision thereof, whose duties require them to pass upon, investigate, or deal with tax matters of such State or subdivision, shall be ineligible for enrollment, provided such employment may disclose facts or information applicable to Federal tax matters.

§ 10.32 *Practice by former Government employees*—(a) *In general.* No former officer or employee of the United States, whether or not enrolled to practice before the Internal Revenue Service, shall represent anyone in any matter administered by the Internal Revenue Service if the representation would violate any of the laws of the United States, including the laws which under certain circumstances prohibit former officers and employees of the United States from acting as representatives of others in matters to which the United States is a party or in which it is interested. See section 190 of the Revised Statutes (5 U. S. C. 99) and 18 U. S. C., Chapter 15.

(b) *Personal consideration.* No former officer or employee of the United States, whether or not enrolled to practice before the Internal Revenue Service, shall represent anyone in any matter administered by the Internal Revenue Service to which he gave personal consideration or as to the facts of which he gained knowledge during and by reason of his Government service.

§ 10.33 *Practice by former Internal Revenue Service employees*—(a) *Matters pending while employed.* No former officer or employee of the Internal Revenue Service shall, within two years after the termination of his Internal Revenue Service employment, practice or in any manner act as attorney or agent or as the employee of an attorney or agent in any matter which was pending in the Internal Revenue Service during the period of his employment therein, unless he shall first obtain the written consent of the Director of Practice. This consent will not be granted unless it appears that the applicant, as an officer or employee of the Internal Revenue Service, did not give personal consideration to the matter or gain knowledge of the facts of it during and by reason of his employment in the Internal Revenue Service.

(b) *Application for consent.* An applicant for the consent provided for in paragraph (a) of this section shall file a declaration to the effect that he gave no personal consideration to the matter and that he obtained no knowledge of the facts involved in the matter during and by reason of his employment by the Internal Revenue Service, that he is not and will not knowingly be associated with any former officer or employee who gained knowledge of the matter during and by reason of employment by the Internal Revenue Service, and that his employment is not prohibited by law or by the regulations of the Internal Revenue Service. The application shall be denied by the Director of Practice if the statements contained therein are disproved by an examination of files, records or circumstances pertaining to the matter. Applications for consent should be transmitted to the Director of Practice on Form 901 and should state the applicant's former connection with the Internal Revenue Service and identify the matter in which he desires to act. The applicant shall be advised as to his privilege to appear in the matter, and he shall file the notice of advice in the Internal Revenue Service's record of the matter concerning which he has applied for permission to appear or act as attorney or agent.

(c) *Pending matter.* For the purpose of this section, a matter shall not be deemed pending in the Internal Revenue Service merely by virtue of the filing of a tax return, but it shall be considered as pending from the time an examination was commenced by interviewing, corresponding with, or examining the books and records of, a taxpayer, or from the time a taxpayer made a representation or inquiry to the Internal Revenue Service which is related to the matter. Pursuant to section 190 of the Revised Statutes (5 U. S. C. 99), a pending matter includes any claim against the United States pending in any department of the Government.

§ 10.34 *Assisting former employees.* In connection with any matter involving practice before the Internal Revenue Service, no enrolled attorney or agent shall knowingly assist, accept assistance from, or share fees with, any person who gave personal consideration to the matter or gained knowledge of facts involved in it during and by reason of his Government service.

§ 10.35 *Enrollees as notaries.* No enrolled attorney or agent as notary public shall take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters in which he is employed as counsel, attorney, or agent, or in which he may be in any way interested before the Internal Revenue Service. Under the provisions of this section an enrolled person who is a notary public is prohibited from taking any acknowledgment, oath, or certification as a notary public in connection with any tax return, protest, or other document which he has prepared or in the preparation of which he has assisted. (26 Op. Atty. Gen. 236.)

§ 10.36 *Attempting to obtain information.* No enrolled person shall procure, or attempt to procure, directly or indirectly, from Government records or other Government sources information of any kind which is not made available by proper authority.

§ 10.37 *Fees*—(a) *General.* An enrolled attorney or agent shall not charge a manifestly unreasonable fee for representation of a client in any matter before the Internal Revenue Service. The reasonableness of a fee is within limits a matter of judgment and depends upon all the facts and circumstances of the case, including its complexity and difficulty, the time and effort required, the amount involved, and the professional standing and experience of the enrolled attorney or agent.

(b) *Contingent fees.* An enrolled attorney or agent shall not enter into a wholly contingent fee agreement with a client for representation in any matter before the Internal Revenue Service unless the client is financially unable to pay a reasonable fee on any other terms. Partially contingent fee agreements are permissible where provision is made for the payment of a minimum, substantial in relation to the possible maximum fee, which minimum fee is to be paid and retained irrespective of the outcome of the proceeding.

(c) *Reporting contingent fees to Director of Practice.* Whenever an enrolled attorney or agent enters into a contract to represent a client before the Internal Revenue Service on a wholly or partially contingent basis, he shall file a written statement to that effect with the Director of Practice. The statement shall set forth the terms of the contract as they relate to compensation and, if the contract is for a wholly contingent fee, the reasons for charging such fee.

(d) *Reporting contingent fees when filing power of attorney or notice of appearance.* When a power of attorney or notice of appearance is filed with the Internal Revenue Service, it shall be the duty of the enrolled attorney or agent to file therewith a statement in the nature of one of the following two forms, whichever is appropriate:

Place _____
Date _____

This is to certify that I have not entered into a contingent or partially contingent fee agreement for the representation of _____
(Name of client, principal, or taxpayer)
before the Internal Revenue Service in the matter of _____
(Income, estate, gift, or other _____ under the terms of a taxes, or other matter)
power of attorney filed with the Internal Revenue Service on _____, 19__.

_____
(Signature of attorney or agent)

Place _____
Date _____

This is to certify that I have entered into a contingent or partially contingent fee agreement for the representation of _____
(Name of client, principal, or taxpayer)
before the Internal Revenue Service in the matter of _____
(Income, estate, gift, or other _____ under the terms of a taxes, or other matter)
power of attorney filed with the Internal Revenue Service on _____, 19__, and that a report of such fee agreement (has) (has not) been made to the Director of Practice.

_____
(Signature of attorney or agent)

§ 10.38 *Solicitation and advertising*—(a) *Solicitation.* No enrolled attorney or agent shall, in any manner whatsoever not warranted by personal relations, directly or indirectly solicit employment in matters related to the Internal Revenue Service.

(b) *Advertising.* No enrolled attorney or agent shall use signs, printing or other written matter indicating some past or present connection with, or relationship to, the Internal Revenue Service, nor shall he represent in any manner that he possesses influence or a special relationship with officers or employees of the Internal Revenue Service. However, the following kinds of advertising shall

not be deemed to constitute a violation of this paragraph:

(1) Letterheads, professional cards, and the customary professional insertions in telephone and city directories, provided they set forth only the name and address of the attorney or agent, or the name of the firm of which he is a member or with which he is associated, and a notation of the nature of his practice, to wit, whether he practices as an attorney, certified public accountant, or public accountant; and the customary professional insertions in professional directories provided they set forth only the above information and customary biographical and professional data;

(2) The distribution by former officers or employees of the Government of cards briefly stating the fact of their former official status and announcing their new status or association, provided the cards are addressed only to personal or business acquaintances and provided such cards are distributed only once, within a reasonable time after severance of official connection with the Government, and within 30 days after the creation of the new status or the formation of the new association.

§ 10.39 *Rights and duties of agents.* An agent enrolled before the Internal Revenue Service shall have the same rights, powers, and privileges and be subject to the same duties as an enrolled attorney: *Provided*, That an enrolled agent shall not have the privilege of drafting or preparing any written instrument by which title to real or personal property may be conveyed or transferred for the purpose of affecting Federal taxes, nor shall such enrolled agent advise a client as to the legal sufficiency of such an instrument or its legal effect upon the Federal taxes of such client: *And provided further*, That nothing in the regulations in this part shall be construed as authorizing persons not members of the bar to practice law.

NOTE: An interpretation by the Secretary of the Treasury of § 10.39 (31 CFR, 1949 ed., 10.2 (f)), among other sections, appeared at 21 F. R. 833, Feb. 7, 1956.

SUBPART C—RULES APPLICABLE TO DISCIPLINARY PROCEEDINGS

§ 10.50 *Authority to disbar or suspend.* Pursuant to section 3 of the act of July 7, 1884, 23 Stat. 258 (5 U. S. C. 261), the Secretary of the Treasury, after due notice and opportunity for hearing, may suspend or disbar from further practice before the Internal Revenue Service any enrolled attorney or agent shown to be incompetent, disreputable or who refuses to comply with the rules and regulations in this part, or who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

§ 10.51 *Disreputable conduct* — (a) *Nature.* Disreputable conduct, for which any enrolled attorney or agent may be disbarred or suspended from practice before the Internal Revenue Service, includes any conduct violative of the ordinary standards of professional obligation and honor.

