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Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Lemons [1]

On November 14, 1958, a notice of proposed rule making was published in the FEDERAL REGISTER (23 F.R. 8865) regarding a proposed revision of United States Standards for Lemons.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Lemons are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.).

GRADES

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51.2804 Condition standards for export.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

DEFINITIONS

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AUTHORITY: §§ 51.2795 to 51.2819 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES

§ 51.2795 U.S. No. 1.

"U.S. No. 1" consists of lemons which are firm, reasonably well formed (unless specified as well formed), reasonably smooth (unless specified as smooth), which have stems which are properly clipped, and which are free from decay, contact spot, internal evidence of Alternaria development, unhealed broken skins, hard or dry skins, exanthema, growth cracks, internal decline (endoxerosis), red blotch, membranous stain or other internal discoloration, and free from damage caused by bruises, dryness or mushy condition, scars, oil spots, scale, sunburn, hollow core, peteca, scab, melanose, dirt or other foreign material, other disease, insects or mechanical or other means.

(a) *Color.* The lemons shall be fairly well colored (unless specified as well colored): *Provided,* That any lot of lemons which meets all the requirements of this grade except those relating to color may be designated as "U.S. No. 1 Green" if the lemons are of a full green color, or as "U.S. No. 1 Mixed Color" if the lemons fail to meet the color requirements of either "U.S. No. 1" or "U.S. No. 1 Green". (See § 51.2799.)

(b) Lemons shall have the juice content specified in § 51.2800.

§ 51.2796 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 lemons: *Provided,* That at least 40 percent,

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by count, of the lemons meet the requirements of U.S. No. 1 grade.

(a) *Color.* The lemons shall be fairly well colored (unless specified as well colored): *Provided,* That any lot of lemons which meets all the requirements of this grade except those relating to color may be designated as "U.S. Combination Green" if the lemons are of a full green color, or as "U.S. Combination Mixed Color" if the lemons fail to meet the color requirements of either "U.S. Combination" or "U.S. Combination Green". (See § 51.2799.)

(b) Lemons shall have the juice content specified in § 51.2800.

§ 51.2797 U.S. No. 2.

"U.S. No. 2" consists of lemons which are fairly firm, which are fairly well formed and fairly smooth, which have stems which are properly clipped, and which are free from decay, contact spot, internal evidence of Alternaria development, unhealed broken skins, hard or dry skins, exanthema, internal decline (endoxerosis), and red blotch, and free from serious damage caused by bruises, membranous stain or other internal discoloration, dryness or mushy condition, scars, oil spots, scale, sunburn, hollow core, peteca, growth cracks, scab, melanose, dirt or other foreign material, other disease, insects or mechanical or other means.

(a) *Color.* The lemons shall be fairly well colored (unless specified as well colored): *Provided,* That any lot of lemons which meets all of the above requirements of this grade except those relating to color may be designated as "U.S. No. 2 Green" if the lemons are of a full green color, or as "U.S. No. 2 Mixed Color" if the lemons fail to meet the color requirements of either "U.S. No. 2" or "U.S. No. 2 Green". (See § 51.2799.)

(b) Lemons shall have the juice content specified in § 51.2800.

Unclassified

§ 51.2798 Unclassified.

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

Tolerances

§ 51.2799 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. No. 1 grade*—(1) *For defects.* Not more than 10 percent of the lemons in any lot may fail to meet the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for decay, contact spot, internal evidence of Alternaria development, internal decline (endoxerosis), unhealed broken skins, growth cracks, and other defects causing serious damage, including not more than one-tenth of this latter amount, or one-half of 1 percent, for lemons affected by decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for lemons affected by decay en route or at destination.

(2) *For color.* Not more than 10 percent of the lemons in any lot may fail to meet the requirements relating to color.

(b) *U.S. No. 2 and U.S. Combination grades*—(1) *For defects.* Not more than 10 percent of the lemons in any lot may fail to meet the requirements of the U.S. No. 2 grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for decay, contact spot, internal evidence of Alternaria development, and internal decline (endoxerosis), including not more than one-fifth of this latter amount, or 1 percent, for lemons affected by decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for lemons affected by decay en route or at destination.

(2) *For color.* Not more than 10 percent of the lemons in any lot may fail to meet the requirements relating to color.

(3) When applying the tolerance for the U.S. Combination grade individual packages may have not more than 10 percent less than the percentage of U.S. No. 1 required: *Provided,* That the entire lot averages within the required percentage.

