THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 23 — 1934 OF THE UNITED STATES — NUMBER 225

Washington, Tuesday, November 18, 1958

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. U]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

LOAN TO OPEN-END INVESTMENT COMPANY

§ 221.109 *Loan to open-end investment company.* In response to a question regarding a possible loan by a bank to an open-end investment company that customarily purchases stocks registered on a national securities exchange, the Board stated that in view of the general nature and operations of such a company, any loan by a bank to such a company should be presumed to be subject to this part as a loan for the purpose of purchasing or carrying registered stocks. This would not be altered by the fact that the open-end company had used, or proposed to use, its own funds or proceeds of the loan to redeem some of its own shares, since mere application of the proceeds of a loan to some other use cannot prevent the ultimate purpose of a loan from being to purchase or carry registered stocks.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies secs. 3, 7, 17, 48 Stat. 882, as amended, 886, as amended, 897, as amended; 15 U. S. C. 78c, 78g, 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F. R. Doc. 58-9513; Filed, Nov. 17, 1958; 8:47 a. m.]

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

"DISCOUNTS" OF COMMODITY CREDIT CORPORATION CERTIFICATES

§ 222.108 *"Discounts" of Commodity Credit Corporation Certificates.* (a) The Board recently considered the question whether section 6 (a) (4) of the Bank Holding Company Act of 1956 applies to transfers of Commodity Credit Corporation Certificates of Interest between banks which are subsidiaries of the same bank holding company.

(b) In the General Contract Corporation case, Federal Reserve Bulletin for March 1958, at page 260, the Board expressed the view that the nonrecourse purchase of paper by a bank from another subsidiary of the same bank holding company constitutes a "discount" within the meaning of section 6 (a) (4) of the Bank Holding Company Act, which forbids any bank "to make any loan, discount or extension of credit to" its bank holding company or any fellow subsidiary.

(c) The Board's Statement in that case said, among other things, that:

> It is to be understood, of course, that the purchases referred to here are purchases of paper—promissory notes, bills of exchange and the like. As the Examiner indicated bank discounts as commonly understood do not apply "to a bank's acquisition through purchase of other assets, securities or obligations, such as, for example, corporate stocks, bonds or debentures."

(d) As indicated by this quotation from the Board's Statement, it seems appropriate to consider the limitation on "discounts" as, in general, applying to those assets usually considered to be "loans" and not applying to those usually considered to be "securities".

(e) With that in mind, and looking to the nature of the present Certificates, it is seen that the call report of condition of State member banks treats these Certificates as loans. They are included on the reverse side of the form under Schedule A, Loans and Discounts, as Item 4 (a)—"Loans directly guaranteed by the Commodity Credit Corporation and Certificates of Interest representing ownership thereof". It may also be noted that under section 2 (b) (2) of the Board's Regulation A, (§ 201.2 (b) (2) of this chapter) relating to advances and discounts by Federal Reserve Banks, these Certificates are treated, in effect, as being "eligible paper" under the Federal Reserve Act. It is also understood that these Certificates are not considered to be subject to the limitation on the public

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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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debt stated in section 21 of the Second Liberty Bond Act, as amended (31 U. S. C. sec. 757b).

(f) In the circumstances, while it could be argued that these Certificates have some characteristics similar to those of securities, the better view would seem to be to treat them as "paper", as they have apparently been treated in other connections. Accordingly, the Board expressed the view that transfers of the Certificates are subject to the provisions of section 6 (a) (4) of the Bank Holding Company Act relating to "discounts".

(Sec. 5, 70 Stat. 137; 12 U. S. C. 1844)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F. R. Doc. 58-9514; Filed, Nov. 17, 1958; 8:47 a. m.]

TITLE 7—AGRICULTURE

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

[1023—Allotments—(Cigar-Filler (Type 41) Tobacco—59)-1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 58-8446, appearing in the issue for Saturday, October 11, 1958, at page 7877, change paragraph 3 to read as follows:

3. Section 723.886 is deleted.

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

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 9]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REVISION OF PRORATION OF 1958 QUOTA DEFICITS

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter called the "act" for the purpose of revising the proration of deficits in the quotas for Hawaii, Puerto Rico, and the Virgin Islands for sugar to be marketed in the continental United States in 1958. This action is necessary because it is now apparent that the Domestic Beet Sugar Area will be unable to fill its full share of such deficits as previously prorated.

Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202 (a) (2) of the act, shall first be prorated to other domestic areas on the basis of the quotas then in effect. Section 204 (a) of the act further provides that the remainder of such deficit shall be prorated to other domestic areas and Cuba on the basis of quotas then in effect and provides that if any domestic area will be unable to fill its proration of such remaining deficit, the Secretary may prorate such unfilled amount to such areas as he determines is required to fill such deficit.

The limited time remaining in 1958 dictates that this amendment be made effective immediately to afford all affected persons ample opportunity to make necessary adjustments in the marketing of sugar. Therefore, is is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the Administrative Procedure Act (60 Stat. 237) § 811.4 of Sugar Regulation 811 (23 F. R. 2785, as amended) is hereby amended to read as follows:

§ 811.4 *Determination and proration of area deficits and adjusted quotas*—(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1958, Hawaii, Puerto Rico, and the Virgin Islands will be unable by 415,479, 351,375 and 9,805 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202 (a) (2).* The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 153,759 short tons, raw value, is hereby prorated to other domestic areas on the basis of the quotas established in § 811.2. The quotas for domestic areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

	Short tons, raw value	
	Prorated herein	Quotas including prorations herein
Area:		
Domestic beet sugar	117,579	2,116,296
Mainland cane sugar	36,180	651,204
Hawaii	0	1,115,479
Puerto Rico	0	1,166,375
Virgin Islands	0	15,905

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 622,900 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.3 for Cuba, to the domestic areas, to the extent they are able to supply additional sugar, and to Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

	Short tons, raw value	
	Prorated herein	Quotas including prorations herein and in paragraph (b) of this section
Area:		
Domestic beet sugar	176,192	2,292,488
Mainland cane sugar	60,601	720,805
Hawaii	0	1,115,479
Puerto Rico	0	1,166,375
Virgin Islands	0	15,905
Cuba	377,107	3,437,582

STATEMENT OF BASES AND CONSIDERATIONS

This action prorates to Cuba 50,000 tons of the deficit in quotas of other areas previously prorated to the Domestic Beet Sugar Area.

This year unexpectedly large deficits were experienced by three domestic areas, Hawaii, Puerto Rico, and the Virgin Islands. The shortfalls which totalled 776,659 tons were prorated to the Domestic Beet Sugar Area, the Mainland Cane Sugar Area and Cuba. The sugar beet area received a proration of 343,771 tons which when added to its own basic quota of 1,998,717 tons resulted in an adjusted quota of 2,342,488 tons. Sugar beet processors adapted their marketing programs to the increased opportunities and sold practically all old-crop sugar before new-crop sugar became available in volume late in October. The new-crop has now progressed sufficiently to indicate that the sugar beet industry will not be able to market its full quota this year and retain a sufficient reserve of

sugar to assure adequate supplies for its customers next year prior to the fall harvest. Advice recently received from beet sugar processors indicates that marketings this year will be less than the present adjusted quota established in Amendment 8, Sugar Regulation 811 (23 F. R. 8019). Accordingly, a reproration of 50,000 tons is being made.

It, also, appears that the Mainland Cane Sugar Area will not be able to market sugar in 1958 in excess of its quota of 720,805 tons which includes 105,781 tons resulting from the proration of deficits in the quotas of offshore domestic areas. Accordingly, no part of this reproration is being made to the Mainland Cane Sugar Area.

Pursuant to section 204 (a) of the act, the deficits in the mainland quotas for Hawaii, Puerto Rico, and the Virgin Islands totaling 776,659 short tons, raw value, as previously determined, are herein reprorated by prorating 153,759 tons to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in Sugar Regulation 811, Amendment 8 (23 F. R. 8019) and then by prorating 622,900 tons to such domestic areas to the maximum extent they appear able to market such additional quantities and to Cuba.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204, 61 Stat. 924, as amended, 925, as amended; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 13th day of November 1958.

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

[F. R. Doc. 58-9536; Filed, Nov. 17, 1958; 8:52 a. m.]

[Sugar Reg. 814.25, Amdt. 2 (Rescission)]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1958

Basis and purpose. This revision is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of rescinding Sugar Regulation 814.25, as amended (23 F. R. 5473, 8329), which established allotments of the 1958 Mainland Cane Sugar Area quota.

Allotments of the Mainland Cane Sugar Area quota were established when such quota amounted to 685,441 short tons, raw value. The quota for the area has since been increased by 35,365 tons. Prospective sugar supplies of the Mainland Cane Sugar Area for marketing in 1958 are not expected to be in excess of the current quota of 720,805 short tons, raw value, established for the area in Sugar Regulation 811, Amendment 8 (23 F. R. 8019). Consequently, it is found unnecessary to continue in effect the allotments of such quota and § 814.25 of this chapter (Sugar Regulation 814.25) is hereby rescinded.

Effective date. Because of the limited time remaining in the year to market sugar within the quota for the area, it is essential that processors be afforded as much time as possible to plan and to execute orderly marketings. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the rescinding of § 814.25 of this chapter (Sugar Regulation 814.25) made herein shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 13th day of November 1958.

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

[F. R. Doc. 58-9535; Filed, Nov. 17, 1958; 8:51 a. m.]

[Sugar Reg. 814.34 (Rescission)]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1958

Basis and purpose. This revision is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of rescinding Sugar Regulation 814.34, as amended (23 F. R. 4611, 5246), which established allotments of the 1958 Domestic Beet Sugar Area quota.

Allotments of the Domestic Beet Sugar Area quota were established when that quota amounted to 2,227,558 short tons, raw value. The quota for the area was subsequently increased by 114,930 tons to 2,342,488 short tons, raw value. Of this quantity 343,771 tons represented the area's share of deficits in the quotas of offshore domestic areas.

Recently, after practically all of this fall's crop of sugar beets had been taken from the ground and it was possible for processors to rather accurately estimate production, they were asked to indicate their probable deliveries this year. Taking into account the need to retain sugar for supplying customers next year prior to the fall harvest, it appears that marketings may be as much as 100,000 tons less than the quota of 2,342,488 tons as established by Amendment 8 of Sugar Regulation 811. Accordingly, the quota for the Domestic Beet Sugar Area was reduced by 50,000 tons to 2,292,484 tons by reprorating to Cuba a portion of the deficits previously prorated to the Domestic Beet Sugar Area. The revised quota will be adequate to cover all marketings of sugar by the area that are likely to occur during 1958. Consequently, it is found unnecessary to continue in effect the allotments of such quota and § 814.34 of this chapter (Sugar Regulation 814.34) is hereby rescinded.

Effective date. Because of the limited time remaining in the year to market sugar within the quota for the area, it is essential that processors be afforded as much time as possible to plan and to execute orderly marketings. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, the rescinding of § 814.34 of this chapter (Sugar Regulation 814.34) made herein shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, as amended, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 13th day of November 1958.

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

[F. R. Doc. 58-9537; Filed, Nov. 17, 1958; 8:52 a. m.]

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

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ESTABLISHMENT OF BUDGET OF EXPENSES OF WALNUT CONTROL BOARD AND RATES OF ASSESSMENT

Notice was published in the FEDERAL REGISTER of October 24, 1958 (23 F. R. 8213) that the Secretary was considering establishment of a budget of expenses of the Walnut Control Board in the amount of $123,000, and assessment rates of 0.12 cent and 0.18 cent per pound, respectively, for merchantable unshelled and shelled walnuts handled in the marketing year beginning August 1, 1958. This action, as proposed and as hereby taken, is in accordance with applicable provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR Part 984), effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The aforesaid notice afforded interested persons an opportunity to file data, views, or arguments concerning the proposals. The prescribed time has expired and no such communications have been filed.

After consideration of all relevant matters presented, including the proposals contained in such notice which were recommended by the Walnut Control Board, it is hereby found that the aggregate expenses hereinafter set forth are reasonable and likely to be incurred by the Control Board during the 1958–59 marketing year and that the rates of assessment as fixed hereby should assure adequate funds to defray such expenses for such marketing year. *Therefore, it is ordered,* That the budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1958, be as follows:

§ 984.310 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1958*—(a) *Budget of expenses.* The budget of expenses for the marketing year beginning August 1, 1958, shall be in the total amount of $123,000

for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of the said amended marketing agreement and order determine to be appropriate.

(b) *Rates of assessment.* The rates of assessment to be paid by each handler to the Walnut Control Board in accordance with said amended marketing agreement and order are hereby fixed at 0.12 cent per pound of merchantable unshelled walnuts handled or certified for handling and at 0.18 cent per pound of merchantable shelled walnuts handled or declared for handling by such handler during said marketing year.

It is hereby found that good cause exists for not postponing the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that: (1) The action is applicable to all merchantable walnuts handled during the current marketing year and such handling has already begun; (2) the authorization of expenses and fixing of the rates of assessment should be effected as soon as possible to enable the Walnut Control Board to perform its functions in accordance with the requirements of said amended marketing agreement and order; (3) prior notice of the proposed action was given all interested parties; and (4) compliance herewith will not require any special or advance preparation on the part of handlers.

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

Dated: November 13, 1958, to become effective upon publication in the FEDERAL REGISTER.

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

[F. R. Doc. 58-9534; Filed, Nov. 17, 1958; 8:51 a. m.]

PART 987—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

TERMINATION ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act" and of the order, as amended (7 CFR Part 987) regulating the handling of milk in the Central Mississippi marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The provision "§ 987.90 or" in § 987.71 (a) of the order does not tend to effectuate the declared policy of the act.