(b) *Forms.* Among other forms of disreputable conduct, the following are deemed to constitute such conduct:

(1) Conviction of a felony, conviction of any criminal offense prescribed by the internal revenue laws or conviction of any crime involving moral turpitude;

(2) Making false answers in an application for enrollment or for renewal of an enrollment card with knowledge that such answers are false;

(3) Preparing or filing for himself or another a false Federal tax return or other statement on which Federal taxes may be based, knowing the same to be false;

(4) Willful failure to make a Federal tax return in violation of provisions of the internal revenue laws and the regulations issued thereunder;

(5) Suggesting to a client or a prospective client an illegal plan for evading Federal taxes or the payment thereof, knowing the same to be illegal;

(6) Giving false testimony in any proceeding before the Internal Revenue Service or before any tribunal authorized to pass upon Federal tax matters, knowing the same to be false;

(7) Filing any false or fraudulently altered document or affidavit in any case or other proceeding before the Internal Revenue Service, or procuring the filing thereof, knowing the same to be false or fraudulently altered;

(8) Using, with intent to deceive, false or misleading representations to procure employment in any case or proceeding before the Internal Revenue Service;

(9) Knowingly giving false or misleading information relative to a matter pending before the Internal Revenue Service to any officer or employee of the Internal Revenue Service;

(10) Preparing a false financial statement for a corporation, partnership, association, or individual, or certifying the correctness of such false statement, knowing the same to be false;

(11) Imparting to a client false information relative to the progress of a case or other proceeding before the Internal Revenue Service, knowing the same to be false;

(12) False representations by an enrolled agent that he is an attorney or a certified public accountant;

(13) Preparing or assisting in the preparation of, or filing, a false claim against the United States, knowing the same to be false;

(14) Approving, for filing, a false Federal tax return prepared by some other person, or advising or aiding in the preparation of such a false tax return, knowing the same to be false;

(15) Misappropriation of, or failure properly and promptly to remit, funds received from a client for the purpose of payment of taxes or other obligations due the United States, or misappropriation of funds or other property belonging to a client;

(16) Improper retention of a fee for which no services have been rendered;

(17) Obtaining or attempting to obtain money or other thing of value from a client or other person by false representations, knowing the same to be false;

(18) Obtaining or attempting to obtain money or other thing of value from a client or other person by duress or undue influence;

(19) Concealing or attempting to conceal assets of himself or another in order to evade or assist in evading Federal taxes or the payment thereof;

(20) Representing to a client or prospective client that the attorney or agent can improperly obtain special consideration or action from the Internal Revenue Service or an officer or employee thereof, or that he has access to unusual sources of information within the Internal Revenue Service;

(21) Soliciting or procuring the false testimony of any person in any proceeding before the Internal Revenue Service;

(22) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any officer or employee of the Internal Revenue Service by the use of threats, false accusations, duress, or coercion, by the offer of any special inducement or promise of advantage, or by the bestowing of any gift, favor or thing of value;

(23) Failure of an enrolled attorney to conduct himself and his practice before the Internal Revenue Service in accordance with recognized ethical standards applicable to attorneys generally;

(24) Failure of an enrolled agent to conduct himself and his practice before the Internal Revenue Service in accordance with recognized ethical standards;

(25) Disbarment or suspension from practice as an attorney, certified public accountant, or public accountant by any duly constituted authority of any State, Territory, possession of the United States, the District of Columbia, or by any department or agency of the Federal Government;

(26) In connection with practice before the Internal Revenue Service, using intemperate and abusive language, making false accusations or statements knowing them to be false, or circulating or publishing malicious and libelous matter;

(27) Knowingly aiding or abetting another by any means to defraud or attempt to defraud the United States, as by affirmatively assisting or participating in any way in the concealment of or failure to report income, receipts, or other property subject to taxation by the United States;

(28) Solicitation of practice in any unethical or unprofessional manner;

(29) Representing, as an agent or associate, an attorney, accountant, or other person known to solicit practice in any unethical or unprofessional manner;

(30) Knowingly aiding and abetting another person to practice his profession during a period of suspension or disbarment of such other person.

§ 10.52 *Violation of regulations.* Any enrolled attorney or agent may be disbarred or suspended from practice before the Internal Revenue Service for willful violation of any of the regulations contained in this part.

§ 10.53 *Authority to reprimand.* The Director or Practice is authorized to reprimand any enrolled attorney or agent for conduct which is not the subject of a complaint and hearing before an Examiner. The Examiner may reprimand any enrolled attorney or agent in cases heard by him upon a complaint filed by the Director of Practice.

§ 10.54 *Receipt of information concerning enrolled attorneys and agents.* If an officer or employee of the Internal Revenue Service has reason to believe that an enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Internal Revenue Service, or if any such officer or employee receives information to that effect concerning any enrolled attorney or agent, he shall promptly make a written report thereof, which report or a copy thereof shall be forwarded to the Director of Practice. If any other person has information of such violations, he may make a report thereof to the Director of Practice or to any officer or employee of the Internal Revenue Service.

§ 10.55 *Institution of proceeding.* Whenever the Director of Practice has reason to believe that any enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Internal Revenue Service, he may institute a proceeding for disbarment or suspension of the enrolled attorney or agent. The proceeding shall be instituted by a complaint which names the respondent and is signed by the Director of Practice and filed in his office. Except in cases of willfulness, or where time, the nature of the proceeding, or the public interest does not permit, a proceeding will not be instituted under this section until facts or conduct which may warrant such action have been called to the attention of the proposed respondent in writing and he has been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 10.56 *Conferences*—(a) *In general.* The Director of Practice may confer with an enrolled attorney or agent concerning allegations of misconduct irrespective of whether a proceeding for disbarment or suspension has been instituted against him. If such conference results in a stipulation in connection with a proceeding in which the attorney or agent is the respondent, the stipulation may be entered in the record at the instance of either party to the proceeding.

(b) *Resignation or voluntary suspension.* An enrolled attorney or agent, in order to avoid the institution or conclusion of a disbarment or suspension proceeding, may offer his resignation or consent to suspension from practice, before the Internal Revenue Service. The Director of Practice, in his discretion, may accept the offered resignation and may suspend an attorney or agent in accordance with his consent.

§ 10.57 *Contents of complaint.*—(a) *Charges.* A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against him so that he is able to prepare his defense.

(b) *Demand for answer.* In the complaint, or in a separate paper attached to the complaint, notification shall be given of the place and time within which the respondent shall file his answer, which time shall be not less than fifteen days from the date of service of the complaint, and notice shall be given that a decision by default will be rendered against the respondent in the event he fails to file his answer as required.

§ 10.58 *Service of complaint and other papers*—(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by registered mail, or first class mail as hereinafter provided; by delivering it to the respondent or his attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, attorney or agent; or in any other manner which has been agreed to by the respondent. Where the service is by registered mail, the return post office receipt duly signed by or on behalf of the respondent shall be proof of service. If the registered matter is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him by first class mail, addressed to him at the address under which he is enrolled or at the last address known to the Director of Practice. If service is made upon the respondent or his attorney or agent of record in person or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon an enrolled attorney or agent as provided in paragraph (a) of this section or by mailing the paper by first class mail to the respondent at the address under which he is enrolled or at the last address known to the Director of Practice, or by mailing the paper by first class mail to the respondent's attorney or agent of record. Such mailing shall constitute complete service. Notices may be served upon the respondent or his attorney or agent of record by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a disbarment or suspension proceeding, and the place of filing is not specified by this subpart or by rule or order of the Examiner, the paper shall be filed with the Director of Practice, Treasury Department, Internal Revenue Building, Washington, D. C. All papers shall be filed in duplicate.

§ 10.59 *Answer*—(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint or notice of institution of the proceeding, unless on application the time is extended by the Director of Practice or the Examiner. The answer shall be filed in duplicate with the Director of Practice.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he knows to be true, or state that he is without sufficient information to form a belief when in fact he possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director of Practice or the Examiner, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Examiner may make his decision by default without a hearing or further procedure.

§ 10.60 *Supplemental charges.* If it appears that the respondent in his answer, falsely or in bad faith, denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief, when he in fact possesses such information, or if it appears that the respondent has knowingly introduced false testimony during proceedings for his disbarment or suspension, the Director of Practice may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare a defense thereto.

§ 10.61 *Reply to answer.* No reply to the respondent's answer shall be required, and new matter in the answer shall be deemed to be denied, but the Director of Practice may file a reply in his discretion or at the request of the Examiner.

§ 10.62 *Proof; variance; amendment of pleadings.* In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Examiner may order or authorize amendment of the pleading to conform to the evidence: *Provided,* That the party who would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations of the pleading as amended; and the Examiner shall make findings on any issue presented by the pleadings as so amended.

§ 10.63 *Motions and requests.* Motions and requests may be filed with the Director of Practice or with the Examiner.

§ 10.64 *Representation.* A respondent or proposed respondent may appear in person or he may be represented by

counsel or other representative who need not be enrolled to practice before the Internal Revenue Service. The Director may be represented by an attorney or other employee of the Internal Revenue Service.