Juice Content

§ 51.2800 Juice content.

Lemons shall have a juice content of not less than 30 percent, by volume, except when designated as "U.S. No. 1 Green for Export", "U.S. Combination Green for Export" or "U.S. No. 2 Green for Export". When so designated, the lemons shall have a juice content of not less than 25 percent, by volume.

Application of Tolerances

§ 51.2801 Application of tolerances.

(a) Except when applying the tolerances for "Condition Standards for Export," the contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

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

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one lemon which is seriously damaged by dryness or mushy condition may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed lemon.

Standard Pack

§ 51.2802 Standard pack.

(a) Lemons shall be fairly uniform in size and shall be packed in boxes or cartons and arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All such containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled containers. When lemons are packed in standard nailed boxes, each box shall have a minimum bulge of 1¼ inches; when packed in cartons or in wire-bound boxes, each container shall be at least level full at time of packing.

(c) "Fairly uniform in size" means that when lemons are packed for 150 carton count or smaller size, or equivalent sizes when packed in other containers, not less than 90 percent, by count, of the lemons in any container shall be within a diameter range of four-sixteenths inch; when packed for sizes larger than 150 carton count, or equivalent sizes packed in other containers, not less than 90 percent, by count, of the lemons in any container shall be within a diameter range of six-sixteenths inch.

(1) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(d) In order to allow for variations incident to proper packing the following tolerances are provided:

(1) 10 percent for wrapped fruit in any container which fails to meet the

requirement pertaining to wrapping; and,

(2) 5 percent for containers in any lot which fail to meet the requirements for standard pack.

STANDARD SIZING AND FILL

§ 51.2803 Standard sizing and fill.

(a) Boxes or cartons in which lemons are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing and fill: *Provided,* That the lemons in the containers are fairly uniform in size as defined in § 51.2802: *And provided further,* That the contents have been properly shaken down and the container is at least level full at time of packing.

(b) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard sizing and fill.

CONDITION STANDARDS FOR EXPORT

§ 51.2804 Condition standards for export.

(a) Not more than a total of 10 percent, by count, of the lemons in any container may be soft, affected by decay or contact spot, or have broken skins which are not healed, growth cracks, black, loose or missing buttons, internal evidence of Alternaria development, internal decline (endoxerosis), or serious damage by membranous stain or other internal discoloration, or dryness or mushy condition, except that not more than the following percentages of the defects enumerated shall be allowed:

(1) One-half of 1 percent for decay;

(2) 3 percent for contact spot;

(3) 3 percent for broken skins which are not healed;

(4) 3 percent for growth cracks;

(5) 3 percent for internal evidence of Alternaria development;

(6) 3 percent for internal decline (endoxerosis);

(7) 5 percent for soft;

(8) 5 percent for black, loose or missing buttons;

(9) 5 percent for serious damage by membranous stain or other internal discoloration; and,

(10) 5 percent for serious damage by dryness or mushy condition.

(b) Any lot of lemons shall be considered as meeting the condition standards for export if not more than a total of 10 percent, by count, of the lemons in any container have defects enumerated in the condition standards for export: *Provided,* That no sample shall have more than double the percentage specified for any one of the defects enumerated.

DEFINITIONS

§ 51.2805 Firm.

"Firm" means that the fruit does not yield more than slightly to moderate pressure.

§ 51.2806 Reasonably well-formed.

"Reasonably well formed" means that the fruit shows normal characteristic lemon shape and is not globe shaped or materially flattened on one side. Lemons having grooves at the stylar end or having slightly thickened necks at the stem end shall be considered as fairly well formed unless the appearance is materially affected.

§ 51.2807 Well formed.

"Well formed" means that the fruit is typically normal in shape with well centered stem and stylar ends.

§ 51.2808 Reasonably smooth.

"Reasonably smooth" means that the appearance of the lemon is not materially affected by protrusions or lumpiness of the skin or by grooves or furrows. Coarse pebbling is an indication of good keeping quality and is not objectionable.

§ 51.2809 Smooth.

"Smooth" means that the skin is of fairly fine grain and that there are no more than slight furrows radiating from the stem end.

§ 51.2810 Contact spot.

"Contact spot" means an area on the lemon which bears evidence of having been in contact with decay or mold.