A primary purpose of provision § 987.71 (a) is to protect the solvency of the producer-settlement fund. The provision, as now written, does not exclude from the computation of the uniform price the report of a handler who has failed to make the required payments to the producer-settlement fund but has made proper payments to producers. The deletion of the provision "§ 987.90 or" will insure the exclusion of a handler's report from the computation of the uniform price if he has failed to make required payments to the producer-settlement fund and thus tend to effectuate the declared policy of the act.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time for such compliance.

(2) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That the provision "§ 987.90 or" as it appears in § 987.71 (a) of the aforesaid order be and is hereby terminated.

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

Done at Washington, D. C., this 12th day of November 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-9533; Filed, Nov. 17, 1958; 8:51 a. m.]

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

SUBPART—ORDER REGULATING HANDLING

COMPILATION OF ORDER REGULATING HANDLING

For convenient reference, the texts of the codified portions of Order No. 103, regulating the handling of domestic dates produced or packed in a designated area of California, and comprising Subpart—Order Regulating Handling (F. R. Doc. 55-5773; 20 F. R. 5056), as amended (23 F. R. 6904), are hereby reprinted in the FEDERAL REGISTER in the form of a compilation.

The compilation was prepared in cooperation with the Federal Register Division and has been examined for completeness and accuracy.

Dated: November 12, 1958.

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AUTHORITY: §§ 1003.0 to 1003.84 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1003.0 *Findings and determinations*—(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 23 F. R. 4027, 4779), a public hearing was held at Coachella, California, on April 10–11, 1958, on a proposed amendment of Marketing Agreement No. 127, and Order No. 103 (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as hereby amended, regulates the handling of domestic dates produced or packed in Riverside, Orange, and Los Angeles Counties and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of dates in the area of production covered by the order, as hereby amended, which would require different terms applicable to different parts of such area; and

(5) All handling of dates produced or packed in the area of production, as hereby amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

(c) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). The provisions of this amendatory order are, among other things, designed to relieve handlers of some obligations, improve the operation of the program, and provide additional means for achieving the objectives of the program. It is necessary, in order to effectuate the declared policy of the act and to maximize the benefits derivable from this amendatory action during the current crop year, that this amendatory order become effective as early in the current crop year as practicable so as to cover substantially all of the dates handled during such year. The present crop year began on August 1, 1958, only limited quantities of dates are now being handled, and such handling is expected to increase substantially in the immediate future. The provisions of this amendatory order are well known to handlers. The public hearing in connection therewith was held on April 10 and 11, 1958, in Coachella, California, and the recommended decision and the final decision were published in the FEDERAL REGISTER on July 17, 1958 (23 F. R. 5454) and August 15, 1958 (23 F. R. 6303), respectively. The text of the amendatory order was made available to all known interested persons. With respect to a number of the changes in the present provisions of the regulatory program, effected by the amendatory order, which may result in changed obligations of handlers, actions will be required by the Secretary of Agriculture after the amendatory order becomes effective; and handlers are already aware of the circumstances involved. The specified effective date hereof will provide an early opportunity for the taking of the required actions. Accordingly, date handlers will need no further advance notice to prepare for compliance with the provisions of this amendatory order.

(d) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in a Designated Area of California," upon which public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dates covered by said order, as hereby amended) who, during the period August 1, 1957 through July 31, 1958, handled not less than 50 percent of the volume of dates covered by said order, as hereby amended; and

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1957 through July 31, 1958), were engaged in the production for market of dates which are covered by said order, as hereby amended, such producers having also produced for market at least two-thirds of the volume of such dates represented in such referendum.

It is therefore, ordered, That, on and after the effective date hereof, all handling of dates produced or packed in the area of production shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended as follows:

DEFINITIONS

§ 1003.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1003.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1003.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1003.4 *Area of production.* "Area of production" means the Counties of Riverside, Orange and Los Angeles, and that portion of San Bernardino County lying west of 116 degrees W. longitude, located within the State of California.

§ 1003.5 *Dates.* "Dates" means the Deglet Noor, Zahidi, and Khadrawy varieties of domestic dates produced or packed in the area of production.

§ 1003.6 *Crop year.* "Crop year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 1003.7 *Producer.* "Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the production of dates for sale.

§ 1003.8 *Handler.* "Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder: *Provided*, That for the purposes of §§ 1003.22 and 1003.24 such person shall qualify as a handler only if he has acquired the dates directly from producers.

§ 1003.9 *Handle.* "Handle" means to sell, consign, transport or ship (except as a common or contract carrier of dates owned by another person) or in any other way to put dates into the current of commerce, except that sales or deliveries by producers to a handler within the area of production or the movement of dates by a handler to storage for his account within the area of production shall not be considered as handling.

§ 1003.10 *Handler carry-over.* "Handler carry-over" means, as of any date, all marketable dates then held by a handler or for his account (whether or not sold), plus the estimated quantity of marketable dates in ungraded or unprocessed lots then held by said handler.

§ 1003.11 *Trade demand.* "Trade demand" means the aggregate quantity of whole dates and pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

§ 1003.12 *Marketable dates.* "Marketable dates" means, for any crop year, whole or pitted dates which are certified

as equal to or higher than the applicable minimum grade then in effect pursuant to § 1003.39 and any additional, applicable requirements, pursuant to § 1003.40, which may then be in effect for restricted dates.

§ 1003.13 *Free dates.* "Free dates" means those dates which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 1003.44.

§ 1003.14 *Restricted dates.* "Restricted dates" means those dates which must be withheld by handlers pursuant to any restricted percentage established by the Secretary in accordance with § 1003.44.

§ 1003.15 *Substandard dates.* "Substandard dates" means those dates which fail to meet the requirements for marketable dates but are not cull dates.

§ 1003.16 *Cull dates.* "Cull dates" means dates which fail to meet the requirements (with respect to freedom from defects) prescribed in section 798 of the Agricultural Code of California for dates for use in products or by-products other than alcohol, brandy, and products not intended for human consumption.

§ 1003.17 *Graded dates.* "Graded dates" means those dates which are eligible for certification as marketable dates.

§ 1003.18 *Committee.* "Committee" means the Date Administrative Committee established pursuant to § 1003.21.

§ 1003.19 *Cooperative marketing association.* "Cooperative marketing association" means a cooperative marketing association of date growers organized under the laws of the State of California.

§ 1003.20 *Part and subpart.* "Part" means the order regulating the handling of domestic dates produced or packed in Los Angeles, Riverside and Orange Counties, and that portion of San Bernardino County lying west of 116 degrees W. longitude located within the State of California, and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

DATE ADMINISTRATIVE COMMITTEE

§ 1003.21 *Establishment of Date Administrative Committee.* A Date Administrative Committee, composed of seven members with an alternate member for each such member, is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members and alternates may be changed consistent with findings made pursuant to § 1003.22 (b).

§ 1003.22 *Membership representation.* (a) Members and alternate members shall, until such time as a realignment of the committee membership is effected pursuant to paragraph (b) of this section, be selected by the Secretary from each of the following groups and on the following basis:

(1) One member from handlers, each of whom produced during the then current crop year to February 28 at least 51 percent of all of the dates handled by him during such period, and producers, each of whom delivered to such handlers during the then current crop year to February 28 at least 50 percent of his deliveries to all handlers during such period;

(2) Three members from cooperative marketing associations of whom one shall be an employee and serve as a handler member of the committee, and two shall be from among the producer members of such associations;

(3) Three members from all other handlers and producers of whom two shall be handler members selected from among such other handlers, and one shall be a producer member selected from among such other producers.

The foregoing representation is based on each member representing approximately 14.28 percent of date tonnage handled.

(b) Whenever the Secretary finds that any change in tonnage handled in any group is equivalent to more than one-half of the basic 14.28 percent for a member, he shall so notify the committee and thereafter nominations and selections of members and alternates in that group shall be in such numbers and follow such alignment as the Secretary may determine: *Provided*, That each group shall be entitled to at least one member and alternate. Any such realignment shall be based on the tonnage of dates acquired from producers and certified for handling or further processing during the then current crop year to February 28. Any increase or decrease in the number of members representing a particular group shall not be dependent upon a change in membership representation of any other group nor shall any increase or decrease in the total number of members on the committee change the basic percentage herein established for tonnage representation for members. Except for the group specified in paragraph (a) (1) of this section, any change in the nomination and selection of members for any group shall be made so as to keep producer members and handler members in balance insofar as possible.

§ 1003.23 *Term of office.* The term of office for members and alternate members shall be one year ending on May 14 but each such member and alternate member shall continue to serve until his successor has been selected and has qualified.

§ 1003.24 *Nominations.* (a) Each group specified in § 1003.22 (a) may nominate, at a nomination meeting or meetings held on or before April 15 of each year, members and alternates to represent the group. With respect to the group specified in § 1003.22 (a) (3), separate meetings of handlers and of producers shall be held to nominate the handler representatives and producer representatives, respectively.

(b) At any meeting of the group specified in § 1003.22 (a) (1), each producer and each producer-handler shall be entitled to one vote for each position to be filled. At the respective meetings of the cooperative marketing associations in the group specified in § 1003.22 (a) (2), and of the handlers in the group specified in § 1003.22 (a) (3), each such association and each such handler shall be entitled to vote for each position to be filled as a representative for the particular group; and each such vote shall be weighted by the tonnage of dates acquired from producers and certified, for handling or for further processing, through February 28 of the then current crop year. At any meeting of the producers in the group specified in § 1003.22 (a) (3), each such producer shall be entitled to one vote for each position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Immediately after the completion of the meetings covered by this section, the committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the committee to be pertinent or which is requested by the Secretary. The Secretary shall select, in his discretion, members and alternates from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 1003.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

§ 1003.25 *Qualification.* Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance after receiving notice of his selection. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the committee shall be deemed vacant.

§ 1003.26 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify or by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within thirty calendar days after such vacancy occurs and selected in the manner, and subject to the conditions, provided in this subpart.

§ 1003.27 *Alternates.* An alternate for a member of the committee shall act in the place and stead of such member during his absence or in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 1003.28 *Expenses.* The members of the committee shall serve without compensation but shall be allowed their necessary expenses.

§ 1003.29 *Powers.* The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart.

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

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

(d) To recommend to the Secretary amendments to this subpart.

§ 1003.30 *Duties.* The committee shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any producer or handler.

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

(c) To investigate the growing, handling, and marketing conditions with respect to dates, to assemble data in connection therewith.

(d) To furnish to the Secretary such available information as may be deemed pertinent to the administration of this subpart or as he may request and to give to the Secretary the same notice of meetings of the committee as is given to the members of the committee.

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and where desirable fix the bonds of such employees.

(f) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or the Secretary may request. The report of each such audit shall show among other things the receipt and expenditure of funds pursuant hereto. Two copies of such audit shall be submitted to the Secretary, and

(g) To investigate compliance and to use means available to the committee to prevent violations of this part.

§ 1003.31 *Procedure.* The members of the committee shall select a chairman from their membership and shall select such other officers and adopt such rules for conduct of its business as it may deem advisable. All decisions of the committee shall be by an affirmative vote of at least two-thirds (in case of fractional numbers, rounded to the nearest whole number) of the members of the committee. The presence of two-thirds, determined in the same way, of the members of the committee shall be required to constitute a quorum. The committee may vote by mail, telephone when confirmed in writing, or telegram, upon due notice and full and identical explanation to all members, but one dissenting vote shall prevent the adoption of any proposition presented to voting by this method. At all assembled meetings of the committee all votes shall be cast in person.

RESEARCH AND DEVELOPMENT

§ 1003.33 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The expense of such projects shall be paid from funds collected pursuant to § 1003.72.

MARKETING POLICY

§ 1003.34 *Development.* As early as practicable, but no later than August 1, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the ensuing crop year. In developing the marketing policy the committee shall give consideration to the following factors by varieties:

(a) Its estimate of the total date production separated as to marketable dates and dates of other grades and, when applicable, sizes, which will be produced in such crop year;

(b) Its estimate of handler carry-over as of July 31 and of any non-marketable dates held by handlers or users;

(c) Its estimate of the trade demand, taking into consideration imports, economic conditions and the anticipated market price, within the limitations of the act;

(d) Its recommendation with respect to the free and restricted percentages to be fixed; and

(e) Its recommendations as to grade and size regulations.

§ 1003.35 *Modifications.* In the event the committee subsequently determines that the marketing policy should be modified due to changing supply or demand conditions, it shall formulate and submit to the Secretary its modified marketing policy along with the data which it considered in connection with such modification.

§ 1003.36 *Notice.* The committee shall give notice through newspapers having general circulation in the area of production or by other means of communication to producers and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying such marketing policy. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by producers and handlers.

GRADE REGULATION

§ 1003.39 *The establishment of minimum standards.* In order to effectuate the declared policy of the act all whole dates and pitted dates handled under this subpart shall meet the requirements of U. S. Grade C, or, if for further processing, U. S. Grade C (Dry), of the effective United States Standards for Grades of Dates: *Provided,* That the Secretary may, upon recommendation of the committee, prescribe other minimum standards of quality. To aid the Secretary in prescribing such other minimum standards, the committee shall furnish to the Secretary the data upon which it acted in recommending such standards. The provisions hereof relating to minimum standards of quality and to inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2 (1) of the act. Notice of the minimum standard regulation shall be sent by the committee to all handlers of record. On and after the effective date of such regulations no handler shall handle dates except in accordance with such minimum standard.

§ 1003.40 *Additional grade or size regulations.* Whenever the committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 1003.39, to govern dates of such variety to be handled or to be withheld to meet restricted obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. If the Secretary finds, upon the basis of such recommendation or other information available to him, that such additional grade or size regulation, or both such regulations, will tend to effectuate the declared policy of the act, he shall establish such regulations. Notice thereof, showing the effective date, shall be sent by the committee to all handlers of record. On and after the effective date no handler shall handle dates of such variety or withhold such dates to meet withholding obligation except in accordance with such regulations.

§ 1003.41 *Inspection*—(a) *Packed dates.* Prior to handling any dates packed for handling each handler shall, at his own expense, cause: (1) An inspection to be made of such dates in order to ascertain if such dates meet the applicable grade and size regulations prescribed or provided for in this part; and (2) a certification for handling to be made of all such dates as meet such grade and size regulations.