§ 10.65 *Examiner*—(a) *Appointment.* An Examiner, appointed as provided by section 11 of the Administrative Procedure Act, 60 Stat. 244 (5 U. S. C. 1010), shall conduct proceedings upon complaints for the disbarment or suspension of enrolled attorneys or agents.

(b) *Powers of Examiner.* Among other powers, the Examiner shall have authority, in connection with any disbarment or suspension proceeding assigned or referred to him, to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests, which rulings may not be appealed from prior to the close of a hearing except, at the discretion of the Examiner, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct;

(4) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(10) Make initial decisions.

§ 10.66 *Hearings*—(a) *In general.* The Examiner shall preside at the hearing on a complaint for the disbarment or suspension of an enrolled attorney or agent. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to section 7 of the Administrative Procedure Act, 60 Stat. 241 (5 U. S. C. 1006).

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to him, he shall be deemed to have waived the right to a hearing and the Examiner may make his decision against the absent party by default.

§ 10.67 *Evidence*—(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the disbarment or suspension of enrolled attorneys and agents. However, the Examiner shall exclude evidence which is irrelevant, immaterial, or unduly repetitious, and he may exclude evidence which is not of the kind which would affect reasonable and fair-minded men in the conduct of their daily affairs.

(b) *Depositions.* The deposition of any witness taken pursuant to § 10.68 may be admitted.

(c) *Proof of documents.* Official documents, records and papers of the Internal Revenue Service shall be admissible in evidence without the production of an officer or employee to authenticate them. Any such documents, records and papers may be evidenced by a copy attested or identified by an officer or employee of the Internal Revenue Service.

(d) *Exhibits.* If any document, record or other paper is introduced in evidence as an exhibit, the Examiner may authorize the withdrawal of the exhibit subject to any conditions which he deems proper.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as ordered by the Examiner. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 10.68 *Depositions.* Depositions for use at a hearing may, with the written approval of the Examiner, be taken by either the Director of Practice or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than ten days' written notice to the other party before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Internal Revenue Service who is authorized to administer an oath in internal revenue matters. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of ten days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogatories shall be mailed or delivered to the opposing party at least five days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Examiner and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 10.69 *Transcript.* In cases where the hearing is stenographically reported by a government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the government and the reporter. Where the hearing is stenographically reported by a regular employee of the Internal Revenue Service, a copy thereof will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Neither of the parties shall have the right to receive any copies of exhibits introduced at the hearing or at the taking of depositions, but they shall have the right to examine all exhibits.

§ 10.70 *Proposed findings and conclusions.* Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Examiner, prior to making his decision, shall afford the parties a reasonable opporunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 10.71 *Decision of the Examiner.* As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Examiner shall make the initial decision in the case. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of disbarment, suspension, or reprimand or an order of dismissal of the complaint. The Examiner shall file the decision with the Director of Practice and shall transmit a copy thereof to the respondent or his attorney of record. In the absence of an appeal to the Secretary of the Treasury, or review of the decision upon motion of the Secretary, the decision of the Examiner shall without further proceedings become the decision of the Secretary of the Treasury thirty days from the date of the Examiner's decision.

§ 10.72 *Appeal to the Secretary.* Within 30 days from the date of the Examiner's decision, either party may appeal to the Secretary of the Treasury. The appeal shall be filed with the Director of Practice in duplicate and shall include exceptions to the decision of the Examiner and supporting reasons for such exceptions. If an appeal is filed by the Director of Practice, he shall transmit a copy thereof to the respondent. Within 15 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director of Practice. If the reply brief is filed by the Director, he shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director of Practice shall transmit the entire record to the Secretary of the Treasury.

§ 10.73 *Decision of the Secretary.* On appeal from or review of the initial decision of the Examiner, the Secretary of the Treasury will make the agency decision. In making his decision the Secretary of the Treasury will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the Secretary's decision shall be transmitted to the respondent by the Director of Practice.

§ 10.74 *Effect of disbarment or suspension; surrender of card.* In case the final order against the respondent is for disbarment, the respondent shall not thereafter be permitted to practice before the Internal Revenue Service unless and until authorized to do so by the Director of Practice upon application by

the person disbarred. In case the final order against the respondent is for suspension, the respondent shall not thereafter be permitted to practice before the Internal Revenue Service during the period of suspension. If disbarred or suspended from practice, the respondent shall surrender his enrollment card to the Director of Practice for cancellation, in the case of disbarment, or for retention during the period of suspension.

§ 10.75 *Notice of disbarment or suspension.* Upon the issuance of a final order disbarring or suspending an enrolled attorney or agent, the Director of Practice shall give notice thereof to appropriate officers and employees of the Internal Revenue Service and to interested departments and agencies of the Federal Government. Notice in such manner as the Director of Practice may determine may be given to the proper authorities of the State by which the disbarred or suspended person was licensed to practice as an attorney or accountant.

SUBPART D—GENERAL PROVISIONS

§ 10.90 *Official records*—(a) *Availability.* There are made available to public inspection at the office of the Director of Practice the roster of all persons enrolled to practice and the roster of all persons disbarred or suspended from practice.

(b) *Direct interest.* Matters of official record pertaining to the enrollment of persons to practice are available at the office of the Director of Practice to persons properly and directly concerned.

(c) *Confidential records.* There are held confidential the official records of the investigation of applicants for enrollment, of proceedings to suspend or disbar, and of the grounds for suspension or disbarment. Publication is capable of injuring enrollees and former enrollees without furthering the public interest. Much of the information is elicited without the aid of the subpena power on the assurance that the sources will be protected. Much of the information contained in these official records is subject to the secrecy statutes pertaining to tax returns.

(Sec. 3, 60 Stat. 238, 5 U. S. C. 1002)

§ 10.91 *Information, requests, and submittals.* The public may secure information from, or make submittals or requests to, the Director of Practice, Treasury Department, Internal Revenue Building, Washington, D. C. Requests for information contained in official records of the office of the Director of Practice should be addressed to the Director in writing, should clearly state the information desired, and should set forth the interest of the applicant in the subject matter and the purpose for which the information is desired. If the applicant is an attorney or agent acting for another, he should attach to the application evidence of his authority to act for his principal.

§ 10.92 *Effective date of regulations.* The regulations in this part, as reconstituted and amended, supersede the regulations promulgated by Treasury Department Circular No. 230 effective from and after October 1, 1936, relating to the recognition of attorneys, agents, and others, as heretofore amended and supplemented. The regulations in this part, as reconstituted and amended, shall become effective on the thirty-first day after the date of their publication in the FEDERAL REGISTER; shall apply to all unsettled matters then pending in the Internal Revenue Service or which may thereafter be presented or referred to the Internal Revenue Service or offices thereof for adjudication; and shall be applicable to all those enrolled to practice before the Treasury Department as attorneys or agents immediately prior to the effective date of such regulations. All proceedings within the purview of section 3 of the Act of July 7, 1884, 23 Stat. 258 (5 U. S. C. 261), commenced after the effective date of such regulations, shall in all procedural matters be governed by the provisions of such regulations and such supplementary rules as may from time to time be adopted pursuant to the regulations. Violations of the regulations committed prior to the effective date thereof shall in all substantive matters be dealt with according to the provisions of the regulations in force at the time when the act or acts alleged to constitute such violations occurred.

§ 10.93 *Saving clause.* No amendment of this part shall affect any proceeding for the disbarment or suspension of an enrolled attorney or agent which was instituted prior to the date of publication of the amendment in the FEDERAL REGISTER.

§ 10.94 *Special orders.* The Secretary of the Treasury reserves the power to issue such special orders as he may deem proper in any cases within the purview of this part.

[F. R. Doc. 58-8208; Filed, Oct. 1, 1958; 5:11 p. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 155]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES; HADDOCK AND COD FISHERIES

EXTENSION OF TIME

By notice of proposed rule making published in the issue for Friday September 19, 1958, Volume 23, FEDERAL REGISTER, page 7323, the public was invited to participate in the promulgation of a proposed revision of Part 155, Title 50, Code of Federal Regulations, by submitting written data, views, or arguments relating to the contemplated revision in sufficient time to be received by the Director, Bureau of Commercial Fisheries, on or before September 30, 1958.

To insure that ample time will be provided for public participation in the adoption of the revised regulation, the text of which was set forth in tentative form in the notice published September 19, 1958, the time for submitting comments and suggestions thereon is hereby extended to October 15, 1958, and consideration will be given to any written data, views, or arguments relating to the proposed regulation which are received by the Director, Bureau of Commercial Fisheries, Fish and Wildlife Service, Washington 25, D. C., on or before October 15, 1958.

Dated: September 30, 1958.