§ 51.2811 Internal evidence of Alternaria development.

"Internal evidence of Alternaria development" includes red or brown staining of the tissue under the button in the core, or in the fibro-vascular bundles.

§ 51.2812 Membranous stain.

"Membranous stain" is a brown or dark discoloration of the walls of the fruit segment.

§ 51.2813 Damage.

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

(a) Dryness or mushy condition when affecting all segments of the fruit more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Scars (including sprayburn and fumigation injury) which exceed the following aggregate areas of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(2) Scars which are dark, rough or deep and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(3) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle 1 inch in diameter; and,

(4) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 20 percent of the fruit surface;

(c) Oil spots (Oleocellosis or similar injuries) which are more than slightly depressed, soft, or which have an aggregate area exceeding that of a circle one-half inch in diameter;

(d) Scale when more than ten medium to large California red or purple scale adjacent to button at stem end or scattered over the fruit or any scale which affects the appearance of the fruit to a greater extent;

(e) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area or affects more than 25 percent of the fruit surface;

(f) Hollow core which causes the fruit to feel distinctly spongy; and,

(g) Peteca when more than two spots or when having an aggregate area exceeding that of a circle one-fourth inch in diameter.

§ 51.2814 Fairly well colored.

"Fairly well colored" means that the area of yellow color exceeds the area of green color on the fruit.

§ 51.2815 Well colored.

"Well colored" means that the fruit is yellow in color with not more than a trace of green color. Fruit of a decided bronze color shall not be considered well colored.

§ 51.2816 Fairly firm.

"Fairly firm" means that the fruit may yield to moderate pressure but is not soft.

§ 51.2817 Fairly well formed.

"Fairly well formed" means that the fruit is not decidedly flattened, does not have a very long or large neck and is not otherwise decidedly misshapen.

§ 51.2818 Fairly smooth.

"Fairly smooth" means that the skin is not badly folded, badly ridged, or very decidedly lumpy.

§ 51.2819 Serious damage.

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

(a) Membranous stain, or other internal discoloration which seriously affects the appearance of the cut fruit;

(b) Dryness or mushy condition when affecting all segments of the fruit more than one-half inch at the stem end or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Scars (including sprayburn and fumigation injury) which exceed the following aggregate area of different types of scars, or a combination of two or more types of scars the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area of more than 5 percent of the fruit surface;

(2) Scars which are dark, rough or deep, and which have an aggregate area of more than 10 percent of the fruit surface;

(3) Scars which are fairly light in color, slightly rough or of slight depth, and which have an aggregate area of more than 25 percent of the fruit surface; and,

(4) Scars which are light in color, fairly smooth, with no depth, and which have an aggregate area of more than 50 percent of the fruit surface;

(d) Oil spots (Oleocellosis or similar injuries) which are soft, or which have an aggregate area exceeding that of a circle 1 inch in diameter;

(e) Scale when California red or purple scale is concentrated as a ring or blotch, or more than thinly scattered over the fruit surface, or any scale which affects the appearance of the fruit to a greater extent;

(f) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than one-third of the fruit surface;

(g) Hollow core which causes the fruit to feel excessively spongy;

(h) Peteca when more than five small spots, or when having an aggregate area exceeding that of a circle three-fourths inch in diameter;

(i) Growth cracks that are leaking, gummy or not well healed.

The United States Standards for Lemons contained in this subpart shall become effective on March 15, 1959, and will thereupon supersede the United States Standards for Lemons which have been in effect since March 15, 1941.

Dated: February 5, 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 59-1178; Filed, Feb. 9, 1959; 8:48 a.m.]

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

[Navel Orange Reg. 155, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 914.455 (Navel Orange Regulation 155, 24 F.R. 697) are hereby amended to read as follows:

(i) District 1: 702,240 cartons;
(ii) District 2: 429,660 cartons.

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

Dated: February 5, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-1179; Filed, Feb. 9, 1959; 8:48 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Supp. 18]

PART 6—ROTORCRAFT AIRWORTHINESS: NORMAL CATEGORY

Rotorcraft Water Landings

This supplement presents FAA policy concerning the demonstration of autorotative or one-engine-inoperative water landings by helicopters equipped with float installations.

Insert § 6.114–1 to read:

§ 6.114–1 Autorotative or one-engine-inoperative landing for helicopters with float installations (FAA policies which apply to § 6.114).