(b) *Dates for further processing.* Prior to handling any dates for further processing each handler shall, at his own expense, cause: (1) An inspection to be made to ascertain if such dates meet the applicable grade and size requirements effective pursuant to § 1003.39 or § 1003.40, except for character associated with moisture; and (2) a certification for further processing to be made of all such dates as meet such grade and size requirements: *Provided,* That such inspection and certification requirements shall not apply to interhandler transfers within the area of production of field-run dates or graded dates.

(c) *Identification and agency.* All dates handled shall be identified by seals, stamps, or other means prescribed by the committee and affixed to the containers by the handlers under the supervision of the committee or the designated inspectors. Inspection shall be performed by inspectors of the United States Department of Agriculture's Processed Products Standardization and Inspection Branch or such other inspection agency as may be recommended by the committee and approved by the Secretary. Handlers shall cause a copy of each in-

spection certificate to be furnished to the committee.

VOLUME REGULATION

§ 1003.44 *Free and restricted percentages.* (a) Whenever the committee finds that the available supply of marketable dates for any crop year exceeds or is likely to exceed the total trade demand therefor, and that limiting the volume to be sold in whole or pitted form of any or all varieties through establishing free and restricted percentages applicable to such supply would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If the Secretary finds, upon the basis of the committee's recommendation and supporting data or other information available to him, that the establishment of such percentages would tend to effectuate the declared policy of the act, he shall establish such percentages. The sum of the free and restricted percentages for any crop year shall equal 100 percent.

(b) The dates handled by any handler in accordance with the provisions hereof shall be determined to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act. The terms of said section prescribe that any person wilfully exceeding such a quota and any other person knowingly participating or aiding in such action shall forfeit to the United States a sum equal to three times the then current market value of such excess.

§ 1003.45 *Withholding restricted dates.* (a) Whenever free and restricted percentages for any variety of dates have been established for a crop year by the Secretary in accordance with § 1003.44, each handler shall, at the time of having dates of such variety certified for handling or for further processing, withhold from handling a quantity of marketable dates of such variety having a weight equal to the restricted percentage for such variety referable to the dates so certified. The weight required to be withheld shall be determined by dividing the restricted percentage by the free percentage and applying the resultant withholding percentage, rounded to the nearest one-tenth of one percent, to the weight of dates so certified. The withholding percentage, computed as aforesaid, shall be established by the Secretary. When pitted dates are certified, the weight to be withheld shall be determined by dividing the weight of the pitted dates certified for handling or further processing by 0.90 and applying the withholding percentage.

(b) Compliance by any handler with the withholding of restricted dates may be deferred to any date not later than January 31 of any crop year, upon request to the committee and when accompanied by a written undertaking that on or prior to such date, he will have fully satisfied his withholding obligation. Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the committee and with a surety or sureties acceptable to the committee, running in favor of the committee and the Secretary in an amount conditioned upon full compliance with such undertaking. The amount shall be determined by multiplying the poundage of the deferred restricted obligation by a bonding rate per pound which would provide funds estimated to be sufficient for the committee to purchase on the open market a volume of dates equivalent to the deferred obligation. Such bonding rate shall be established annually, and modified as necessary, by the committee. Any sums collected through default by a handler on his bond shall be used by the committee to purchase dates to meet the violated restricted obligation, reimburse the committee for expenses relative to the default, and any excess money remaining shall be refunded to the defaulting handler. The dates so purchased by the committee shall be turned over to the defaulting handler for disposition as restricted dates. In the event the committee is unable to purchase a poundage of dates equal to the defaulted volume, the sums collected shall, after reimbursement of committee expenses in connection with the default, be distributed among all handlers other than the defaulting handler in proportion to the volume of certified dates handled during the crop year in which the default occurred.

(c) At any time during the crop year dates may be inspected and certified for handling or for further processing as provided in § 1003.41. Dates so certified shall, at the time of certification, be identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors. The assessment requirements in § 1003.72 as well as the withholding obligation prescribed in paragraph (a) of this section shall be met at the time of certification. However, a handler who has had more dates certified for handling or further processing than he subsequently shipped or otherwise handled may, upon request to the committee and with its approval, have any of such excess quantity of the certified dates suspended from certification of record or, if damaged or the outlet changed, removed from certification, and his withholding and assessment obligations adjusted accordingly. A handler, who has had dates certified for handling or further processing and has not had them so suspended from certification of record or removed from certification, may carry such certified dates over into the new crop year and need not pay the assessment nor meet the requirements of any withholding percentages established for such year.

(d) Dates withheld to meet the restricted obligation shall be stored at the expense of the handler, in storage of his own choosing and disposed of in accordance with § 1003.55. All such dates shall be inspected and identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors. All withholding and movement of restricted dates shall be subject to the supervision and accounting control of the committee and reports shall be filed as required by this part.

(e) On request to the committee and with its approval, a handler may, in accordance with the provisions of this paragraph and any applicable rules and regulations which the committee may prescribe with the approval of the Secretary, defer until any date not later than July 31 of the crop year the meeting of any portion of his obligation to withhold restricted dates by setting aside such amount of graded dates as will assure a quantity of marketable dates equal at least to the quantity needed to be withheld from handling to meet his withholding obligation. With respect to any such dates the handler may set aside in connection with such a deferment, the committee may require, if it deems it necessary, the handler to have made, at his own expense, such inspection as may be necessary for a determination as to whether such dates conform to the applicable requirements for dates that may be set aside under this paragraph. As a condition to the committee approving the deferment, the handler shall agree in writing that: (1) He will adequately mark and identify the set-aside graded dates as such and hold them separate and apart from other dates; (2) the graded dates will not be removed from the stacks in which so set aside without the prior written permission of the committee; (3) inspection of the dates by the committee will be permitted at any reasonable time; and (4) if the quantity, quality, or size of the set-aside dates is found by the committee at any time to be deficient, the handler will promptly set aside such additional or substitute quantity of graded dates as is necessary to correct the deficiency.

(f) Upon the committee prescribing, with the approval of the Secretary, minimum standards for inspection of field-run dates and appropriate administrative rules and regulations, a handler may, in accordance therewith and the provisions of this paragraph, satisfy all or any part of his obligation to withhold restricted dates by setting aside field-run dates or by disposing of field-run dates in outlets prescribed in, or pursuant to, § 1003.56. The field-run dates shall be of such quality or size as shall be prescribed in such rules and regulations. The setting aside, direct disposal, and disposal of any field-run dates set aside shall occur prior to July 31 of the crop year in which the withholding obligation occurs. Prior to the disposal or setting aside of the field-run dates, the handler shall have had them inspected to determine the weight of dates eligible to satisfy withholding obligation. Upon such disposal or setting aside of the field-run dates, the handler shall be credited with satisfaction of his restricted obligation to the extent of the eligible weight of dates. In permitting the handler to so satisfy his withholding obligation the committee shall require the handler to agree in writing that: (1) Any field-run dates set aside will be held separate and apart from other dates and appropriately marked; (2) such dates will not be removed from the stacks in which so set aside for substitution of other dates, disposition, or for any other reason without

prior written permission of the committee; and (3) inspection of said dates by the committee will be permitted at any reasonable time. In order to satisfy a withholding obligation by direct disposal of field-run dates into cull outlets, the disposal shall be under the supervision of the committee and through persons on a committee approved list of feeders and manufacturers. The handler may, upon giving prior notice to the committee of any of the following proposed actions with respect to field-run dates withheld and obtaining its approval, (i) dispose of any such set-aside, field-run dates in the same manner as provided for direct disposal (ii) grade such dates and have the graded dates certified as marketable dates and withhold or dispose of such marketable dates as restricted dates, or (iii) substitute for the set-aside, field-run dates an equivalent quantity of marketable dates which he shall withhold or dispose of as restricted dates.

§ 1003.46 *Revisions of percentages.* The Secretary may, on recommendation of the committee submitted prior to January 31 of the crop year, or on the basis of other information available to him, increase the free percentage to conform with such new relation as may be found to exist between trade demand and available supply. Upon any revision in the free and restricted percentages the control obligation of each handler with respect to dates handled or certified for handling or for further processing by him for the entire crop year shall be recomputed in accordance with such revised control percentages. The handler shall be permitted to select, insofar as practicable, under the supervision and direction of the committee, the particular dates to be removed from any dates withheld.

§ 1003.47 *Assistance to handlers.* The committee, on written request, may assist handlers in obtaining storage for restricted dates, in accounting for their control obligations or in acquiring dates to meet any deficiency in a handler's control obligation.

CONTAINER REGULATION

§ 1003.48 *Container regulation.* Whenever the committee deems it advisable to establish a container regulation for any variety of dates, it shall recommend to the Secretary the size, capacity, weight, or pack of the container, or containers, which may be used in the handling or packaging of dates, or both. If the Secretary finds upon the basis of such recommendation or other information available to him that such container regulation would tend to effectuate the declared policy of the act he shall establish such regulation and notice thereof showing the effective date shall be sent by the committee to all handlers of record. After the effective date of such regulation, no handler shall handle dates of such variety except in accordance with such regulation and all other applicable requirements in effect pursuant to this part.

QUALIFICATIONS TO REGULATION

§ 1003.50 *Application after end of crop year.* Unless otherwise specified the regulations and the bonding rates established for any crop year shall continue in effect with respect to all dates for which control obligations have not been previously met, until regulations and bonding rates are established for the new crop year. Thereupon the withholding obligations for all dates handled or certified for handling or for further processing during such crop year shall be adjusted to the newly established percentages and a similar adjustment shall be made in any bond or bonds already given for that crop year.

§ 1003.51 *Interhandler transfers.* Transfers of dates may be made from one handler to another, and each handler who so transfers any such dates shall immediately upon the completion of the particular transfer notify the committee of the transfer, specifying the date of the transfer, the quantity and variety of dates involved, and the name of the receiving handler. If such transfer is wholly within the area of production, the assessment and withholding obligations shall be placed on the handler agreeing to assume them: *Provided,* That in the absence of the committee receiving notice of a specific agreement on such obligations, the buying handler shall be held accountable. If such transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production.

§ 1003.52 *Exemption.* The committee may exempt from regulation, upon written request of any producer or handler, the dates he sells to consumers through roadside stands, local date shops, mail order or specialty outlets, if it determines that the particular request is not likely to materially interfere with the objectives of this part. All dates handled pursuant to exemptions under this section shall be reported to the committee in such manner and in such form as the committee may prescribe. The committee shall issue, with the approval of the Secretary, appropriate rules and regulations establishing the bases on which exemptions may be granted.

DISPOSITION OF OTHER THAN FREE DATES

§ 1003.54 *Disposition of other than free dates.* Dates other than free dates shall not be used or otherwise disposed of except as provided in §§ 1003.55 and 1003.56.

§ 1003.55 *Outlets for restricted and other marketable dates.* Restricted dates may be disposed of only through exportation to such countries as the committee may approve or by diversion in such form as rings, chunks, pieces, butter, macerated, or paste, or any other products which the committee concludes to be appropriate and which will result in the dates moving into consumption in a form other than that of whole dates or pitted dates. Dates other than restricted dates may also be so disposed of if they are inspected and certified as meeting the requirements for marketable dates. However, the provisions of this section shall not preclude any such dates from being disposed of in the outlets for substandard dates and cull dates prescribed in § 1003.56.

§ 1003.56 *Outlets for substandard and cull dates.* Substandard dates and cull dates may be disposed of without inspection, but only in feed, non-table syrup, alcohol, or brandy outlets, or in such other outlets for non-human food products as the committee concludes are non-competitive with the outlets for free and restricted dates: *Provided,* That whenever the committee concludes and the Secretary finds that the use of substandard dates of any variety in certain products for human consumption would tend to effectuate the declared policy of the act, the Secretary shall specify such products, and dates of such variety that are inspected and certified as substandard dates may be disposed of for use, or used, in such products.

§ 1003.57 *Approved manufacturers or feeders for diversion of restricted, other marketable, substandard, and cull dates.* (a) Diversion, pursuant to § 1003.55 or § 1003.56, of restricted dates, other marketable dates, substandard dates, or cull dates shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. Any person may become an approved manufacturer or feeder if he (1) submits an application to the committee in which he agrees, as a condition to approval of his application, to furnish to the committee such information as it may require and to comply with the requirements and restrictions relative to the use and disposition of such dates, as set forth in this part, and (2) receives from the committee written approval of his application. The application and approval shall be in accordance with such rules, regulations and safeguards as may be prescribed pursuant to § 1003.59.

§ 1003.58 *Terminal date.* Dates covered by §§ 1003.55 and 1003.56 shall, by September 30 of the subsequent crop year (a) in accordance with the applicable requirements of such sections, be disposed of, or be converted from their whole or pitted form; or (b) be set aside and marked for disposition pursuant to the applicable requirements of such sections. The committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards, pursuant to § 1003.59, as may be necessary to prevent dates covered by §§ 1003.55 and 1003.56 from interfering with the objectives of this part.

§ 1003.59 *Safeguards.* The committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards as are necessary to prevent dates covered by §§ 1003.55 and 1003.56 from interfering with the objectives of this part.

REPORTS AND RECORDS

§ 1003.61 *Reports of handler carryover.* Each handler shall file each year with the committee written reports of his carry-over of dates as of January 1, June 1, and August 1, and at such other times as the committee may prescribe. Such reports shall be filed within 15 days of the respective dates.

§ 1003.62 *Reports of dates shipped.* Each handler who ships dates during a crop year shall submit to the committee, in such form and at such intervals as the committee may prescribe, reports showing the net weight of dates shipped by him and such other information pertinent thereto as the committee may specify.

§ 1003.63 *Reports on restricted dates withheld.* Each handler from time to time, on demand of the committee, shall file with it a report of the restricted dates withheld by him in satisfaction of his withholding obligation. Such reports shall show such information as the committee may require and may be in such form as the committee may prescribe.