A. W. ANDERSON,
Acting Director,
Bureau of Commercial Fisheries.

[F. R. Doc. 58-8174; Filed, Oct. 3, 1958; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

SUGAR QUOTAS FOR PUERTO RICO, 1959 ALLOTMENT

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter called the "act", and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq), and on the basis of information before me, I do hereby find that the allotment of the 1959 sugar quota for Puerto Rico (1) for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1959 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that a public hearing will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building on October 16, 1958, at 9:00 a. m. The quotas and portions thereof to be alloted are referred to herein as "mainland quota", "direct-consumption portion" and "local quota", respectively.

The findings made above are in the nature of preliminary findings based on the best information now available. The 1959 Puerto Rican sugar supply and quotas are still unknown. On the basis of the acreage of growing sugarcane estimated as available for harvest in 1959, estimates of 1959 sugar production have been derived using various levels of cane yield per acre and sugar yields per ton of cane. Such estimates indicate that allotment of the quotas may be necessary. Under such circumstances it is imperative that provision be made for allotment of the quotas so that allotments can be put into effect promptly, if needed, to avoid disorderly marketing and to afford all interested persons an equitable opportunity to market sugar.

It will be appropriate to present evidence at the hearing on the basis of which the Secretary of Agriculture may affirm, modify, or revoke such preliminary findings and make or withhold allotment of any such quota or portion thereof in accordance therewith.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient, and equitable allotments of the above-mentioned quotas among persons (1) who produce and market Puerto Rican sugar to be brought into the continental United States for consumption therein, (2) who produce or refine and market direct-consumption sugar to be brought into the continental United States for consumption therein and (3) who produce and market sugar for local consumption in Puerto Rico. The hearing will relate first to the allotment of the 1959 mainland and local quotas. Immediately upon completion of this part of the hearing, evidence will be received in regard to the allotment of the direct-consumption portion of the 1959 mainland quota.

In addition, the subject and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205 (a) of the said act, should be measured; (2) the relative weightings which should be given to these factors; (3) participation in the allotments by producers of sugarcane who receive sugar in settlement therefor; (4) the transfer or exchange of allotments; (5) the manner in which sugar is to be charged to allotments, and (6) limiting of marketings or entries into the continental United States until final data are substituted for estimates of such data used in establishing allotments.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) allotting any increase, or decrease, in the (a) mainland quota, (b) direct-consumption portion thereof, or (c) local quota for Puerto Rico; (2) allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of a quota.

Issued this 1st day of October 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-8207; Filed, Oct. 3, 1958; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 150-47]

DELEGATION OF FUNCTIONS IN BUREAU OF INTERNAL REVENUE

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to Deputy Commissioner of Internal Revenue O. Gordon Delk all functions now authorized to be performed by the Commissioner of Internal Revenue. Without limitation this authority includes authority to delegate functions hereby transferred and to amend or cancel existing delegations heretofore made by the Commissioner pursuant to Treasury Department Order No. 150-2, May 15, 1952, and Treasury Department Order No. 129, as revised. In the absence of such cancellation or amendment, those delegations of the Commissioner shall remain in effect.

In the performance of the functions herein delegated, Mr. Delk is designated as Acting Commissioner of Internal Revenue.

This order shall become effective as of 12:01 a. m., October 1, 1958.

Dated: September 27, 1958.

[SEAL] ROBERT B. ANDERSON,
Secretary of the Treasury.

[F. R. Doc. 58-8218; Filed, Oct. 2, 1958; 3:56 p. m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 25]

CERTAIN OFFICIALS

DELEGATION OF AUTHORITY

SECTION 1. *Delegation.* The Chief, Western Office, Division of Design and Construction, and the Chief, Eastern Office, Division of Design and Construction, and the Chief, Division of Design and Construction, National Capital Parks, are authorized, subject to the provisions of section 2 of this order, to exercise the authority delegated by the Administrator of General Services on June 30, 1958 (23 F. R. 5139), to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 252 et seq.), contracts for services of engineering, architectural, and landscape architectural firms in connection with the administration of construction programs of the National Park Service.

SEC. 2. *Limitations; exercise of authority.* (a) The authority granted by Section 1 of this order shall not be applicable to buildings (exclusive of bridges, landscaping, utilities, etc.) the construction cost of which is estimated to be $200,000 or more.

(b) The authority granted by section 1 of this order shall be exercised in accordance with all provisions of Title III of the Act with respect to negotiation of contracts, all other provisions of law, and applicable regulations of the Department. (Secretary's Order No. 2832; 23 F. R. 7512.)

CONRAD L. WIRTH,
Director.

SEPTEMBER 30, 1958.

[F. R. Doc. 58-8201; Filed, Oct. 3, 1958; 8:50 a. m.]

POST OFFICE DEPARTMENT

FOURTH-CLASS MAIL

PROPOSED INCREASED POSTAGE RATES AND OTHER REFORMATIONS

The Postmaster General is required, pursuant to the general provision relating to the Post Office Department contained in Chapter IV of the Supplemental Appropriation Act, 1951 (64 Stat. 1050, 31 U. S. C. 695), as amended by section 213 of the Postal Rate Increase Act, 1958 (72 Stat. 143), and section 207 of the act of February 28, 1925, as amended (43 Stat. 1067, 45 Stat. 942, 39 U. S. C. 247), to request the consent of the Interstate Commerce Commission to the establishment of such rate increases or other reformations as may be necessary to insure "(1) that the revenues from fourth-class mail service will not exceed by more than 4 per centum the cost thereof and (2) that the costs of such fourth-class mail service will not exceed by more than 4 per centum the revenues therefrom."

Although the rate-making procedures of the Post Office Department with respect to fourth-class mail do not come within the rule making requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), the Postmaster General desires to afford interested parties an opportunity to present written data, views, or arguments for consideration by the Post Office Department prior to the filing of proposed increased postage rates for fourth-class mail and other reformations, with the Interstate Commerce Commission.

Accordingly, (1) available information (subject to refinement) on which the proposed rate increases and other reformations are based, may be obtained from the Assistant Postmaster General, Bureau of Finance, Post Office Department, Washington 25, D. C., upon request; (2) representatives of the Post Office Department will be available for conference with respect to such reformation on October 20, 1958, at 10:00 a. m., in Room 5241, Post Office Department, 12th and Pennsylvania Avenue NW., Washington, D. C.; and (3) all data, views, or arguments for consideration by the Post Office Department in determining the extent and character of rate and other reformations to be established with respect to fourth-class mail must be transmitted in writing to the Assistant Postmaster General, Bureau of Finance, Post Office Department, Washington 25, D. C., not later than 30 days after the publication of this notice in the FEDERAL REGISTER.

Based on information now available, proposed increases in postage rates for fourth-class mail and other reformations necessary to insure that revenues and expenses of fourth-class mail will not vary by more than 4 per centum, are as follows:

SCHEDULE OF PROPOSED RATES OF POSTAGE ON PARCEL POST SUBJECT TO ZONE RATES

Weight, 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
2 pounds	$0.24	$0.33	$0.35	$0.39	$0.45	$0.51	$0.58	$0.64
3 pounds	.26	.38	.41	.47	.55	.64	.74	.83
4 pounds	.28	.43	.47	.55	.65	.77	.90	1.02
5 pounds	.30	.48	.53	.63	.75	.90	1.06	1.21
6 pounds	.32	.53	.59	.70	.85	1.03	1.22	1.40
7 pounds	.34	.58	.65	.77	.95	1.16	1.38	1.59
8 pounds	.36	.63	.71	.84	1.05	1.29	1.54	1.78
9 pounds	.38	.68	.77	.91	1.15	1.42	1.70	1.97
10 pounds	.40	.73	.83	.98	1.25	1.55	1.86	2.16
11 pounds	.42	.77	.89	1.05	1.35	1.67	2.02	2.34
12 pounds	.44	.81	.95	1.12	1.45	1.79	2.18	2.52
13 pounds	.46	.85	1.01	1.19	1.55	1.91	2.34	2.70
14 pounds	.48	.89	1.07	1.26	1.65	2.03	2.50	2.88
15 pounds	.50	.93	1.13	1.33	1.75	2.15	2.66	3.06
16 pounds	.52	.97	1.18	1.40	1.85	2.27	2.81	3.24
17 pounds	.54	1.01	1.23	1.47	1.95	2.39	2.95	3.42
18 pounds	.56	1.05	1.28	1.54	2.05	2.51	3.11	3.60
19 pounds	.58	1.09	1.33	1.61	2.15	2.63	3.26	3.78
20 pounds	.60	1.13	1.38	1.68	2.25	2.75	3.41	3.96
21 pounds	.62	1.17	1.43	1.75	2.34	2.87	3.56	4.14
22 pounds	.64	1.21	1.48	1.82	2.43	2.99	3.71	4.32
23 pounds	.66	1.25	1.53	1.89	2.52	3.11	3.86	4.50
24 pounds	.68	1.29	1.58	1.96	2.61	3.23	4.01	4.68
25 pounds	.70	1.33	1.63	2.03	2.70	3.35	4.16	4.86
26 pounds	.72	1.37	1.68	2.10	2.79	3.47	4.31	5.04
27 pounds	.74	1.41	1.73	2.17	2.88	3.59	4.46	5.22
28 pounds	.76	1.45	1.78	2.24	2.97	3.71	4.61	5.40
29 pounds	.78	1.49	1.83	2.31	3.06	3.83	4.76	5.58
30 pounds	.80	1.53	1.88	2.38	3.15	3.95	4.91	5.76
31 pounds	.82	1.57	1.93	2.45	3.24	4.06	5.05	5.93
32 pounds	.84	1.61	1.98	2.52	3.33	4.17	5.19	6.10
33 pounds	.86	1.65	2.03	2.59	3.42	4.28	5.33	6.27
34 pounds	.88	1.69	2.08	2.66	3.51	4.39	5.47	6.44
35 pounds	.90	1.73	2.13	2.73	3.60	4.50	5.61	6.61
36 pounds	.92	1.77	2.18	2.80	3.69	4.61	5.75	6.78
37 pounds	.94	1.81	2.23	2.87	3.78	4.72	5.80	6.95
38 pounds	.96	1.85	2.28	2.94	3.87	4.83	6.03	7.12
39 pounds	.98	1.89	2.33	3.01	3.96	4.94	6.17	7.29
40 pounds	1.00	1.93	2.38	3.08	4.05	5.05	6.31	7.46
41 pounds	1.02	1.97	2.43	3.15	4.14	5.16	6.45	7.62
42 pounds	1.04	2.01	2.48	3.22	4.23	5.27	6.59	7.78
43 pounds	1.06	2.05	2.53	3.29	4.32	5.38	6.73	7.94
44 pounds	1.08	2.09	2.58	3.36	4.41	5.49	6.87	8.10
45 pounds	1.10	2.13	2.63	3.43	4.50	5.60	7.01	8.26
46 pounds	1.12	2.17	2.68	3.50	4.59	5.71	7.15	8.42
47 pounds	1.14	2.21	2.73	3.57	4.68	5.82	7.29	8.58
48 pounds	1.16	2.25	2.78	3.64	4.77	5.93	7.43	8.74
49 pounds	1.18	2.29	2.83	3.71	4.86	6.04	7.57	8.90
50 pounds	1.20	2.33	2.88	3.78	4.95	6.15	7.71	9.06
51 pounds	1.22	2.37	2.93	3.84	5.03	6.26	7.84	9.22
52 pounds	1.24	2.41	2.98	3.90	5.11	6.37	7.97	9.38
53 pounds	1.26	2.45	3.03	3.96	5.19	6.48	8.10	9.54
54 pounds	1.28	2.49	3.08	4.02	5.27	6.59	8.23	9.70
55 pounds	1.30	2.53	3.13	4.08	5.35	6.70	8.36	9.86
56 pounds	1.32	2.57	3.18	4.14	5.43	6.81	8.49	10.02
57 pounds	1.34	2.61	3.23	4.20	5.51	6.92	8.62	10.18
58 pounds	1.36	2.65	3.28	4.26	5.59	7.03	8.75	10.34
59 pounds	1.38	2.69	3.33	4.32	5.67	7.14	8.88	10.50
60 pounds	1.40	2.73	3.38	4.38	5.75	7.25	9.01	10.66
61 pounds	1.42	2.77	3.43	4.44	5.83	7.36	9.14	10.82
62 pounds	1.44	2.81	3.48	4.50	5.91	7.47	9.27	10.98
63 pounds	1.46	2.85	3.53	4.56	5.99	7.58	9.40	11.14
64 pounds	1.48	2.89	3.58	4.62	6.07	7.69	9.53	11.30
65 pounds	1.50	2.93	3.63	4.68	6.15	7.80	9.66	11.46
66 pounds	1.52	2.97	3.68	4.74	6.23	7.91	9.79	11.62
67 pounds	1.54	3.01	3.73	4.80	6.31	8.02	9.92	11.78
68 pounds	1.56	3.05	3.78	4.86	6.39	8.13	10.05	11.94
69 pounds	1.58	3.09	3.83	4.92	6.47	8.24	10.18	12.10
70 pounds	1.60	3.13	3.88	4.98	6.55	8.35	10.31	12.26

SCHEDULE OF PROPOSED RATES ON CATALOGS AND SIMILAR PRINTED ADVERTISING MATTER OF THE FOURTH-CLASS

Weight, 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1.5 pounds	14	16	18	20	22	24	26	28
2.0 pounds	16	20	22	24	26	29	32	35
2.5 pounds	18	23	25	27	29	33	37	41
3.0 pounds	18	24	26	28	31	36	40	45
3.5 pounds	19	25	28	30	34	39	44	50
4.0 pounds	20	27	29	32	36	42	48	54
4.5 pounds	20	28	31	34	39	45	51	59
5.0 pounds	21	29	32	36	41	48	55	63
5.5 pounds	22	30	34	38	43	51	59	68
6.0 pounds	22	31	35	40	46	54	62	72
6.5 pounds	23	33	37	42	48	57	66	77
7.0 pounds	24	34	38	44	51	60	70	81
7.5 pounds	25	35	40	46	53	63	74	86
8.0 pounds	25	36	41	47	55	66	77	90
8.5 pounds	26	37	43	49	58	69	81	95
9.0 pounds	27	39	44	51	60	72	85	99
9.5 pounds	27	40	46	53	63	75	88	104
10.0 pounds	28	41	47	55	65	78	92	108

The schedule of proposed rates of postage on parcel post subject to zone rates is subject to the following exceptions:

a. In the first or second zone, where the distance by the shortest regular practicable mile route is 300 miles or more, the rate is the same as for the third zone.

b. Parcels weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

The schedule of proposed rates on catalogs and similar printed advertising matter of the fourth-class is subject to the following exception: In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate shall be the same as for the third zone.

The schedules set forth above supersede the schedules set forth in Federal Register Document 58-1636, filed March 3, 1958, by the Post Office Department and published on March 4, 1958, in Volume 23 of the FEDERAL REGISTER, at page 1556.

(R. S. 161, as amended, 396, as amended; sec. 207, 43 Stat. 1067, as amended, sec. 101, 64 Stat. 1050, as amended; 5 U. S. C. 22, 369, 31 U. S. C. 695, 39 U. S. C. 247)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-8236; Filed, Oct. 3, 1958; 9:15 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Files 23-526, 23-581]

ENGLER LTD.

ORDER TEMPORARILY REVOKING AND DENYING EXPORT PRIVILEGES

In the matter of Engler Ltd., Stadthausquai 7, Zurich, Switzerland, respondent.

The Director, Investigation Staff, Bureau of Foreign Commerce, U. S. Department of Commerce, pursuant to the provisions of § 382.11 of the Bureau of Foreign Commerce Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying to Engler Ltd., the respondent herein, all United States export privileges pending completion of an investigation and the determination of an administrative proceeding about to be brought for the purpose of obtaining a finding of violation and consequent order revoking all export privileges.

The Compliance Commissioner, having considered the evidence submitted in support of said application, has reported the facts upon which the application is based and has recommended that the application be granted to the extent hereinafter provided. After careful consideration of the report and the evidence

submitted together therewith and finding that the said evidence reasonably supports a conclusion that the respondent (a) has acquired large quantities of abrasive equipments and materials from vendors in the United States and (b) has thereafter directed and caused the unlawful transshipment thereof to a Communist Chinese consignee, China National Foreign Trade Transportation Corp. Shanghai, in violation of the Export Control Act of 1949, as amended; and finding further, on the basis of the evidence submitted, that the said respondent may continue to obtain and transship materials exported from the United States by resorting to prohibited practices in violation of the regulations provided for the administration of General Licenses established by the Bureau of Foreign Commerce; and having concluded therefrom, that the protection of the public interest requires and that it is necessary to achieve effective enforcement of the law that the respondent be denied all export privileges at least for the period hereinafter provided during which it may have an opportunity to contest the findings herein; It is ordered as follows:

(1) All outstanding validated export licenses in which the respondent, Engler Ltd., appears or participates as purchaser, intermediate consignee, ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The said respondent, its agents, servants, and employees, and all persons and firms associated with it, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any exportation of any commodity from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit respondent's participation (a) as a party or as representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, delivering, or disposing of any commodities in whole or in part exported or to be exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to the said respondent, but also to any other person, firm, corporation, or business organization with which it may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

(4) This order shall take effect forthwith and shall remain in effect for a period of thirty days from the date hereof unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the Export Regulations.

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the facts to, and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereinabove receive any benefit or have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the respondent.

(7) In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondent may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest convenient date.

Dated: October 1, 1958.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-8197; Filed, Oct. 3, 1958; 8:49 a. m.]

Office of the Secretary

CLARENCE BLUMOEHR

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 28, 1956, 21 F. R. 2795; October 2, 1956, 21 F. R. 7553; April 11, 1957, 22 F. R. 2441; October 10, 1957, 22 F. R. 8072; April 4, 1958, 23 F. R. 2232:

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

This statement is made as of September 22, 1958.