(a) Helicopters equipped with float installations[1] should comply with the following:

(1) Landings should be conducted on water at wave heights selected by the applicant to show compliance with §§ 6.114 and 6.715.

(2) When approval is requested under the air carrier operating regulations (see §§ 46.70, 46.71, and 46.206 of this chapter) for operations involving takeoff or landing over water with helicopters certificated under this part, compliance should be shown with subparagraph (1) of this paragraph.

(3) For approval of night operations, landings from cruising altitude should be conducted in accordance with subparagraph (1) or (2) of this paragraph.

(4) Pertinent information concerning the operating procedures investigated and the surface conditions prevailing during these landings should be included in the operating procedure section of the Rotorcraft Flight Manual.

This supplement shall become effective February 26, 1959.

(Sec. 6.114 issued under sec. 313(a) of Federal Aviation Act of August 23, 1958, 72 Stat. 731 (Pub. Law 85-726). Interpret or apply secs. 601, 603; 72 Stat. 775, 776)

Issued in Washington, D.C., on February 3, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-1155; Filed, Feb. 9, 1959; 8:45 a.m.]

[1] "Salvage float gear" constitutes means to keep the helicopter afloat for salvage purposes only and is not to be regarded as a float installation.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7251]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Furs by Gartenhaus, Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; percentage savings. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods—*Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(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, Furs By Gartenhaus, Inc., et al., Washington, D.C., Docket 7251, January 10, 1959]

In the Matter of Furs by Gartenhaus, Inc., a Corporation, and Isidore Gartenhaus, Bertram Gartenhaus, and Donald D. Gartenhaus, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Washington, D.C., with violating the Fur Products Labeling Act by labeling fur products with fictitious prices represented as usual selling prices; by failing to comply with the invoicing requirements of the Act; by newspaper advertisements representing prices of furs as reduced from purported usual prices which were in fact fictitious, and representing false percentage savings; and by

failing to maintain adequate records as a basis for such pricing claims.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Furs by Gartenhaus, Inc., a corporation, and its officers, and Isidore Gartenhaus, Bertram Gartenhaus and Donald D. Gartenhaus, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, 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, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has 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:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying such products as to the regular prices thereof by any representation that the regular or usual prices of such products are any amounts in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

2. Falsely or deceptively invoicing fur products by:

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

(1) 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 under the rules and regulations.

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

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

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Failing to set forth the term "Persian Lamb" in the manner required by law.

D. Failing to set forth the term "Dyed Mouton processed Lamb" in the manner required by law.

E. Failing to set forth the term "Dyed Broadtail processed Lamb" in the manner required by law.

3. 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:

A. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Represents, directly or by implication, through percentage savings claims that the regular or usual retail prices charged by respondents for fur products in the recent regular course of business were reduced in direct proportion to the amount of savings stated, when contrary to fact.

4. Making price claims and representations of the types referred to in Paragraph 3A above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

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

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

Issued: January 9, 1959.

By the Commission.

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

[F.R. Doc. 59-1160; Filed, Feb. 9, 1959; 8:46 a.m.]

[Docket 7268]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. Stein & Sons, Inc., et al.

Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Wool Products Labeling Act. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c))

[Cease and desist order, H. Stein & Sons, Inc., et al., Chicago, Ill., Docket 7268, January 10, 1959]

In the Matter of H. Stein & Sons, Inc., a Corporation, and Max Stein, Hyman Stein and Milton Stein, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in Chicago with violating the Wool Products Labeling Act by such practices as labeling and invoicing as "70% Wool, 30% Rayon", "65% Wool, 35% other fibers", "100% Wool", etc., woolen stocks which contained substantially less woolen fibers than the percentages given; by failing to label wool products as prescribed by the Act and by furnishing false guaranties that certain of their wool products were not misbranded.

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 January 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents H. Stein & Sons, Inc., a corporation, and its officers, and Max Stein, Hyman Stein and Milton Stein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" as defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen stocks, or other "wool products," as such products are defined in, and subject to, said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

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

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

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

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

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

B. Furnishing false guaranties that wool waste or other wool products (as "wool products" are defined in the Wool Products Labeling Act) are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

It is further ordered, That H. Stein & Sons, Inc., a corporation, and its officers, and Max Stein, Hyman Stein, and Milton Stein, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen stocks, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

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

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

Issued: January 9, 1959.

By the Commission.