§ 1003.64 *Reports on disposition of restricted, other marketable, substandard and cull dates.* Each handler disposing of any quantity of restricted dates or other marketable dates, substandard dates, or cull dates for which disposition is prescribed in §§ 1003.55 and 1003.56 shall promptly thereafter report such disposition to the committee in such form as the committee may prescribe.

§ 1003.65 *Other reports.* Upon request of the committee each handler shall furnish to it in such manner and at such times as it prescribes, such other information as will enable the committee to perform its duties and exercise its powers hereunder.

§ 1003.66 *Certification of reports.* All reports submitted to the committee as required in this part shall be certified to the United States Department of Agriculture and to the committee as to the completeness and correctness of the information therein.

§ 1003.67 *Confidential information.* All data or other information constituting a trade secret or disclosing a trade position or business condition shall be received by, and kept in the custody of, one or more designated employees of the committee and information which would reveal the circumstances of a single handler shall be disclosed to no person other than the Secretary.

§ 1003.68 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the committee, through its designated employees, shall have access to handler premises wherein dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to dates held or disposed of by such handlers. Handlers shall furnish labor necessary to facilitate such examinations at no expense to the committee. All handlers shall maintain complete records on the handling, withholding and disposition of dates. Such records shall be retained by handlers for not less than two years subsequent to the termination of each crop year.

EXPENSES AND ASSESSMENTS

§ 1003.71 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes determined to be appropriate. The recommendation of the committee as to total expenses and allocation thereof for each crop year, together with all data supporting such recommendation, shall be submitted to the Secretary within a reasonable time after the marketing policy for each crop year is recommended. Expenses incurred prior to August 1, 1955 shall be paid from funds collected during the crop year beginning August 1, 1955.

§ 1003.72 *Assessments.* The Secretary shall fix rates of assessments for each crop year to be paid by each handler with respect to dates handled or certified for handling or for further processing. At any time during or after a crop year the Secretary may increase such assessment rates to secure sufficient funds to cover the expenses authorized in § 1003.71. Any such increase shall apply to all dates handled during the crop year. The committee may accept the payments of assessments in advance and may borrow money in any amount not to exceed ten percent of the estimated expenses set forth in its budget for the then crop year. The assessment weight of pitted dates shall be determined by dividing the shipping weight by 0.90.

§ 1003.73 *Requirement for payment.* Each handler shall pay his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred during each crop year. Each handler's share of such expenses shall be based on the ratio of the total quantity of dates handled or certified for handling or for further processing by him to the total quantity of such dates handled or certified for handling or for further processing by all handlers during each crop year.

§ 1003.74 *Refunds.* Excess funds held by the committee at the conclusion of a crop year may be used to defray expenses for no more than the ensuing four months and thereafter, within a reasonable time, the committee shall credit or, upon demand, refund the aforesaid excess to handlers who contributed to such excess. A handler's share of the excess funds shall be the amount of assessments he paid in excess of his actual pro rata share of the expenses of the committee.

MISCELLANEOUS PROVISIONS

§ 1003.76 *Compliance.* No handler shall handle any dates (including dates for further processing) except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part, including but not being limited to the regulations relating to grade, size, and volume; and no handler shall use or otherwise dispose of restricted dates or any other dates which have not been certified for handling or for further processing except in conformity with, and as authorized by or pursuant to, the applicable provisions of this part.

§ 1003.77 *Personal liability.* No member or alternate member of the committee, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ 1003.78 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability of this part to any other person, circumstance, or thing shall not be affected thereby.

§ 1003.79 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1003.80 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 1003.81 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1003.82 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions of this part, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of dates who, during that crop year, have been engaged in the production for market of dates in the area of production: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such dates produced for market within said area; but such termination shall be effective only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions hereof,

the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all funds, property, and claims vested in the committee or the joint trustees pursuant hereto.

(3) *Obligations of persons other than committee members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon the said joint trustees.

§ 1003.83 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not—

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or

(b) Release or extinguish any violation of this part or of any regulation issued hereunder, or

(c) Affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 1003.84 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the committee.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-9530; Filed, Nov. 17, 1958; 8:50 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

PART 1110—ASSIGNMENT OF PAYMENT

NUMBER OF ASSIGNMENTS; EFFECT OF ASSIGNMENT

Pursuant to the authority vested in Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, the Assignment of Payment Regulations approved August 30, 1955 (20 F. R. 6511), as amended September 27, 1955 (20 F. R. 7295), are further amended as follows:

1. Section 1110.15 is amended by deleting the first sentence and inserting in lieu thereof the following: "Not more than one assignment of a payment which may be made to a person shall be recognized by the United States, except that where the amount assigned is liquidated in full from payments due the assignor or where any unliquidated amount is released by the assignee, another assignment may be made."

2. Section 1110.22 is amended by deleting the last sentence and inserting in lieu thereof the following: "No amount payable to a debtor shall be paid to his assignee until there have been collected any amounts owed by the debtor to agencies of the United States which were entered on the debt record of the Agricultural Stabilization and Conservation county office in accordance with the Set-off Regulations (Part 13 of this title) prior to the date notice of the assignment to such assignee was accepted by such county office."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply sec. 8, 49 Stat. 1150, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 12th day of November 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-9517; Filed, Nov. 17, 1958; 8:48 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 70—SPECIAL NUCLEAR MATERIAL

REQUIREMENTS FOR THE APPROVAL OF APPLICATIONS

The following amendment to Part 70 is issued pursuant to section 1 of Public Law 85-681. That provision added a new paragraph (4) to subsection 53a of the Atomic Energy Act of 1954 authorizing the Commission to license additional categories of uses for special nuclear material.

Inasmuch as the effect of this amendment is to remove restrictions contained in existing regulations, the Commission has found that general notice of proposed rule-making and public procedure thereon are unnecessary and that good cause exists why the amendment should be made effective without the customary period of prior notice.

Paragraph (a) of § 70.23 is hereby amended to read as follows:

§ 70.23 *Requirements for the approval of applications.* * * *

(a) The special nuclear material is to be used for the conduct of research or development activities of a type specified in section 31 of the act,[1] in activities licensed by the Commission under section 103 or 104 of the act, or for such other uses as the Commission determines to be appropriate to carry out the purposes of the act;

(Sec. 161, 68 Stat. 984, as amended; 42 U. S. C. 2201. Interprets or applies sec. 53, 68 Stat. 930, as amended, sec. 1, Pub. Law 85-681; 42 U. S. C. 2073)

Dated at Germantown, Md., this 6th day of November 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R. Doc. 58-9524; Filed, Nov. 17, 1958; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7172]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

D. H. HOLMES CO., LTD.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act; § 13.1886 *Quality, grade or type of product;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, D. H. Holmes Company, Ltd., New Orleans, La., Docket 7172, October 7, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in New Orleans with violating the Fur Products Labeling Act by labeling fur products falsely with respect to the names of animals producing the fur contained therein and by failing to comply with other labeling requirements; by deceptive invoicing; and by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products or the country of origin of imported furs or that some furs contained artificially colored or cheap or waste fur, or which contained the names of animals other than those producing certain furs.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, D. H. Holmes Company, Ltd., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduc-

tion into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of furs which had been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise falsely identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

e. The name or other identification, issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product;

g. The item number of such fur product.

3. Setting forth on labels attached to fur products:

a. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information;

b. Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

4. Failing to show on labels affixed to fur products all the information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, on one side of such labels.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact;

e. The name and address of the person issuing such invoice;

f. The name of the country of origin of any imported furs contained in the fur product.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

c. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; and

d. The name of the country of origin of any imported furs contained in the fur product.

2. Contains the name or names of an animal or animals other than those producing the fur contained in the fur product.

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

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

Issued: October 7, 1958.

By the Commission.

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

[F. R. Doc. 58-9527; Filed, Nov. 17, 1958; 8:50 a. m.]

[Docket No. 7177]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH J. PINKUS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.195 *Safety.*

(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, Joseph J. Pinkus, doing business as Practical Research Company, etc., Newark, N. J., Docket No. 7177, October 11, 1958]

In the Matter of Joseph J. Pinkus, an Individual Doing Business as Practical Research Company, and as Practical Research K–12 Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the distributor of "K–12" reducing preparation with representing falsely in advertising in newspapers, magazines, etc., that such product was safe to use by all obese persons and enabled them to lose weight without dieting and to lose a certain number of pounds in a given period.

After acceptance of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Joseph J. Pinkus, an individual doing business as Practical Research Company and as Practical Research K–12 Company, or under any other trade name or names, and respondent's representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation K–12, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

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

(a) That said preparation is safe to use by all obese persons;

(b) That obese persons can lose weight by the use of said preparation without dieting and while consuming the same kinds and amounts of food as they ordinarily consume;

(c) That any predetermined weight reduction can be achieved by the taking or use of said preparation for a prescribed period of time.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

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

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and

form in which he has complied with the order to cease and desist.

Issued: October 10, 1958.

By the Commission.

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

[F. R. Doc. 58-9528; Filed, Nov. 17, 1958; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

Subchapter A—Procedures

PART 01—STATEMENT OF PROCEDURES

APPLICATION OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION TO CERTAIN CIVILIAN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES OF THE ARMED FORCES

On October 21, 1958, notice was published in the FEDERAL REGISTER (23 F. R. 8106) of a proposed amendment to 20 CFR, Part 01. The amendment is made necessary by the recent enactment of 72 Stat. 397 amending the act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k–1) to apply the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended, 33 U. S. C. 901 et seq.) to disability or death resulting from injury occurring to a civilian employee of any nonappropriated fund instrumentality, and for other purposes. The amendment of this part is for the purpose of providing review of decisions, processing claims, and prescribing appropriate forms.

The notice provided a period of 15 days within which interested parties might submit data, views, or arguments pertaining to the proposed regulations. The time for filing such data and comments expired on November 5, 1958, and no responses were received. Accordingly, the proposed amendment is made final.

Under the authority of General Order No. 46 (15 F. R. 3290), Reorganization Plan No. 19 of 1950 (15 F. R. 3178, 39 Stat. 742), and section 39 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1442; 33 U. S. C. 939) as applied by 72 Stat. 397, 5 U. S. C. 150k–1, 20 CFR, Part 01 is amended as follows:

Part 01 of Subchapter A of this chapter is hereby amended by adding a new Subpart I as follows:

SUBPART I—COMPENSATION FOR CIVILIAN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES

Sec.
01.81 Processing of claims.
01.82 Review of decisions.
01.83 Forms.

AUTHORITY: §§ 01.81 to 01.83 issued under sec. 39, 44 Stat. 1442, as amended; 33 U. S. C. 939. Interpret or apply 72 Stat. 397, 5 U. S. C. 150k–1.

§ 01.81 *Processing of claims.* The processing of claims of employees and dependents for compensation benefits payable according to the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1424, 33 U. S. C. 901 et seq.) as extended by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k–1), to civilian employees of nonappropriated fund instrumentalities of the Armed Forces, is governed by § 01.11.

§ 01.82 *Review of decisions.* Except as herein modified, review of compensation cases arising under the Longshoremen's and Harbor Workers' Compensation Act as extended by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k–1) to civilian employees of nonappropriated fund instrumentalities of the Armed Forces, is governed by § 01.12. Proceedings for judicial review (or for enforcement of payment of compensation in case of default as authorized under section 18 of the Longshoremen's Act), of a decision in a compensation case arising under the Longshoremen's Act, as thus extended, are required to be instituted with respect to any injury or death occurring outside the continental limits of the United States, in the District Court of the United States within the territorial jurisdiction of which is located the office of the deputy commissioner having jurisdiction in respect of such injury or death (or in the United States District Court for the District of Columbia if such office is located in such district). In all other cases the provisions of section 21 (b) (33 U. S. C. 921 (b)) of the Longshoremen's Act apply and they require judicial proceedings to be instituted in the United States District Court for the judicial district in which the injury occurred (or the United States District Court for the District of Columbia, if the injury occurred in the District of Columbia).

§ 01.83 *Forms.* The same forms prescribed for use in connection with the administration of the Longshoremen's Act are used in the administration of said act of July 18, 1958, providing for payment of workmen's compensation benefits to civilian employees of nonappropriated fund instrumentalities of the Armed Forces as follows:

US–201 Employee's first notice to Deputy Commissioner of accident or occupational disease.
US–202 Employer's first report to Deputy Commissioner of accident or occupational disease.
US–202A Employer's first report of injury. (No time lost by employee.)
US–203 Employee's claim for compensation.
US–204 Attending Physician's report.
US–205 Physician's report on permanent eye disabilities.
US–206 Notice to the Deputy Commissioner that the payment of compensation has begun without awaiting award.
US–207 Notice to the Deputy Commissioner that claim will be controverted.
US–208 Notice to the Deputy Commissioner that the payment of compensation has been stopped or suspended.
US–209 Request to employee that he reply to the employer's objection to his right to compensation.
US–210–11 Employer's supplementary report of accident or occupational disease.
US–212 Notice to injured employee that case will be closed unless reports now on file are shown to be incorrect.
US–213 Notice of election to sue (disability or death claim).
US–214 Request for medical examination under United States Longshoremen's and Harbor Workers' Compensation Act.
US–215 Answer of employer or insurance carrier to employee's claim for compensation.
US–215A Notice to employer and insurance carrier that answer to claim for compensation should be made.
US–216 Request for additional reports.
US–221 Application for lump sum award (disability or death).
US–226 Subpoena.
US–226A Subpoena Duces Tecum.
US–226B Notice of Hearing.
US–260 Notice to Deputy Commissioner of Death (by dependents or on their behalf).
US–261 Supplemental report of employer in death case.
US–262 Claim for compensation in death case by widow and/or children under the age of eighteen.
US–263 Claim for compensation in death cases by dependents other than widow and children of deceased (each dependent or representative must file individual claim).
US–264 Proof of death (by Physician last in attendance on Deceased).
US–265 Proof of Burial and Funeral expenses—by Undertaker.
LSI–2 Application for Self-Insurance.
LSI–3 Decision granting authority to Act as Self-Insurer.
LSI–4 Agreement and Undertaking of employer granted the privilege of paying compensation as self-insurer.
LSI–5c Indemnity Bond given by Self-insurer.
LSI–8 Pay-roll report.
LSI–9 Report of compensation payments.
LSI–10 Report of employer's injury experience.
LSI–11 Certificate of Authority.
US–239 Certificate that employer has secured payment of compensation (by obtaining insurance policy).
US–240 Certificate that employer has secured payment of compensation (by self-insurance).
US–241 Notice (compliance with Act by insuring with).
US–242 Notice (compliance with Act by self-insurance).