Dated: September 22, 1958.

CLARENCE BLUMOEHR.

[F. R. Doc. 58-8188; Filed, Oct. 3, 1958; 8:48 a. m.]

CURT OHEIM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 25, 1956, 21 F. R. 7301; March 29, 1957, 22 F. R. 2093; October 1, 1957, 22 F. R. 7777; April 4, 1958, 23 F. R. 2232:

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

This statement is made as of September 19, 1958.

Dated: September 19, 1958.

CURT OHEIM.

[F. R. Doc. 58-8189; Filed, Oct. 3, 1958; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH IRISH POTATOES

NOTICE OF DIVERSION PAYMENT PROGRAM ZMD 3A

In order to encourage the further utilization of fresh Irish potatoes by diverting them from the normal channels of trade and commerce into the manufacture of potato starch and potato flour, in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a diversion payment program was made effective on August 29, 1958, and will continue until further notice, but in any event not later than April 30, 1959, in areas where potato surpluses have created serious marketing problems, where starch and flour manufacturing facilities are available, and where a marketing plan approved by the Department of Agriculture has been established to assist in effectuating the purpose of the program. Information relative to this diversion program may be obtained from: Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774 as amended, 7 U. S. C. and Sup. 612c)

Dated: October 1, 1958.

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

[F. R. Doc. 58-8204; Filed, Oct. 3, 1958; 8:50 a. m.]

Commodity Stabilization Service

SUGARCANE PRICES IN PUERTO RICO AND WAGES AND PRICES IN VIRGIN ISLANDS

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section

301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Conference Room of the Agricultural Stabilization and Conservation Office, Segarra Building, on October 16, 1958, at 11:15 a. m.;

At Christiansted, St. Croix, Virgin Islands, in the District Court Room at the Government House, on October 21, 1958, at 9:30 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1959 on farms with respect to which applications for payment under the said act are made, and (2) pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1958–59 Puerto Rican crop of sugarcane and the 1959 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters with respect to prices in Puerto Rico:

1. The provisions of the 1957–58 crop determination relating to trash delivered with sugarcane, the proper methods for determining the quantities of trash, and the size of the trash sample.

2. Any needed changes in the sugar recovery formula which would more accurately reflect the proper distribution of sugar recovered between producers and processors when clean cane and trashy cane are ground concurrently.

3. Admissible selling and delivery expenses relating to bulk raw sugar.

4. The responsibility of the processor for providing storage for bulk raw sugar delivered to producers in instances where payment for sugarcane is made by the delivery of bulk sugar.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Walter C. Berger, A. A. Greenwood, Charles F. Denny, and G. Laguardia are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 30th day of September 1958.

[SEAL] TOM O. MURPHY,
Acting Director, Sugar Division, Commodity Stabilization Service.

[F. R. Doc. 58-8187; Filed, Oct. 3, 1958; 8:48 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN ACTUARY POSITIONS THROUGHOUT CONTINENTAL UNITED STATES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for certain positions in the Actuary Series, GS–1510–0.

This increase will be effective on the first day of the second pay period which begins after October 7, 1958, and applies to these positions throughout continental United States.

The minimum rates of pay for positions in the Actuary Series, GS–1510–0, in all specializations have been increased as follows:

GS–5 from $4040 to $4490 (fourth step).
GS–7 from $4980 to $5430 (fourth step).
GS–9 from $5985 to $6285 (third step).
GS–11 from $7030 to $7510 (third step).
GS–12 from $8330 to $8810 (third step).
GS–13 from $9890 to $10,130 (second step).
GS–14 from $11,355 to $11,595 (second step).

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F. R. Doc. 58-8202; Filed, Oct. 3, 1958; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–15423]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

Correction

In Federal Register Document 58–7900, published at page 7509 in the issue for Friday, September 26, 1958, the date at the beginning of the document should read "September 22, 1958".

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

APPRAISERS OF FEDERAL HOUSING ADMINISTRATION

DESIGNATION AS APPRAISERS TO DETERMINE APPRAISED VALUE OF CERTAIN FEDERAL PROPERTY AT BOULDER CITY, NEVADA

Correction

In Federal Register Document 58–8055, published on page 7609 in the issue for Wednesday, October 1, 1958, the words "Federal Housing Commission" in the third line should read "Federal Housing Commissioner".

SECURITIES AND EXCHANGE COMMISSION

[File No. 2–7950]

SPRECKLES COMPANIES

ORDER GRANTING APPLICATION FOR EXEMPTION

SEPTEMBER 30, 1958.

Spreckles Companies ("Applicant"), a California corporation, having filed an application pursuant to Rule 15d–20 of the general rules and regulations under the Securities Exchange Act of 1934 (17 CFR 240.15d–20) for an order exempting it from the operation of section 15 (d) of the act with respect to the duty to file any reports required by that section and the rules and regulations thereunder; and

It appearing to the Commission with respect to the request for exemption from the reporting requirements of section 15 (d) of the act as follows:

(1) Applicant's stock is not actively traded, all of its outstanding securities consisting of 369,461 shares of common stock, held by 13 record owners, and applicant knows of no more than 19 beneficial owners. 96 percent of this stock is held by three persons, of whom one, American Sugar Refining Company, is applicant's parent by reason of its record and beneficial ownership of an absolute majority of applicant's outstanding stock.

(2) Of applicant's total assets of approximately $5,500,000, approximately $3,800,000 are represented by an investment in 50 percent of the outstanding common stock of applicant's operating subsidiary, Spreckles Sugar Company, all the remaining outstanding stock of which is owned directly by American Sugar Refining Company.

(3) American Sugar Refining Company is required to file annual and other reports with the Commission pursuant to sections 13 and 15 (d) of the act and presently files complete financial statements of Spreckles Sugar Company and incorporates by reference the financial statements of applicant. Under the applicable rules of the Commission, the filing of such financial statements by American Sugar Refining Company will still be required if applicant and Spreckles Sugar Company continue to be significant under the rules and there is no material change in the ownership of applicant or Spreckles Sugar Company.

(4) In the circumstances, the filing by applicant of the reports required by section 15 (d) of the act and the rules and regulations thereunder is not necessary in the public interest or for the protection of investors.

Notice of the filing of said application having been duly given, the Commission not having received a request for a hearing within the period specified in said notice and a hearing not appearing necessary or appropriate in the public interest or for the protection of investors:

It is ordered, That the application of Spreckles Companies under Rule 15d–20 of the general rules and regulations under the act be, and it hereby is, granted.

By the Commission.

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

[F. R. Doc. 58–8179; Filed, Oct. 3, 1958; 8:46 a. m.]

[File No. 30–196]

CITIES SERVICE CO.

ORDER DISCONTINUING PROCEEDING WITH RESPECT TO APPLICATION

SEPTEMBER 29, 1958.

Cities Service Company ("Cities"), a registered holding company, having filed an application, as amended, for an order, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), declaring that Cities has ceased to be a holding company and terminating its registration under the act; and

A hearing having been held, pursuant to notice and order duly issued (Holding Company Act Release No. 13736, April 21, 1958), briefs having been filed by Cities and by persons granted leave to be heard, oral argument having been heard, and the matter being sub judice; and

Cities having withdrawn its application, and the persons granted leave to be heard having advised the Commission that they have no objection to such withdrawal, and it appearing that the withdrawal of the application leaves no issue pending for determination in this proceeding, and that, accordingly, the proceeding should be discontinued;

It is ordered, That the proceeding in the above-entitled matter be, and it hereby is, discontinued.

By the Commission.

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

[F. R. Doc. 58–8180; Filed, Oct. 3, 1958; 8:46 a. m.]

[File No. 70–3730]

WEST TEXAS UTILITIES CO. AND CENTRAL AND SOUTH WEST CORP.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUE AND SALE BY SUBSIDIARY TO PARENT OF ADDITIONAL COMMON STOCK

SEPTEMBER 29, 1958.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and West Texas Utilites Company ("West Texas"), its public-utility subsidiary, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and have designated sections 6, 7, 9 and 10 of the act, and rules 23, 43, 50 (a) (3) and 100 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

West Texas proposes to amend its charter to increase the authorized number of shares of its common stock of $10 par value per share from 1,450,000 shares now outstanding to 1,575,000 shares and to issue and sell said additional 125,000 shares to Central, the owner of all of its presently outstanding common stock. Central will purchase and acquire said shares from West Texas for the sum of $1,250,000 in cash.

The application-declaration states that the proceeds from such transactions, which are to be consummated after October 15, 1958, but prior to December 31, 1958, will be used to finance part of West Texas' construction program.

No fees, commissions, or expenses are proposed to be incurred by West Texas or Central in connection with the proposed transactions, other than a Federal original issue stamp tax payable by West Texas amounting to $1,375 and other miscellaneous incidental expenses estimated at not to exceed $300 in the aggregate.