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

[F.R. Doc. 59-1161; Filed, Feb. 9, 1959; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Amphetamine Inhalers Regarded as Prescription Drugs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045; 23 F.R. 9500), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U.S.C. 1002), the following statement of interpretation is issued:

§ 3.8 **Amphetamine inhalers regarded as prescription drugs.**

(a) Recurring reports of abuse and misuse of amphetamine inhalers show that they have a potentiality for harmful effect and that they should not be freely available to the public through over-the-counter sale. From complaints by law-enforcement officials, as well as from our own investigations, it is evident that the wicks from these inhalers are being removed and the amphetamine they contain is being used as a substitute for amphetamine tablets. Amphetamine tablets have always been restricted to prescription sale because of their potentiality for harm to the user.

(b) It is the considered opinion of the Food and Drug Administration that, in order to adequately protect the public health, amphetamine inhalers should be restricted to prescription sale and should be labeled with the legend "Caution: Federal law prohibits dispensing without prescription."

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies § 503(b)(1)(B), 52 Stat. 1052, as amended; 65 Stat. 648, 649; 21 U.S.C. 353(b)(1)(B))

Dated: February 4, 1959.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 59-1214; Filed, Feb. 9, 1959; 8:51 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

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

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.45, 21 CFR, 1957 Supp.; 21 CFR 146a.104 (23 F.R. 6344); 21 CFR 146c.204 (23 F.R. 6436); 21 CFR 146c.205 (23 F.R. 6437)) are amended as indicated below:

§ 146a.45 [Amendment]

1. In § 146a.45 *Procaine pencillin in oil,* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "18 months or 24 months" to read "18 months, 24 months, or 36 months".

2. Section 146a.104(c)(1)(iv) is revised to read as follows:

§ 146a.104 **Penicillin V for oral suspension (phenoxylmethyl penicillin for oral suspension)**

* * * * *

(c) * * *

(1) * * *

(iv) The statement "Expiration date _____," the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that if it contains sulfonamides the blank shall be filled in with the date that is 12 months after the month during which the batch was certified.

3. In § 146c.204(c)(1)(iv)(*b*) is amended to read as follows:

§ 146c.204 **Chlortetracycline hydrochloride capsules** * * *

* * * * *

(c) * * *

(1) * * *

(iv) * * *

(*b*) If tetracycline hydrochloride is used, 48 months, except that the date that is 60 months may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section.

§ 146c.205 [Amendment]

4. In § 146c.205 *Chlortetracycline powder* * * *, subparagraph (1)(iii) of paragraph (c) *Labeling* is amended by changing the words "36 months or 48 months" to read "36 months, 48 months, or 60 months".

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

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

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

Dated: February 3, 1959.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 59-1162; Filed, Feb. 9, 1959; 8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6361]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage Depletion Rates for Certain Taxable Years Ending in 1954

Regulations are hereby prescribed under section 613(d) of the Internal Revenue Code of 1954 as added by section 36 of the Technical Amendments Act of 1958 (72 Stat. 1633). Concurrently with the adoption of these regulations, a no-

tice of proposed rule making is being published setting forth in tentative form regulations modifying the definition of certain minerals appearing in § 39.23 (m)–5 (b) of Regulations 118 (26 CFR (1939) Part 39) and § 29.23(m)–5 of Regulations 111 (26 CFR (1939) Part 29).[1] Since these proposed modifications may affect the applicable depletion rates for such minerals, they should be considered in determining whether or not the election provided for in section 613(d) should be made. In some cases, this election must be exercised not later than March 2, 1959.

§ 1.613 Statutory provisions; percentage depletion.

SEC. 613 *Percentage depletion*—(a) *General rule.* In the case of the mines, wells, and other natural deposits listed in subsection (b), the allowance for depletion under section 611 shall be the percentage, specified in subsection (b), of the gross income from the property excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). In no case shall the allowance for depletion under section 611 be less than it would be if computed without reference to this section.

(b) *Percentage depletion rates.* The mines, wells, and other natural deposits, and the percentages, referred to in subsection (a) are as follows:

(1) 27½ percent—oil and gas wells.