In accordance with subsection 4 (c) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), I find that good cause exists to forego the otherwise required provision for a delay of 30 days in the effective date of these regulations. The Act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k–1) becomes effective on November 15, 1958, rendering compensation features of the Act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k–1) inoperative on that date. As certain employees will no longer be protected under the Act of June 19, 1952, but come under the protection of the Act of July 18, 1958, it is deemed necessary without delay to implement the new Act by establishing procedures for processing claims, prescribing appropriate forms, and providing for review of decisions on claims in order to avoid a hiatus in the protection for such employees from disability or death resulting from injury. Accordingly, this amendment will take effect on November 15, 1958, coincident with the effective date of the new Act.

Signed at Washington, D. C., this 13th day of November 1958.

WILLIAM MCCAULEY,
Director,
Bureau of Employees' Compensation.

[F. R. Doc. 58-9580; Filed, Nov. 14, 1958; 4:33 p. m.]

Subchapter I—Application of the Longshoremen's and Harbor Workers' Compensation Act to Civilian Employees of Nonappropriated Fund Instrumentalities of the Armed Forces

ADDITION OF SUBCHAPTER

On October 21, 1958, notice was published in the FEDERAL REGISTER (23 F. R. 8107) of a proposed amendment adding a new Subchapter I to Chapter 1 of Title 20, Code of Federal Regulations. The amendment is made necessary by the recent enactment of 72 Stat. 397 amending the act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k–1) to apply the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended, 33 U. S. C. 901 et seq.) to disability or death resulting from injury occurring to a civilian employee of any nonappropriated fund instrumentality, and for other purposes. The amendment of this part is for the purpose of defining coverage under the said Act, interpreting the Act, establishing compensation districts, authorizing insurance carriers, and prescribing appropriate forms.

The notice provided a period of 15 days within which interested parties might submit data, views, or arguments pertaining to the proposed regulations. The time for filing such data and comments expired on November 5, 1958, and no responses were received. Accordingly, the proposed amendment is made final.

Under the authority of General Order No. 46 (15 F. R. 3290), Reorganization Plan No. 19 of 1950 (15 F. R. 3178, 39 Stat. 742), and section 39 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1442; 33 U. S. C. 939) as applied by 72 Stat. 397, 5 U. S. C. 150k–1, 20 CFR, Chapter 1 is amended as follows:

1. Chapter 1 of Title 20, Code of Federal Regulations is hereby amended by adding a new Subchapter I as follows:

PART 91—GENERAL ADMINISTRATIVE PROVISIONS

Sec.

91.1 General administrative provisions; definitions; interpretation of statute.
91.2 Establishment of compensation districts.

AUTHORITY: §§ 91.1 and 91.2 issued under sec. 39, 44 Stat. 1442, as amended, 33 U. S. C. 939. Interpret or apply 72 Stat. 397, 5 U. S. C. 150k–1.

§ 91.1 *General administrative provisions; definitions; interpretation of statute*—(a) *General.* (1) Section 2 of the act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k–1) as amended by the act of July 18, 1958 (72 Stat. 397) extends the provisions of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended; 33 U. S. C. 901, et seq.), the latter hereinafter referred to in this subchapter as "the Longshoremen's Act", to cases of disability or death of civilian employees, compensated from nonappropriated funds, employed by those instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment and mental and physical improvement of personnel of the Armed Forces as identified in section 1 of the act of June 19, 1952 (66 Stat. 138; 5 U. S. C. 150k). The regulations in Subchapter C of this chapter governing the administration of the Longshoremen's Act, insofar as they are applicable and are not inconsistent with any provision of this subchapter, shall govern the administration of the Longshoremen's Act as extended by such act of July 18, 1958, (72 Stat. 397, 5 U. S. C. 150k–1). Every person subject to, claiming benefits under, or acting under the Longshoremen's Act as thus extended, shall conform to the procedure prescribed in the Longshoremen's Act, as set out in the regulations in Subchapter C and in this subchapter. The term "Bureau" as used in this subchapter means the Bureau of Employees' Compensation, U. S. Department of Labor.

(2) The said Bureau is the agency which was transferred from the Federal Security Agency to the U. S. Department of Labor by Reorganization Plan No. 19 of 1950 (15 F. R. 3178, 39 Stat. 742) effective May 24, 1950, the said Bureau having been established in the Federal Security Agency to perform the functions theretofore performed by the United States Employees' Compensation Commission, the latter having been abolished and its functions transferred to the Federal Security Agency by Reorganization Plan No. 2 of 1946 (11 F. R. 7873, 60 Stat. 1096), effective July 16, 1946.

(b) *Coverage.* The act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k–1) applies in respect to disability or death resulting from injury as defined in section 2 of the Longshoremen's Act (33 U. S. C. 902 (2)) occurring to a civilian employee of any nonappropriated fund instrumentality identified in section 1 of the act of June 19, 1952 (66 Stat. 139; 5 U. S. C. 150k). The employees within the coverage of this extension of the Longshoremen's Act are (1) those employees of the identified nonappropriated fund instrumentalities who are employed within the continental United States, and (2) those United States citizens or permanent residents of the United States or a Territory who are employees of such instrumentalities outside the continental limits of the United States. An employee who is not a citizen or permanent resident of the United States or a Territory, employed outside the continental limits of the United States by any such nonappropriated fund instrumentality, is not within the coverage of said act of July 18, 1958, but is subject to such protections as may be provided for under regulations issued by the Secretary of the military department concerned and approved by the Secretary of Defense, or regulations prescribed by the Secretary of the Treasury, as the case may be. The coverage of such nonappropriated fund instrumentality employees under the Longshoremen's Act is made effective on the 120th day following the date of enactment of 72 Stat. 397.

(c) *Definitions and interpretations of the statute.* Except as expressly modified in this subchapter, terms used in the regulations promulgated in this subchapter shall be construed and applied as defined in the Longshoremen's Act (44 Stat. 1424, 33 U. S. C. 901 et seq.) and in decisions interpreting that Act.

(1) The term "employer" means each of the nonappropriated fund instrumentalities identified in section 1 of the act of June 19, 1952 (66 Stat. 139; 5 U. S. C. 150k).

(2) The term "employee" means an employee of any nonappropriated fund instrumentality, as so identified, employed within the continental United States and a person who is a United States citizen or permanent resident of the United States or a Territory employed by such an instrumentality outside the continental limits of the United States.

(3) The term "State" means any State of the Union.

(4) The term "Territory" means the Territories and Possessions of the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

§ 91.2 *Establishment of compensation districts.* (a) Pursuant to the provisions of section 39 (b) of the Longshoremen's Act and section 2 (a) (4) of (66 Stat. 139, 5 U. S. C. 150k–1, as amended by section 1, 72 Stat. 397) there are established the following compensation districts for the administration of this subchapter:

District No. 1. Comprises the New England States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, with headquarters at Boston, Massachusetts.

District No. 2. Comprises the Port of New York, including that part of New Jersey legally included in the Port of New York, and the State of New York, except that part of New York State north and west of a line 30 miles from the shore of Lake Erie and Lake Ontario and the Niagara and St. Lawrence Rivers, with headquarters at New York, N. Y.

District No. 3. Comprises the State of New Jersey, except that part legally included in the Port of New York, and the States of Delaware and Pennsylvania, except that part of the State of Pennsylvania north and west of a line 30 miles from the shore of Lake Erie, with headquarters at Philadelphia, Pennsylvania.

District No. 4. Comprises the State of Maryland and District of Columbia, including the Potomac River, with headquarters at Baltimore, Maryland.

District No. 5. Comprises the State of Virginia, except the Potomac River, and the State of North Carolina, with headquarters at Norfolk, Virginia.

District No. 6. Comprises the States of South Carolina, Georgia and Florida, with headquarters at Jacksonville, Florida.

District No. 7. Comprises the States of Alabama, Mississippi, Louisiana, and Arkansas, excluding that part of the Mississippi River between Arkansas and Tennessee, with headquarters at New Orleans, Louisiana.

District No. 8. Comprises the State of Texas, including that part of the Red River between Texas and Oklahoma, with headquarters at Galveston, Texas.

District No. 9. Comprises that part of the lake district in the States of Pennsylvania and New York extending thirty miles inland from the shore of Lake Erie and Lake Ontario and the Niagara and St. Lawrence Rivers; the lower peninsula of the State of Michigan, except that part west and north of a line 30 miles from the shore of Lake Michigan and the Strait of Mackinac; the

State of West Virginia, the State of Ohio, the State of Indiana, including the Wabash River between Indiana and Illinois, excluding the territory north of a line 30 miles from the shore of Lake Michigan; the State of Kentucky, including that part of the Ohio River between Kentucky and Illinois and that part of the Mississippi River between Kentucky and Missouri; the State of Tennessee, including that part of the Mississippi River between the States of Tennessee, Missouri, and Arkansas, with headquarters at Cleveland, Ohio.

District No. 10. Comprises the rest of the lake district, namely, an area thirty miles wide along the shore of Lake Michigan in the lower peninsula of Michigan, and in the State of Indiana; all of the northern peninsula of Michigan, and the States of Wisconsin, Minnesota, North and South Dakota, Nebraska, Iowa and Kansas; the State of Illinois, excluding that part of the Wabash River between Illinois and Indiana, and that part of the Ohio River between Illinois and Kentucky; the State of Missouri, excluding the Mississippi River between Missouri, Kentucky and Tennessee; the State of Oklahoma, excluding the Red River between Oklahoma and Texas, with headquarters at Chicago, Illinois.

District No. 13. Comprises the States of California, Arizona, New Mexico, Nevada, Utah, and Colorado, with headquarters at San Francisco, California.

District No. 14. Comprises the States of Washington, Oregon, Idaho, Montana, and Wyoming, and the Territory of Alaska, with headquarters at Seattle, Washington.

District No. 15. Comprises the Territory of Hawaii, with headquarters at Honolulu, T. H.

With respect to those United States citizens or permanent residents of the United States or a Territory who are employed outside the continental limits of the United States, the compensation districts as established under § 51.2, Part 51 of Subchapter E of this chapter are as follows:

Pacific District. This district comprises all land and water areas outside the continents of North and South America which are south of the 45th degree north latitude and westward from the 110th degree west longitude to the 60th degree east longitude, except areas in the North Atlantic Ocean and contiguous waters, with headquarters at Honolulu, T. H.

District No. 1. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Canada east of the 75th degree west longitude, Newfoundland and Greenland, with headquarters at Boston, Massachusetts.

District No. 2. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Bermuda, with headquarters at New York, N. Y.

District No. 10. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Canada west of the 75th degree and east of the 110th degree west longitude with headquarters at Chicago, Illinois.

District No. 14. This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include all land areas in the Pacific Ocean north of the 45th degree north latitude, Canada west of the 110th degree west longitude, and Alaska, with headquarters at Seattle, Washington.

Foreign District. This district comprises the areas outside continental United States not included in any compensation district established in this section, with headquarters at New York, N. Y.

PART 92—AUTHORIZATION OF INSURANCE CARRIERS

Sec.

92.1 Insurance carriers covering nonappropriated fund instrumentalities.
92.2 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.
92.3 Non-appropriated fund instrumentality endorsement.
92.4 Report by carrier of issuance of policy or endorsement; form.
92.5 Report; by whom sent.
92.6 Agreement to be bound by card reports.
92.7 Name of one instrumentality only shall be reported on one card.

AUTHORITY: §§ 92.1 to 92.7 issued under sec. 39, 44 Stat. 1442, as amended, 33 U. S. C. 939. Interpret or apply 72 Stat. 397; 5 U. S. C. 150k–1.

§ 92.1 *Insurance carriers covering non-appropriated fund instrumentalities.* Except as modified by the provisions of this subchapter, the provisions of the regulations in Part 32, Subchapter C of this chapter, shall govern insurance carriers writing insurance under the extension of the Longshoremen's Act to employees of non-appropriated fund instrumentalities of the Armed Forces by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k–1).

§ 92.2 *Applicants currently authorized to write insurance under other Federal workmen's compensation laws.* Any applicant currently authorized by the Bureau of Employees' Compensation to write insurance under the Longshoremen's Act (44 Stat. 1424, 33 U. S. C. 901 et seq.) or under the District of Columbia Workmen's Compensation Law (45 Stat. 600, 36 D. C. Code 501, 502) or under the Defense Bases Act (55 Stat. 622, 42 U. S. C. 1651), or under the extension of the Longshoremen's Act by the Outer Continental Shelf Lands Act (67 Stat. 462, 43 U. S. C. 1331), need not support its application with the evidence required by the regulations in Part 32, Subchapter C of this chapter, unless specifically requested by the Bureau, except the form of policy and endorsement which it proposes to use, but instead its application may refer to the fact that it has been so authorized.

§ 92.3 *Nonappropriated fund instrumentality endorsement.* (a) The following form of endorsement applicable to the standard workmen's compensation and employer's liability policy shall be used with the form of policy approved by the Bureau of Employees' Compensation for use by an authorized carrier.