It is stated that no State or Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than October 14, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest 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 request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date such application-declaration, as filed or amended, may be granted and permitted to become effective, as provided in Rule 23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules 20 (a) and 100 or take such other action as it may deem appropriate.

By the Commission.

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

[F. R. Doc. 58–8181; Filed, Oct. 3, 1958; 8:46 a. m.]

TARIFF COMMISSION

[Investigation 35]

IRON ORE

NOTICE OF HEARING

The United States Tariff Commission has ordered that a public hearing in connection with the investigation instituted August 4, 1958, under section 332 of the Tariff Act of 1930, in accordance with a resolution of the Committee on Finance, United States Senate, relating to iron ore, be held beginning at 10 a. m., e. s. t., on January 6, 1959. The announcement regarding institution of the investigation appeared in the FEDERAL REGISTER (23 F. R. 6164).

Interested parties desiring to appear and to be heard at the hearing should notify the Secretary, United States Tariff Commission, Washington 25, D. C., at least three days before the date of the hearing. The hearing will be held in the Tariff Commission hearing room on the third floor of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Issued: September 30, 1958.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 58–8184; Filed, Oct. 3, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 1, 1958.

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. 34996: *Lumber, poles or pilings from Georgia points to the East.* Filed by The Atlantic Coast Line Railroad Company (No. 204), Agent, for interested rail carriers. Rates on lumber, poles or pilings, and other forest products, carloads, accorded preservative treatment in transit at Amcreco, Ga., from station on the Atlantic Coast Line Railroad, Cordele, Ga., to Alma, inclusive.

Grounds for relief: Cross country rail and market competition with points in Georgia on the Southern Railway, on traffic accorded like transit at Amcreco.

Tariff: Supplement 28 to Atlantic Coast Line Railroad tariff I. C. C. No. B–3439.

AGGREGATE-OF-INTERMEDIATES

FSA No. 34997: *Passenger fares in New England.* Filed by W. H. Clifford, Agent (No. 2), for the Bangor and Aroostook Railroad Company and other interested carriers, involving first class and coach fares for the transportation of persons between points in New England and between points in New England, on the one hand, and points on connecting lines in other territories, on the other.

Grounds for relief: Maintenance of through one-factor fares higher than the aggregate-of-intermediate fares.

By the Commission.

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

[F. R. Doc. 58–8193; Filed, Oct. 3, 1958; 8:49 a. m.]

[Rev. S. O. 562, Amdt. 5 to Taylor's I. C. C. Order 81]

NEW YORK, ONTARIO AND WESTERN RAILWAY

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 81 and good cause appearing therefor:

It is ordered, That:

Taylor's I. C. C. Order No. 81 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., March 31, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 30, 1958, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 26, 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-8194; Filed, Oct. 3, 1958; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 95]

PENNSYLVANIA RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, The Pennsylvania Railroad Company, account car ferry out of operation, is unable to transport traffic routed over its lines across Lake Erie between Ashtabula, Ohio, and Port Burwell, Ontario: *It is ordered,* That:

(a) Rerouting traffic: The Pennsylvania Railroad Company and its connections are hereby authorized to divert or reroute traffic routed across Lake Erie between Ashtabula, Ohio and Port Burwell, Ontario account car ferry being out of operation. Such traffic may be rerouted over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or division is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective 5:00 p. m., September 25, 1958.

(g) Expiration date: This order shall expire at 11:59 p. m., November 25, 1958, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Federal Register Division.

Issued at Washington, D. C., September 25, 1958.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 58-8195; Filed, Oct. 3, 1958; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SALOMON RENS 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, Claim No., Property, and Location

Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 17658 (16 F. R. 3683, April 28, 1951) in and to the securities described below.

Salomon Rens, High Wycombe, England; Frans Leonhard Rens, Rijswijk, Holland; Claim No. 66800; $27.44. Dominican Republic, Customs Administration Sinking Fund 5½/69, Bond No. 2434, in the principal amount of $1,000.

Henri Polak, Wassenaar, Holland; Claim No. 66801; State of New South Wales, External Sinking Fund, 5/57, Bond No. 5540, in the principal amount of $1,000.

Lodewyk Bernard van Nierop, Amsterdam, Holland; Claim No. 66802; $54.87. Dominican Republic, Customs Administration Sinking Fund 5½/69, Bonds Nos. 2955/6, in the principal amount of $1,000 each.

Wolff Elias Schenk, Utrecht, Holland; Claim No. 66803; $27.44. Dominican Republic, Customs Administration Sinking Fund 5½/69, Bond No. 2382, in the principal amount of $1,000.

Vesting Order No. 17658.

Executed at Washington, D. C., on September 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-8191; Filed, Oct. 3, 1958; 8:48 a. m.]

LUDWIG FEIGEL

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, Claim No., Property, and Location

Ludwig Feigel; Puerto de la Cruz, Tenerife, Canary Islands, Spain; $184.39 in the Treasury of the United States.

Vesting Order No. 16680; Claim No. 66570.

Executed at Washington, D. C., on September 26, 1958.

For the Attorney General.

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

[F. R. Doc. 58-8164; Filed, Oct. 2, 1958; 8:54 a. m.]

CHARLES SCHINDLER

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, Claim No., Property, and Location

Charles Schindler, a/k/a Karl Schindler, Carlos Schindler, Carlos Schindler Konigsfeld, Frankfurt A/Main, Germany; Claim No. 62839; $99.72 in the Treasury of the United States. Vesting Order No. 9286.

Executed at Washington, D. C. September 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-8192; Filed, Oct. 3, 1958; 8:48 a. m.]

FLORA KOHN

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, Claim No., Property, and Location

Flora Kohn, Lausanne, Switzerland; Claim No. 62650; $3,116.41 in the Treasury of the United States, and all right, title, interest and claim of any kind or character whatsoever of Flora Kohn in and to the Estate of Melanie Kurt-Deri, deceased, and in and to the trust created under the Will of Melanie Kurt-Deri, deceased. Such property is in the process of administration by Anna Reiss, as Executrix and Trustee of the Estate of Melanie Kurt-Deri, acting under the judicial supervision of the Surrogate's Court, New York County, New York. Vesting Order No. 3989.

Executed at Washington, D. C., on September 30, 1958.

For the Attorney General.

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

[F. R. Doc. 58-8190; Filed, Oct. 3, 1958; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

SEPTEMBER 30, 1958.

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. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

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

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Blue Bell, Inc., Red Bay, Ala.; effective 9-18-58 to 9-17-59 (men's and boys' work and sport pants and trousers).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N. C.; effective 10-1-58 to 9-30-59; workers engaged in the production of misses' and girls' jeans and shorts and juvenile play cothes (misses' and girls' jeans and shorts).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N. C.; effective 10-1-58 to 9-30-59; workers engaged in the production of work clothing, overalls, dungarees, denim jackets (work clothing, overalls, dungarees, etc.).

Crescent Corset Co., Inc., 165 Main Street, Cortland, N. Y.; effective 10-1-58 to 9-30-59 (corsets and other body supporting garments).

Crescent Corset Co., Inc., Main Street, Moravia, N. Y.; effective 10-1-58 to 9-30-59 (corsets and other body supporting garments).

Dunhill Shirt Co., El Dorado Springs, Mo.; effective 10-1-58 to 9-30-59 (men's shirts).

Hagale Garment Manufacturing Co., Ozark, Mo.; effective 9-28-58 to 9-27-59 (work pants).

Hagale Garment Manufacturing Co., Reeds Springs, Mo.; effective 9-28-58 to 9-27-59 (work pants, semi-dress pants).

Hallmark Manufacturing Co., Clinton, S. C.; effective 10-1-58 to 9-30-59 (ladies' blouses, men's dress and sport shirts).

Lafayette Pants Corp., 401 Lafayette Boulevard, Fredericksburg, Va.; effective 9-16-58 to 9-15-59; workers engaged in the production of men's odd trousers (men's trousers).

N & W Industries, Inc., Rocky Mount, Va.; effective 10-1-58 to 9-30-59 (work pants, dungarees).

N & W Industries, Inc., Lynchburg, Va.; effective 10-1-58 to 9-30-59 (men's and boys' pants, shirts, dungarees).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 10-8-58 to 10-7-59 (cotton work and casual men's pants; cotton and chambray work and casual men's shirts).

Regal Shirt Corp., Second and Pine Sts., Catawissa, Pa.; effective 10-1-58 to 9-30-59 (men's sport shirts).

Regal Shirt Corp., 125 West Center Street, Millersburg, Pa.; effective 10-1-58 to 9-30-59 (men's dress and sport shirts).

Rob Roy Co., Inc., Ridgely, Md.; effective 10-1-58 to 9-30-59 (boys' shirts).

I. Schneierson & Sons, Inc., 460 Globe Street, Fall River, Mass.; effective 10-1-58 to 9-30-59 (women's and children's underwear).

Star Sportswear Manufacturers, 278 Broad Street, Lynn, Mass.; effective 10-10-58 to 10-9-59 (leather and cloth jackets for men, women and children).