For Attachment to Policy No. ------

(1) The obligations of paragraph one (a) of the Policy include the Longshoremen's and Harbor Workers' Compensation Act, being Public Law No. 803 of the 69th Congress, approved March 4, 1927, as extended to civilian employees of the nonappropriated fund instrumentalities of the United States under the jurisdiction of the Armed Forces by the act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k–1), and all the laws amendatory thereof or supplementary thereto which may be or become effective while this policy is in force.

(2) The Company will carry out the provisions of section 35 of the Longshoremen's and Harbor Workers' Compensation Act. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the policy.

(3) The Company agrees to abide by all the provisions of the Longshoremen's and Harbor Workers' Compensation Act and all the lawful rules, regulations, orders and decisions of the Bureau of Employees' Compensation, Department of Labor, and of the Deputy Commissioner having jurisdiction, unless and until set aside, modified or reversed by a court having jurisdiction over the parties and the cause of action.

(4) This endorsement shall not be cancelled prior to the date specified in this policy for its expiration until at least thirty days have elapsed after a notice of cancellation has been sent to the Bureau, to the Deputy Commissioner, and to the within named employer.

(5) All terms, conditions, requirements, and obligations expressed in this policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

(6) References to the law of any State in Conditions B and D of this policy are hereby declared to include for the purpose of this endorsement only, the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as amended, and of the said act of July 18, 1958, 5 U. S. C. 150k–1.

(b) The following paragraphs may at the option of the insurer be included in the form of endorsement which is provided in paragraph (a) of this section. No other provision, alteration of any prescribed provision, or alteration of any optional provision shall be made or used in any such endorsement except after submission to the Bureau and receipt of its written approval thereof:

If the within employer is a contractor the subject of whose contract includes operations covered by this policy and he shall subcontract all or any part of such contract to one or more subcontractors, the remuneration of all the direct employees of such subcontractors shall be included in the return of remuneration under the provisions of this policy upon which premium is computed. Such remuneration so reported shall be considered the remuneration of employees of the within named employer and shall in all instances be governed by the same terms, conditions, requirements, and obligations of the policy as the remuneration of the direct employees of the within named employer. The requirements of this paragraph shall not apply as respects any such subcontractor who has secured compensation for his direct employees as required by the Longshoremen's and Harbor Workers' Compensation Act, but the within named employer shall not claim the benefit of this exemption unless and until he shall satisfy the Company by certificate or otherwise that any such subcontractor has legally secured the payment of compensation to his own direct employees and then only respecting any subcontractor who has furnished such proof.

If the premium as determined in accordance with the provisions of the policy is less than $300, there shall be added thereto an expense constant of $10, unless such addition shall increase the premium to an amount in excess of $300, in which event only such part of the expense constant shall be added as will bring the amount of the premium up to $300. Inclusion of the expense constant or any part thereof in the estimated advance premium is subject to final adjustment upon audit, all in accordance with the provisions hereof. The minimum premium of the policy includes the expense constant.

(c) In applying the regulations in Part 32, Subchapter C of this chapter insofar as they are incorporated in this subchapter, all references to the Longshoremen's endorsement shall be construed as hav-

ing reference to the nonappropriated fund instrumentality.

§ 92.4 *Report by carrier of issuance of policy or endorsement; form.* (a) A carrier which has executed the agreement provided for in § 92.6 shall report to the deputy commissioner assigned to a compensation district each policy and endorsement issued by it to a nonappropriated fund instrumentality which carries on operations in such compensation district. The report shall be made upon a printed card to be provided by such carrier. Such card shall be 50 percent rag, salmon pink, lightweight, 3 x 5 inches. The printing thereon shall be as follows:

Nonappropriated fund instrumentality _____
Address _____
Policy No. _____
Dates of beginning and expiration _____

Report is made of the issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act, as amended and as extended by the act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k–1) to employees of nonappropriated fund instrumentalities of the United States under the jurisdiction of the Armed Forces.

_____
(Name of insurance carrier)
By _____
Cancellation _____
(Effective date)

_____
(Date notice received by deputy)

This card shall be sent to the Deputy Commissioner of the Bureau of Employees' Compensation, U. S. Department of Labor, for the compensation district indicated by the address of the employing instrumentality.

(b) Each such carrier will print its name at the place indicated. The note at the bottom designating the place to which the card shall be sent should be in small type, about 6 point, and if desired this note may be printed on the reverse side of the card. The spaces below the line for the employer's name and the line for his address should each be sufficient to permit two additional lines of typewriting. The term "nonappropriated fund instrumentality" should be about ¾ inch from the top of the card. The line for cancellation date will be filled in only by the office of the deputy commissioner.

§ 92.5 *Report: by whom sent.* The report of issuance of a policy and endorsement provided for in § 92.4 shall be sent by the home office of the carrier to the deputy commissioner at his headquarters, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agency or agencies so duly authorized. The deputy commissioner in turn shall supply to his sub-offices, if any, current lists showing the policies so reported, giving the names and addresses of the employers, with the names of their respective carriers, the policy numbers and the dates of beginning and expiration of the policies. Similar current lists of cancellation shall also be furnished to sub-offices.

§ 92.6 *Agreement to be bound by card reports.* (a) Except as provided in this section, each covered instrumentality shall present to the deputy commissioner in the compensation district in which it has operations, the policy covering its operations in such district, which it has procured in compliance with section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U. S. C. 932) as extended by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k–1). Any carrier desiring to do so may make such presentation of such policy unnecessary in any particular case by transmitting to the Bureau an agreement signed by its president and secretary (or other authorized officers in cases of foreign or mutual companies or State funds), in the following form, and making reports accordingly, of the issuance of a policy in such particular case.

The (insert name of insurance carrier) hereby agrees, in consideration of the acceptance by the Bureau of Employees' Compensation, Department of Labor and its deputy commissioners of reports of issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act as amended and as extended to employers of nonappropriated fund instrumentalities by the act of July 18, 1958 (72 Stat. 397; 5 U. S. C. 150k–1) in the form prescribed by the Bureau in § 92.4 of its regulations, that it will be liable and hereby accepts the full liability expressed in the approved form of endorsement, under said laws in all cases in which it has heretofore and may hereafter use the prescribed form of report to deputy commissioners and transmit the same to the proper deputy commissioner; the sending of such report of issue of policy to the deputy commissioner shall be accepted by the Bureau and its deputy commissioners as conclusive evidence (1) of the issuance of a policy to the employer, named in such report, in approved form and having attached an approved form of endorsement under applicable regulations of the Bureau and (2) of the effectiveness of such policy during the period as stated in such report; and it further agrees that such liability shall not be terminated prior to the expiration of the policy, except in case of cancellation, and then at the time in the manner which is prescribed in the Longshoremen's and Harbor Workers' Compensation Act, in the regulations of said Bureau, and in the endorsement referred to.

(b) An insurance carrier desiring to withdraw from such agreement may do so upon giving thirty days notice to the Bureau by registered mail.

§ 92.7 *Name of one employer only shall be reported on one card.* (a) A separate report of the issuance of a policy and endorsement, provided for by § 92.4, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate card report for each employer so covered shall be sent to the deputy commissioner concerned, with the name of only one employer on each such report. Unless a card report is received by the deputy commissioner for a compensation district, the deputy commissioner shall regard an employer as an uninsured employer in the particular compensation district (except in cases where such employer is a duly authorized self-insurer, or the employer himself has presented a policy for inspection by the deputy commissioner).

(b) Where a nonappropriated fund instrumentality has operations in more than one compensation district the report by the carrier should be sent to each compensation district established in § 91.2 of this subchapter, in which such operations are carried on, so that the deputy commissioner for that compensation district may have a record of the coverage and may issue the certificate of compliance authorized under Part 94 of this subchapter. Unless a card report is received by the deputy commissioner for a compensation district in which the nonappropriated fund instrumentality is engaged in activities the deputy commissioner shall regard the instrumentality as uninsured until proper report of the issuance of an insurance policy has been made to him.

PART 93—AUTHORIZATION OF SELF-INSURERS

Sec.
93.1 Authorization of self-insurers.
93.2 Reports required.

AUTHORITY: §§ 93.1 and 93.2 issued under sec. 39, 44 Stat. 1442, as amended, 33 U. S. C. 939. Interpret or apply 72 Stat. 397; 5 U. S. C. 150k–1.

§ 93.1 *Authorization of self-insurers.* The provisions of the regulations in Part 33, Subchapter C of this chapter, shall govern the authorization of the self-insurance privilege under the Longshoremen's Act as made applicable to nonappropriated fund instrumentalities by the act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k–1). Applications will be considered if submitted through the head of the military department concerned, or his delegate, and with his approval.

§ 93.2 *Reports required.* (a) At such time as the Bureau of Employees' Compensation may require or prescribe, the self-insurer shall submit such of the following reports as may be requested:

(1) Statement of assets and liabilities, or balance sheet.

(2) Statement showing by classification, the payroll of the employees of the self-insured subject to the said act of July 18, 1958, with respect to whom the securing of compensation is accomplished by self-insurance.

(3) Statement showing payments of compensation of current cases during any specified quarter, with an indication of the nature of the injury or death in each case.

(4) Statement by compensation district of outstanding injury and death cases during such period as may be called for, together with the particulars of each case.

(5) Details of coverage as to any stop-loss or excess-loss insurance in effect in respect to obligations under said Act.

(b) Any statement requested under the provisions of this section will be accepted if submitted by the head of the military department concerned or by his delegate authorized to submit such statement.

PART 94—ISSUANCE OF CERTIFICATES OF COMPLIANCE

Sec.
94.1 Issue of certificate of compliance.
94.2 Return of certificate of compliance.

AUTHORITY: §§ 94.1 and 94.2 issued under sec. 39, 44 Stat. 1442, as amended, 33 U. S. C. 939. Interpret or apply, 72 Stat. 397; 5 U. S. C. 150k–1.

§ 94.1 *Issue of certificate of compliance.* (a) Every nonappropriated fund instrumentality which has secured the payment of compensation by obtaining a policy of insurance under section 32 of the Longshoremen's Act (44 Stat. 1426; 33 U. S. C. 901) and by Part 92 of this subchapter will receive from the deputy commissioner in the compensation district in which the instrumentality has operations (or for the jurisdiction area of such compensation district) and to whom such insurance has been reported as provided by these regulations, a certificate that such nonappropriated fund instrumentality has secured the payment of such compensation. Only one certificate will be issued to the insured instrumentality in a compensation district, and it will be valid only during the period for which compensation has been secured by the insured. An instrumentality so desiring may have photostatic copies (or other facsimile copies) of such a certificate made for use in different places within the compensation district or jurisdictional area thereof. A certificate of compliance will be issued by the deputy commissioner for his district (1) upon receipt by him and his acceptance of a card report of issuance of a policy of insurance to the instrumentality as provided by § 92.4 of this subchapter, by an authorized insurance carrier which has filed an agreement to be bound by a card report in conformity with § 92.6 of this subchapter, or (2) upon presentation to the deputy commissioner by the authorized administrative officer of the instrumentality (and not by an insurance carrier, insurance agency, or broker) of the applicable policy of insurance then in force, and endorsement thereon, issued to the instrumentality in conformity with Part 92 of this subchapter by an authorized insurance carrier which has not filed the agreement provided for by § 92.6 of this subchapter.

(b) Each instrumentality granted the privilege of self-insurance as provided by section 32 of the Longshoremen's Act and by Part 93 of this subchapter will receive from the deputy commissioner a certificate that it has complied with the said law with respect to the securing of the payment of compensation. Only one such certificate will be issued to the instrumentality by a deputy commissioner in a compensation district and it will be valid only during the period stated in such certificate. An instrumentality so desiring may have photostatic copies (or other facsimile copies) of such certificates made for use in different places within a compensation district or jurisdictional area thereof.

(c) Two forms of the certificate of compliance have been provided for by the Bureau of Employees' Compensation: (1) The form used where the instrumentality has obtained insurance generally under the regulations in this subchapter, and (2) the form used where the instrumentality has been authorized to secure compensation as a self-insurer.

§ 94.2 *Return of certificate of compliance.* Upon the termination by expiration, cancellation or otherwise, of a policy of insurance issued under the provisions of the Longshoremen's Act and the regulations in this subchapter, or the revocation or termination of the privilege of self-insurance, all certificates of compliance issued on the basis of such insurance or self-insurance shall be void and unless the period shall have expired for which issued, shall be returned by the instrumentality to the deputy commissioner issuing them, with a statement of the reason for such return. An instrumentality currently holding a certificate of compliance under an insurance policy which has expired, pending the renewal of such insurance, need not return such certificate of compliance if such expired insurance is promptly replaced, but where the insurance or self-insurance is not renewed or replaced, the certificate of compliance should be returned.

In accordance with subsection 4 (c) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), I find that good cause exists to forego the otherwise required provision for a delay of 30 days in the effective date of these regulations. The act of July 18, 1958 (72 Stat. 397, 5 U. S. C. 150k–1) becomes effective on November 15, 1958, rendering compensation features of the act of June 19, 1952 (66 Stat. 139, 5 U. S. C. 150k–1) inoperative on that date. As certain employees will no longer be protected under the act of June 19, 1952, but come under the protection of the act of July 18, 1958, it is deemed necessary without delay to implement the new act by regulations establishing compensation districts, authorizing insurance carriers, and prescribing appropriate forms in order to avoid a hiatus in the protection for such employees from disability or death resulting from injury. Accordingly, this amendment will take effect on November 15, 1958, coincident with the effective date of the new act.

Signed at Washington, D. C., this 13th day of November 1958.

WM. MCCAULEY,
Director,
Bureau of Employees' Compensation.

[F. R. Doc. 58–9581; Filed, Nov. 14, 1958; 4:33 p. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter C—Drugs

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

EXEMPTION FROM CERTIFICATION REQUIREMENTS

Correction

In F. R. Document 58–9375, appearing in the issue for Thursday, November 13, 1958, at page 8792, make the following change: In § 146.12 (b) (1) add "Bacitracin ointment" to the list of antibiotic drugs.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"

MISCELLANEOUS AMENDMENTS

On April 5, 1958, notice was published in the FEDERAL REGISTER (23 F. R. 2256), that the Acting Administrator of the Wage and Hour and Public Contracts Divisions proposed to amend §§ 541.1 (f), 541.2 (e) and 541.3 (e), Part 541 of Title 29, Code of Federal Regulations. The proposal stated increases in the salary requirement specified in each of such paragraphs as a condition of exemption from the minimum wage and overtime requirements of the Fair Labor Standards Act provided by section 13 (a) (1) thereof, for any employee employed in a bona fide executive, administrative or professional capacity respectively. The proposal granted interested persons 30 days to submit for consideration data, views and arguments, pertaining to the proposed amendments.

The responses received, except those based on economic conditions during the winter of 1957 and the spring of 1958, are based on views and data similarly advanced during and after the hearings and considered, and insofar as found valid incorporated in the post-hearings Report and Recommendations. I have examined the objections raised by the responses, and in the light of the entire record of the proceedings, including the Report and Recommendations, which I hereby adopt, I conclude that they do not warrant any change in the proposal.

Requests were made that promulgation of the proposed amendment be deferred because of unfavorable economic conditions. I find no significant changes have occurred in salary levels for executive, administrative and professional employees since the issuance of the Report and Recommendations. The requests for deferral have been considered and are denied.

Pursuant to authority contained in section 13 (a) (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45–A (15 F. R. 3290) of the Secretary of Labor, notice is hereby given that the Administrator amends §§ 541.1 (f), 541.2 (e), and 541.3 (e) of Title 29 of the Code of Federal Regulations to read as follows:

§ 541.1 *Executive.* * * *

(f) Who is compensated for his services on a salary basis at a rate of not less than $80 per week (or $55 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided,* That an employee who is compensated on a salary basis at a rate of not less than $125 per

week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.

§ 541.2 *Administrative.* * * *

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $95 per week (or $70 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided*, That an employee who is compensated on a salary or fee basis at a rate of not less than $125 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of office or nonmanual field work directly related to management policies or general business operations of his employer or his employer's customers, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.

§ 541.3 *Professional.* * * *

(e) Who is compensated for his services on a salary or fee basis at a rate of not less than $95 per week (or $70 per week if employed in Puerto Rico or the Virgin Islands) exclusive of board, lodging, or other facilities: *Provided*, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof: *Provided*, That an employee who is compensated on a salary or fee basis at a rate of not less than $125 per week (exclusive of board, lodging, or other facilities), and whose primary duty consists of the performance of work either requiring knowledge of an advanced type in a field of science or learning, which includes work requiring the consistent exercise of discretion and judgment, or requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

(Sec. 13, 52 Stat. 1067, as amended; 29 U. S. C. 213)

This amendment shall become effective on February 2, 1959.

Signed at Washington, D. C., this 10th day of November 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-9509; Filed, Nov. 17, 1958; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PHILATELY

ORDER FOR STAMPS

The proposed amendment to § 35.1 published in the FEDERAL REGISTER of September 11, 1958, at page 7044 (23 F. R. 7044), F. R. Doc. 58-7429, is hereby adopted, without change, as a regulation of the Post Office Department, as set forth below.

[SEAL] ALBERT B. WARBURTON,
General Counsel.

In § 35.1 *The Philatelic Agency*, amend paragraph (c) to read as follows:

(c) *Order for stamps.* All stamps are for sale at face value, plus postage and handling charges listed below, for mail orders where domestic rates apply:

1 to 49 stamps	$0.05
50 to 400 stamps	.10
401 to 1,000 stamps	.20
1,001 to 3,000 stamps	.40
3,001 to 5,000 stamps	.70
5,001 to 10,000 stamps	1.20
10,001 to 35,000 stamps	3.00
Over 35,000 stamps	5.00

A flat charge of 50 cents will be made on each order for registration regardless of value where this protection is desired. All mail orders will be returned by official permit mail, and postage stamps will not be affixed to covering envelopes. Address your order to Philatelic Sales Agency, Post Office Department, Washington 25, D. C.

NOTE: The corresponding Postal Manual section 145.13.

(R. S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[F. R. Doc. 58-9529; Filed, Nov. 17, 1958; 8:50 a. m.]

TITLE 50—WILDLIFE

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

PART 33—CENTRAL REGION

SUBPART—UNION SLOUGH NATIONAL WILDLIFE REFUGE, IOWA

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F. R. 8126), I have determined that the hunting of deer on the lands of the Union Slough National Wildlife Refuge, Iowa, is essential to maintain the herd population within the forage capacity of the refuge and that such hunting would be consistent with the management of the refuge.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of October 2, 1958 (23 F. R. 7624), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer on the Union Slough National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within a period of 30 days from the date of publication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 33, Subpart—Union Slough National Wildlife Refuge, Iowa, are amended by adding a new § 33.256 reading as follows:

§ 33.256 *Deer hunting permitted.* Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer is permitted on December 13 and 14, 1958, only, on all of the lands of the Union Slough National Wildlife Refuge, Iowa, subject to the following conditions, restrictions, and requirements:

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

(b) *Dogs prohibited.* Dogs are not permitted on the refuge for use in the hunting of deer.

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

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the amendment set forth above will relieve restrictions which otherwise would preclude the hunting of deer on the Union Slough National Wildlife Refuge, the rule is exempt from the 30-day advance publication requirement imposed by section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c). Accordingly, the foregoing amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Dated: November 12, 1958.

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

[F. R. Doc. 58-9503; Filed, Nov. 17, 1958; 8:45 a. m.]

PART 35—NORTHEASTERN REGION

SUBPART—MISSISQUOI NATIONAL WILDLIFE REFUGE VERMONT

HUNTING

Basis and purpose. Pursuant to the authority conferred upon the Secretary of the Interior by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U. S. C. 715i), as amended and supplemented, and acting in accordance with the authority delegated to me by Commissioner's Order No. 4 (22 F. R. 8126), I have determined that the hunting of deer on designated lands of the Missisquoi National Wildlife Refuge, Vermont, is essential to maintain the herd within the forage capacity of the refuge and that such hunting would be consistent with the management of the refuge.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER of September 16, 1958 (23 F. R. 7135), the public was invited to participate in the adoption of a proposed regulation (conforming substantially with the rule set forth below) which would permit the hunting of deer on the Missisquoi National Wildlife Refuge by submitting written data, views, or arguments to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D. C., within a period of 30 days from the date of pub-

lication. No comments, suggestions, or objections having been received within the 30-day period, the regulations constituting Part 35, Subpart—Missisquoi National Wildlife Refuge, Vermont, are amended by adding a new § 35.52 reading as follows:

§ 35.52 *Hunting of deer permitted.* Subject to the provisions of Parts 18 and 21 of this chapter, the hunting of deer is permitted on the hereinafter described lands of the Missisquoi National Wildlife Refuge, Vermont, during the period November 17 to November 23, 1958, inclusive, subject to the following conditions, restrictions, and requirements:

(a) *Hunting area.* The hunting of deer is permitted on all of the lands of the refuge, except Big Marsh Slough lying east of a line between the western most point of Goose Bay and the northwest boundary of the Julian Clark Tract, and except on posted areas in the immediate vicinity of the headquarters and work center sites of the refuge.

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

(c) *Dogs.* The use of dogs for the purpose of hunting is prohibited.

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

(e) *Firearms.* The use of rifled firearms for the purpose of hunting is prohibited.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Since the amendment set forth above will relieve restrictions which otherwise would preclude the hunting of deer on the Missisquoi National Wildlife Refuge, the rule is exempt from the 30-day advance publication requirement imposed by section 4 (c) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 238; 5 U. S. C. 1003 (c). Accordingly, the foregoing amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Dated: November 10, 1958.

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

[F. R. Doc. 58-9504; Filed, Nov. 17, 1958; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

TEMPORARY IMPORTATION OF AUTOMOBILES RENTED ABROAD

Notice of proposed issuance of regulations governing the temporary importation of automobiles under paragraph 1798 (h) of the Tariff Act of 1930, as amended.

Section 7 of Public Law 85-925, approved September 2, 1958, amended paragraph 1798 of the Tariff Act of 1930, as amended (U. S. C., Title 19, sec. 1201, par. 1798), to provide that a resident of the United States may import an automobile rented abroad into the United States without the payment of duty for certain purposes and for such temporary periods as the Secretary of the Treasury may by regulation prescribe.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, under the authority of sections 201, paragraph 1798 (h), and 624 of the Tariff Act of 1930, as amended (19 U. S. C. 1201 (par. 1798 (h)), 1624), it is proposed to prescribe regulations governing the temporary importation of automobiles under said act of September 2, 1958.

The proposed regulations, in tentative form, are as follows:

Section 10.17 is amended by adding a new paragraph (n) to read as follows:

(n) *Rented automobiles.* An automobile rented by a resident of the United States while abroad may be brought into the United States by or on behalf of such resident for the transportation of such resident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the automobile without payment of duty for a temporary period not to exceed 10 days under the provisions of paragraph 1798 (h), Tariff Act of 1930, as amended.[20a] No entry or security for exportation shall be required. A touring certificate, customs Form 4447 properly modified, will be issued to or on behalf of the returning resident. Recrossings of the border incidental to the trip and for the purposes of said paragraph 1798 (h) of the tariff act may be permitted during the effective period of the touring certificate provided the certificate is presented to the customs officer at the port of each departure from and re-entry into the United States. The touring certificate shall be finally surrendered to the customs officer at the port of last departure of the automobile for return abroad.

Prior to the issuance of the proposed regulations, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., within a period of 10 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: November 6, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-9525; Filed, Nov. 17, 1958; 8:49 a. m.]

[20a] "(h) Automobiles rented by any resident of the United States while abroad may be imported into the United States by or on behalf of such resident for the transportation of such resident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the automobile without payment of duty, for such temporary periods as the Secretary of the Treasury by regulation may prescribe. Any automobile exempted from duty under this subparagraph which is used otherwise than for a purpose herein expressed or is not returned abroad within the time and manner as the Secretary may prescribe by regulation, or the value of such automobile (to be recovered from the importer), shall be subject to forfeiture to the United States." (Tariff Act of 1930, par. 1798, as amended (free list); 19 U. S. C. 1201 (par. 1798).)

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 962]

FRESH PEACHES GROWN IN GEORGIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the growers who, during the calendar year 1958 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether such growers favor the termination of the said amended marketing agreement and order. M. F. Miller of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as agent of the Secretary of Agriculture to perform the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing fresh peaches grown in Georgia or in rendering services for or advancing the interests of the growers of such peaches, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the

appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to the Fruit and Vegetable Division, Agricultural Marketing Service, P. O. Box 19, Lakeland, Florida, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Georgia; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agent may deem advisable.

(4) By conducting meetings of growers and arranging for balloting at the meeting places, if said referendum agent determines that voting shall be at meetings. At each such meeting, balloting shall continue until all of the growers who are present, and who desire to do so, have had an opportunity to vote. Any grower may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to growers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing any county agricultural agent in the State of Georgia, and any other persons deemed necessary or desirable, to assist the said referendum agent in performing his duties hereunder. Each county agricultural agent and other person so appointed shall serve without compensation and may be authorized, by the said referendum agent, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agent) in accordance with the requirements herein set forth; and shall forward to M. F. Miller, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P. O. Box 19, Lakeland, Florida, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each grower to whom a ballot form was given;

(ii) A register containing the name and address of each grower from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection wtih the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to growers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by M. F. Miller of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(c) The referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should he, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agent and appointees in conducting said referendum.

Copies of the text of aforesaid amended marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Office of W. E. Leigh, Manager, Industry Committee, Georgia Peach Marketing Agreement and Order, currently at 704 Grand Bldg., Macon, Georgia.

Ballots to be cast in the referendum may be obtained from the referendum agent and any appointee hereunder.

Dated: November 12, 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-9532; Filed, Nov. 17, 1958; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED PEARS

STANDARD OF IDENTITY; LABEL STATEMENT OF OPTIONAL INGREDIENTS

Correction

In F. R. Document 58-9378, appearing in the issue for Thursday, November 13, 1958, at page 8815, make the following change: In the paragraph numbered 1, line 5, insert the word "optional" preceding the word "ingredients".

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

NOTICE OF PROPOSED RULE MAKING

The following proposed amendment would add a provision to § 50.71 to require certain applicants for and holders of construction permits and operating licenses to file a quarterly report on status of reactor construction. Reports will not be required to be filed by permittees and licensees authorized to construct or operate critical experiment facilities or any facility shipped fully assembled by the manufacturer.

The purpose of the new report form is to provide the AEC with current and authoritative information. Data received will constitute part of a readily available centralized source of information on the status of reactor projects in the United States and will better enable the Commission to carry out its responsibilities and functions.

Notice is hereby given that the Atomic Energy Commission is considering adopting the following rule.

Persons desiring to file comments with the Commission should mail them to: Director, Division of Licensing and Regulation, U. S. Atomic Energy Commission, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Amend § 50.71 as follows:

a. Designate the existing language in § 50.71 as § 50.71 (a).

b. Add the following new paragraph (b):

(b) Each licensee and each applicant for, or holder of, a construction permit under this part, authorized to operate or construct any utilization facility, other than a critical experiment facility or any facility shipped fully assembled by the manufacturer, shall, within 30 days following each fiscal quarter, furnish to the Director, Division of Licensing and Regulation, U. S. Atomic Energy Commission, a report of reactor construction progress in the form prescribed in § 50.120: *Provided, however*, That no report is required of any licensee for any fiscal quarter following the quarter in which planned operation of the facility is commenced.

2. Add the following new § 50.120 to appear as follows:

§ 50.120 *Quarterly report on status of reactor construction.* Instructions for AEC form WA-254 [1] "Quarterly Report on Status of Reactor Construction".