Levi Strauss & Co., 1808 Cherry Street, Knoxville, Tenn.; effective 10-3-58 to 10-2-59 (denim overalls and slacks for men, women and children).

Levi Strauss & Co., 220 North Houston Avenue, Denison, Texas; effective 9-27-58 to 9-26-59 (men's denim coats and slacks).

White Stag Manufacturing Co., 5200 Southeast Harney Drive, Portland, Oreg.; effective 10-1-58 to 9-30-59; learners may not be employed at special minimum wage rates in the production of separate skirts (outerwear and sportswear).

Williamson-Dickie Manufacturing Co., Weslaco, Texas; effective 10-1-58 to 9-30-59 (men's, boys' casual pants).

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

Aalfs-Baker Manufacturing Co., Sheldon, Iowa; effective 10-1-58 to 9-30-59; 10 learners (men's and boys' blue jeans).

Carl-Lee Trouser Co., Inc., Brilliant, Ala.; effective 10-1-58 to 9-30-59; 10 learners (men's and boys' dress slacks).

Delta Shirt Manufacturing Co., Inc., Deming, N. Mex.; effective 9-18-58 to 9-17-59; 10 learners (boys' sport shirts).

Hamlet Products Co., 323 East Hamlet Avenue, Hamlet, N. C.; effective 9-17-58 to 9-16-59; 5 learners (ladies' lingerie).

M and N Corset Co., 157 Main Street, Cortland, N. Y.; effective 10-1-58 to 9-30-59; 10 learners (corsets and other body supporting garments).

Sparta Garment Co., Inc., Sparta, Ga.; effective 9-18-58 to 9-17-59; 5 learners (men's pants, ivy style).

Superior Garment Contractors, Inc., Middlesex, N. C.; effective 9-19-58 to 9-18-59; 10 learners (ladies' and children's pedal pushers, shorts, etc.).

Valley Industries, West Point, Ga.; effective 9-17-58 to 9-16-59; 10 learners (ladies' sportswear, capri pants).

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

Blue Bell, Inc., Red Bay, Ala.; effective 9-18-58 to 3-17-59; 50 learners (men's and boys' work and sport pants and trousers).

Opp Textiles, Inc., Opp, Ala.; effective 9-19-58 to 3-18-59; 58 learners (government utility jackets).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 9-19-58 to 3-18-59; 30 learners (men's dress trousers).

Tennessee Overall Co., Inc., 401 North Atlantic Street, Tullahoma, Tenn.; 20 learners (men's pants).

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 Company of Alabama, 309 Sixth Avenue, Dothan, Ala.; effective 9-24-58 to 9-23-59; 10 percent of the total number of factory production workers for normal labor turnover purposes (cigars).

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

Wells Lamont Corp., McGhee, Ark.; effective 9-22-58 to 3-21-59; 5 learners for plant expansion purposes (leather 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).

Black Mountain Hosiery Mills, Inc., Black Mountain, N. C.; effective 10-1-58 to 9-30-59; 5 learners for normal labor turnover purposes (seamless).

Claussner Hosiery Co., Plant No. 1, Hosiery Div., 28th and Adams Streets, Paducah, Ky.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Commonwealth Hosiery Mills, Ellerbe, N. C.; effective 10-3-58 to 10-2-59; 5 learners for normal labor turnover purposes (seamless).

Commonwealth Hosiery Mills, Randleman, N. C.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Crescent Hosiery Mills, Niota, Tenn.; effective 9-20-58 to 9-19-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Great American Knitting Mills, Inc., Bechtelsville, Pa., Bally, Pa.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Harriman Hosiery Co., Siluria Street, Harriman, Tenn.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Hickory Knitting Div., Hickory, N. C.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's half-hose).

Merrill Hosiery Co., 24 Bank Street, Hornell, N. Y.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Morganton Full Fashioned Hosiery Co., Morganton, N. C.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Scottsboro Hosiery Co., Scottsboro, Ala.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Walnut Cove Hosiery Mills, Walnut Cove, N. C.; effective 10-3-58 to 10-2-59; 5 learners for normal labor turnover purposes (seamless).

Wee-Sox Hosiery Mills, Randleman, N. C.; effective 10-4-58 to 10-3-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wright Knit Hosiery Mills, Inc., 876 Highland Avenue, Hickory, N. C.; effective 9-18-58 to 9-17-59; 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).

Monroeville Telephone Co., Inc., Monroeville, Ala.; effective 8-25-58 to 8-24-59 (replacement certificate).

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

The B. V. D. Co., Inc., Piqua, Ohio; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (tee and athletic shirts, brevs).

Benham Underwear Mills, Scottsboro, Ala.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton underwear—woven).

Blue Swan Mills, Sayre, Pa.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nightwear and underwear).

Fashion Industries, Inc., 120 Maple Street, Big Rapids, Mich.; effective 10-1-58 to 9-30-59; 5 learners for normal labor turnover purposes (knitted underwear and nightwear).

Fashion Industries, Inc., 207 River Street, Cadillac, Mich.; effective 10-1-58 to 9-30-59; 5 learners for normal labor turnover purposes (knitted underwear and nightwear).

Harvey Manufacturing Co., Vine and Ninth Streets, Berwick, Pa., effective 9-26-58 to 9-25-59; 5 learners for normal labor turnover purposes (women's slips).

Norwich Mills, Inc., Clayton, N. C.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear and outerwear).

Penn-Mor Manufacturing Corp., 1501 Rural Road, Tempe, Ariz.; effective 9-22-58 to 9-21-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit underwear).

Rhea Mills, Inc., South Market Street, Dayton, Tenn.; effective 10-1-58 to 9-30-59; 5 learners for normal labor turnover purposes (men's and boys' woven cotton shorts).

Robinson Manufacturing Co., South Market Street, Dayton, Tenn.; effective 10-1-58 to 9-30-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven cotton shorts).

Sylvester Textile Corp., Sylvester, Ga.; effective 9-18-58 to 3-17-59; 60 learners for plant expansion purposes (ladies' and children's underwear).

Sylvester Textile Corp., Sylvester, Ga.; effective 9-18-58 to 9-17-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear of knitted fabric).

Van Raalte Co., Inc., Main Street, Bristol, Vt.; effective 10-3-58 to 10-2-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's nylon knitted underwear).

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

Trimfoot Co., Trimfoot Terrace, Farmington, Mo.; effective 9-22-58 to 9-21-59; 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).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 9-18-58 to 3-17-59; 20 high school students for part time employment in the occupation of looping only, for a learning period of 816 hours at the rates of 80 cents an hour for the first 432 hours of employment and not less than 87½ cents an hour for the remaining 384 hours (seamless).

Fechheimer Bros. Co., 400 Pike Street, Cincinnati, Ohio; effective 9-18-58 to 3-17-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (tailored and ready-man uniforms).

Michaels Stern and Company, Inc., 204 Liberty Street, Penn Yan, N. Y.; effective 9-28-58 to 3-27-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's suits, sport coats, warmers).

Picariello and Singer, Inc., 182 Orleans Street, East Boston, Mass.; effective 9-19-58 to 3-18-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of, sewing machine operator, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (boys' tailored suits, sport coats, topcoats, etc.).

Timely Clothes, Inc., 1415 North Clinton Avenue, Rochester, N. Y.; effective 9-17-58 to 3-16-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's suits, outercoats and slacks).

Timely Clothes, Inc., 65 Sullivan Street, Rochester, N. Y.; effective 9-17-58 to 3-16-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, final presser, hand sewer, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (men's suits, outercoats and slacks).

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

Bakan Plastics P. R., Inc., Hato Rey Industrial Subdivision, Lot 1, Roosevelt Station, P. R.; effective 9-3-58 to 3-2-59; 15 learners for plant expansion purposes in the occupation of assembly work for a learning period of 160 hours at the rate of 75 cents an hour (plastic sprayers).

Caribe Knitting Mills, Inc., Juncos, P. R.; effective 9-14-58 to 9-13-59; 21 learners for normal labor turnover purposes in the occupations of: (1) machine knitters, machine, loopers, and topping each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours, and 84 cents an hour for the remaining 240 hours; (2) machine stitchers (sewing machine operators; merrow operators and seamers); and pressers, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (knitted sweaters).

Jaru, Inc., Caguas, P. R.; effective 9-4-58 to 3-3-59; 30 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Liza, Inc., 1253 Las Palmas Street, Santurce, P. R.; effective 9-8-58 to 3-7-59; 44 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

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.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than

the minimum wage rates applicable under section 6 of the act have been issued to the firm listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Enterprise Academy, Enterprise, Kans.; effective 9-15-58 to 8-31-59; authorizing the employment of 3 student-workers in the print shop industry in the occupations of, compositor, pressman, linotype operator, and related skilled and semiskilled occupations, for a learning period of 1,000 hours each, at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 25th day of September 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-8177; Filed, Oct. 3, 1958; 8:46 a. m.]