Dated at Germantown, Md., this 6th day of November 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R. Doc. 58-9523; Filed, Nov. 17, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

BOISE PROJECT, OREGON

ORDER OF REVOCATION

OCTOBER 30, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby revoke departmental order dated December 22, 1903, in so far as said order affects the following-described land:

WILLAMETTE MERIDIAN

T. 21 S., R. 46 E.,
Sec. 35, NW¼SE¼.

The area described contains 40 acres.

WILLIAM I. PALMER,
Acting Associate Commissioner.

[Oregon 06275]

NOVEMBER 10, 1958.

I concur.

The lands are in an allowed homestead entry (The Dalles 025426).

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-9505; Filed, Nov. 17, 1958; 8:46 a. m.]

COLUMBIA BASIN PROJECT, WASHINGTON

ORDER OF REVOCATION

FEBRUARY 17, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of April 26, 1937, June 27, 1941, and June 13, 1947, in so far as said orders affect the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, WASHINGTON

T. 15 N., R. 27 E.,
Sec. 12, N½N½.
T. 15 N., R. 28 E.,
Sec. 6, Lots 1 and 2, S½NE¼.
T. 16 N., R. 27 E.,
Sec. 24, N½NE¼, SE¼NE¼, NE¼SE¼, and S½S½;
Sec. 30, Lot 4.
T. 16 N., R. 28 E.,
Sec. 2, Lots 1, 2, 3 and 4, E½SW¼, SW¼SW¼, and SE¼;
Sec. 10, NE¼, E½NW¼, SW¼NW¼, and SW¼;
Sec. 12, S½NW¼ and N½SW¼;
Sec. 14, N½;
Sec. 18, Lot 4, SE¼SW¼, and S½SE¼;
Sec. 20, SW¼NE¼ and NW¼SE¼;
Sec. 30, Lots 1, 2 and 3, NE¼NE¼, W½NE¼, E½NW¼, and NW¼SE¼;
Sec. 32, E½, and SW¼.
T. 16 N., R. 29 E.,
Sec. 4, Lots 1, 2, 3 and 4, S½NE¼, S½NW¼, N½SW¼, and E½SE¼;
Sec. 6, E½SE¼.
T. 17 N., R. 28 E.,
Sec. 10, S½SW¼ and SE¼;
Sec. 12, SW¼SW¼;
Sec. 14, W½NE¼ and W½;
Sec. 22, NE¼, E½NW¼, N½NW¼NW¼ and SE¼NW¼NW¼;
Sec. 24, NW¼NE¼NE¼, S½NE¼NE¼, NW¼NE¼, S½NE¼, NE¼NW¼, W½-SW¼, SE¼SW¼, and E½SE¼.
T. 17 N., R. 29 E.,
Sec. 30, Lots 1 and 2, E½NE¼, NW¼NE¼, and E½NW¼;
Sec. 32, SW¼NE¼, W½, and SE¼.

The above areas aggregate approximately 5,838 acres.

E. G. NIELSEN,
Assistant Commissioner.

[71106]

NOVEMBER 10, 1958.

I concur.

The lands are included in an application (Washington 02374) filed by the United States Fish and Wildlife Service for addition to the Columbia National Wildlife Refuge.

If the application, in whole or in part, is rejected or recalled, the released lands will be opened to disposition under the public land laws by a further order of an authorized officer of the Bureau of Land Management.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-9506; Filed, Nov. 17, 1958; 8:46 a. m.]

COLLBRAN PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 6, 1958.

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U. S. C. 416), and pursuant to Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry under the first form of withdrawal:

SIXTH PRINCIPAL MERIDIAN

T. 10 S., R. 94 W.,
Sec. 16, S½NE¼, E½NW¼, and NE¼SE¼.

The areas described aggregate 200 acres.

N. B. BENNETT,
Acting Associate Commissioner.

[Colorado 022206]

NOVEMBER 10, 1958.

I concur.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 58-9507; Filed, Nov. 17, 1958; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Pope. Johnson.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 12th day of November 1958.

[SEAL] MARVIN L. MCLAIN,
Acting Secretary.

[F. R. Doc. 58-9522; Filed, Nov. 17, 1958; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6852]

DUKE POWER CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1958.

Take notice that on November 4, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Duke Power Company ("Applicant"), a corporation organized under the laws of the State of New Jersey and doing business in the States of North Carolina and South Carolina, with its principal business office at Charlotte, North Carolina, seeking an order authorizing the issuance of 1,433,166 shares of no par value Common Stock. Applicant proposes to issue said stock as a stock dividend of 15 percent upon its outstanding Common Stock. The additional stock is to be dated as of date of issue, will have no fixed dividend rate and no maturity date. Applicant states it will issue to each of its stockholders additional shares equal to 15 percent of the number of shares held by each stockholder. No certificate

[1] Form and instructions filed as part of the original document. Copies may be obtained upon application to: Director, Division of Licensing and Regulation, U. S. Atomic Energy Commission, Washington 25, D. C.

will be issued for less than a whole share, and stockholders otherwise entitled to a fraction of a share will be given the right for a period of not less than 20 days to purchase an additional fractional share required to make a full share or to sell such fractional interest. If a fractional stockholder fails to exercise his right to buy or sell within the prescribed period of time, Applicant will sell for the account of such stockholder and remit the proceeds to him. Applicant states that the proposed issuance of the aforesaid shares will facilitate the sale and widen distribution of its stock, will strengthen its permanent capital structure and will be advantageous in conserving cash funds and in raising new capital necessary for the continuation of its construction program. No remuneration will be paid by stockholders or received by Applicant for the stock proposed to be issued.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of December 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-9510; Filed, Nov. 17, 1958; 8:47 a. m.]

[Docket No. G-4021]

K. D. OWEN ET AL.

NOTICE OF APPLICATION, AMENDMENTS AND DATE OF HEARING

NOVEMBER 10, 1958.

Take notice that K. D. Owen et al. (Applicant), an independent producer whose address is 2402 Esperson Building, Houston 2, Texas, filed an application on October 4, 1954 and amendments thereto on February 21, 1955, and November 7, 1955, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant sells natural gas produced from leases in the Carthage Field, Panola County, Texas to Arkansas Louisiana Gas Company for transportation in interstate commerce for resale for ultimate public consumption. According to the application, as amended, K. D. Owen is filing on behalf of himself and for co-owners Earl Hollandsworth, L. L. Travis, Frank G. Hollandsworth, Clarence Keese and Earlee Oil Company. The sale is being made under a contract dated July 28, 1953, as amended December 13, 1953, which is on file with the Commission as K. D. Owen, et al., FPC Gas Rate Schedule No. 3.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 4, 1958, at 9:30 a. m., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 1, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-9511; Filed, Nov. 17, 1958; 8:47 a. m.]

[Docket No. G-16856]

DIFFERENTIAL CORP. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 10, 1958.

Differential Corporation (Operator) et al. (Differential) on October 13, 1958, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 10, 1958.
Purchaser: Tennessee Gas Transmission Company.
Rate schedule designation: Supplement No. 7 to Differential's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1959 (effective date is that proposed by Differential).

The proposed increased price is based upon a redetermined provision of the contract that provides that effective January 1, 1959 the rate shall be the average of the three higher prices payable by buyers of gas within Texas Railroad Commission District No. 3.

In support of the proposed increased rate, Differential states that the increased price is provided for by the contract and was arrived at through arm's-length bargaining. Differential further states that the increased rate proposed is not in excess of the fair market price for gas of a like quality in the same general area; and that the increase is needed to encourage further exploration and development.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 7 to Differential's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Differential's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-9512; Filed, Nov. 17, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 12, 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. 35077: *Coal from Illinois, Indiana, and Kentucky to Chicago.* Filed by Illinois Freight Association, Agent (No. 34), for interested rail carriers. Rates on bituminous coal, carloads from points in Illinois, Indiana, and

western Kentucky to Chicago, Ill., and points in the Chicago switching district.

Grounds for relief: Barge and rail barge competition.

Tariffs: Supplement 8 to Illinois Freight Association tariff I. C. C. 898 and other schedules listed in exhibit 1 of the application.

FSA No. 35078: *Cheese foods between southwestern and W. T. L. territories.* Filed by Southwestern Freight Bureau, Agent (No. B-7412), for interested rail carriers. Rates on cheese, including cheese foods, carloads between points in southwestern territory, on the one hand, and points in western trunk line territory, on the other.

Grounds for relief: Short-line distance formula, market and truck competition.

Tariff: Supplement 21 to Southwestern Lines tariff I. C. C. 4301.

FSA No. 35079: *Coal from the southwest to Spencer, Iowa.* Filed by Western Trunk Line Committee, Agent (No. A-2028), for interested rail carriers. Rates on bituminous fine coal, carloads from points in Kansas, Missouri, and Oklahoma to Spencer, Iowa.

Grounds for relief: Market competition.

Tariffs: Supplement 43 to Southwestern Lines tariff I. C. C. 4270; Supplement 72 to Western Trunk Line Committee tariff I. C. C. A-3869.

FSA No. 35080: *Coal from Illinois, Indiana, and Kentucky to La Crosse, Wis.* Filed by Illinois Freight Association, Agent (No. 32), for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Illinois, Indiana, and western Kentucky to La Crosse, Wis.

Grounds for relief: Rail-barge-truck and barge-truck competition.

Tariffs: Supplement 14 to Illinois Freight Association tariff I. C. C. 898 and other schedules listed in exhibit 1 of the application.

FSA No. 35081: *Fine coal from Missouri to Hallam, Nebr.* Filed by Western Trunk Line Committee, Agent (No. A-2022), for interested rail carriers. Rates on fine coal, carloads, from points in Missouri to Hallam, Nebr.

Grounds for relief: Market competition.

Tariff: Supplement 72 to Western Trunk Line Committee tariff I. C. C. A-3969.

FSA No. 35082: *Coal from Illinois and Kentucky to Indianapolis, Ind.* Filed by Illinois Freight Association, Agent (No. 33), for interested rail carriers. Rates on bituminous coal and bituminous coal briquettes, carloads from mines in Illinois and western Kentucky groups to Indianapolis, Ind.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Chicago, Burlington and Quincy Railroad tariff I. C. C. 20398 and other schedules listed in the application.

FSA No. 35083: *Iron and steel articles between I. F. A. and W. T. L. points.* Filed by Western Trunk Line Committee, Agent (No. A-2025), for interested rail carriers. Rates on iron and steel articles, carloads from Duluth and Steelton, Minn., Peoria and Sterling, Ill., to Council Bluffs, Iowa, Omaha and South Omaha, Nebr.

Grounds for relief: Market competition.

Tariff: Supplement 122 to Western Trunk Line Committee tariff I. C. C. A-4038.

FSA No. 35084: *Iron and steel articles from official territory to W. T. L. territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2390), for interested rail carriers. Rates on iron and steel articles, carloads, as described in the application from points in Official territory to points in western trunk line territory.

Grounds for relief: Short line distance formula and grouping.

Tariff: Supplement 2 to TEA-ER, Agent, tariff I. C. C. C-44.

FSA No. 35085: *Aluminum articles from Kansas City, Mo.-Kans., to Chicago, Ill.* Filed by Western Trunk Line Committee, Agent (No. A-2027), for interested rail carriers. Rates on aluminum, viz: billets, blooms, ingots, pigs, slabs, and granulated (shot), carloads from Kansas City, Mo.-Kans., to Chicago, Ill.

Grounds for relief: Motor truck competition.

Tariff: Supplement 122 to Western Trunk Line Committee tariff I. C. C. A-4038.

FSA No. 35086: *Lumber from Texas and Louisiana.* Filed by Texas and New Orleans Railroad Company (No. 18-A), for interested rail carriers. Rates on lumber and related articles, flooring, and flooring blocks or squares, carloads from points in Louisiana and Texas to points in Louisiana, Baton Rouge and south.

Grounds for relief: Market competition.

Tariff: Supplement 14 to Texas and New Orleans Railroad tariff I. C. C. Tex. 801.

By the Commission.

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

[F. R. Doc. 58-9486; Filed, Nov. 14, 1958; 8:46 a. m.]

[Notice 48]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 13, 1958.

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

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

No. MC-FC 61667. By order of November 10, 1958, the Transfer Board approved transfer to Comet Motor Freight, Inc., St. Louis, Mo., of Certificate No. MC 20111, issued July 13, 1950, to East Side Express, Inc., Belleville, Ill., as amended, authorizing transportation of general commodities excluding household goods and other specified commodities, over regular routes, between Scott Field, Ill., and St. Louis, Mo.; and household goods as defined by the Commission, and mine machinery and supplies, over irregular routes, between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, points in St. Clair County, Ill. A. A. Marshall, 305 Buder Building, St. Louis 1, Mo., for applicants.

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

[F. R. Doc. 58-9516; Filed, Nov. 17, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALFRED AND HARRY KRESCH

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

Alfred Kresch, Ein Hachoresh, Hadera, Israel; Harry Kresch, Ein Hachoresh, Hadera, Israel; Claim No. 38672, Claim No. 38674; $200 in the Treasury of the United States to be divided equally.

Vesting Order No. 4212.

Executed at Washington, D. C., on November 10, 1958.

For the Attorney General.

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

[F. R. Doc. 58-9501; Filed, Nov. 17, 1958; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 67, Revised]

AUTHORIZATION FOR SIGNING COMMISSIONER'S NAME

Effective at 12 noon on November 5, 1958, all outstanding authorizations to sign the name of, or on behalf of, former Commissioner Harrington, and more recently Acting Commissioner Delk, are hereby amended to authorize the signing of the name of, or on behalf of, Dana Latham, Commissioner of Internal Revenue.

This order supersedes Delegation Order No. 67, issued October 1, 1958.

Issued: November 5, 1958.

Effective: November 5, 1958.

[SEAL] DANA LATHAM, *Commissioner.*

[F. R. Doc. 58-9508; Filed, Nov. 17, 1958; 8:46 a. m.]