(2) 23 percent—

(A) Sulfur and uranium; and

(B) If from deposits in the United States—Anorthosite (to the extent that alumina and aluminum compounds are extracted therefrom), asbestos, bauxite, beryl, celestite, chromite, corundum, fluorspar, graphite, ilmenite, kyanite, mica, olivine, quartz crystals (radio grade), rutile, block steatite talc, and zircon, and ores of the following metals: antimony, bismuth, cadmium, cobalt, columbium, lead, lithium, manganese, mercury, nickel, platinum and platinum group metals, tantalum, thorium, tin, titanium, tungsten, vanadium, and zinc.

(3) 15 percent—ball clay, bentonite, china clay, sagger clay, metal mines, (if paragraph (2)(B) does not apply), rock asphalt, and vermiculite.

(4) 10 percent—asbestos (if paragraph (2)(B) does not apply), brucite, coal, lignite, perlite, sodium chloride, and wollastonite.

(5) 5 percent—

(A) Brick and tile clay, gravel, mollusk shells (including clam shells and oyster shells), peat, pumice, sand, scoria, shale, and stone, except stone described in paragraph (6); and

(B) If from brine wells—bromine, calcium chloride, and magnesium chloride.

(6) 15 percent—all other minerals (including, but not limited to, aplite, barite, borax, calcium carbonates, refractory and fire clay, diatomaceous earth, dolomite, feldspar, fullers earth, garnet, gilsonite, granite, limestone, magnesite, magnesium carbonates, marble, phosphate rock, potash, quartzite, slate, soapstone, stone (used or sold for use by the mine owner or operator as dimension stone or ornamental stone), thenardite, tripoli, trona, and (if paragraph (2)(B) does not apply) bauxite, beryl, flake graphite, fluorspar, lepidolite, mica, spodumene, and talc, including pyrophyllite), except that, unless sold on bid in direct competition with a bona fide bid to sell a mineral listed in paragraph (3), the percentage shall be 5 percent for any such other mineral when used, or sold for use, by the mine owner or operator as rip rap, ballast, road material, rubble, concrete aggregates, or for similar purposes. For purposes of this paragraph, the term "all other minerals" does not include—

(A) Soil, sod, dirt, turf, water, or mosses; or

(B) Minerals from sea water, the air, or similar inexhaustible sources.

(c) *Definition of gross income from property.* For purposes of this section—

(1) *Gross income from the property.* The term "gross income from the property" means, in the case of a property other than an oil or gas well, the gross income from mining.

(2) *Mining.* The term "mining" includes not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products, and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary or his delegate finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

(3) *Extraction of the ores or minerals from the ground.* The term "extraction of the ores or minerals from the ground" includes the extraction by mine owners or operators of ores or minerals from the waste or residue of prior mining. The preceding sentence shall not apply to any such extraction of the mineral or ore by a purchaser of such waste or residue or of the rights to extract ores or minerals therefrom.

(4) *Ordinary treatment processes.* The term "ordinary treatment processes" includes the following:

(A) In the case of coal—cleaning, breaking, sizing, dust allaying, treating to prevent freezing, and loading for shipment;

(B) In the case of sulfur recovered by the Frasch process—pumping to vats, cooling, breaking, and loading for shipment;

(C) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment;

(D) In the case of lead, zinc, copper, gold, silver, or fluorspar ores, potash, and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including as an ordinary treatment process electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore, including the furnacing of quicksilver ores; and

(E) The pulverization of talc, the burning of magnesite, and the sintering and nodulizing of phosphate rock.

(d) *Application of percentage depletion rates to certain taxable years ending in 1954*—(1) *General rule.* At the election of the taxpayer in respect of any property (within the meaning of the Internal Revenue Code of 1939), the percentage specified in subsection (b) in the case of any mine, well, or other natural deposit listed in such subsection shall apply to a taxable year ending after December 31, 1953, to which the Internal Revenue Code of 1939 applies.

(2) *Method of computation.* The allowance for depletion, in respect of any property for which an election is made under paragraph (1) for any taxable year, shall be an amount equal to the sum of—

(A) That portion of a tentative allowance, computed under the Internal Revenue Code of 1939 without regard to paragraph (1) of this subsection, which the number of days in such taxable year before January 1, 1954, bears to the total number of days in such taxable year; plus

(B) That portion of a tentative allowance, computed under the Internal Revenue Code of 1939 (as modified solely by the application of paragraph (1) of this subsection), which the number of days in such taxable year after December 31, 1953, bears to the total number of days in such taxable year.

[Sec. 613 as amended by sec. 36, Technical Amendments Act of 1958 (72 Stat. 1633)]

§ 1.613–6 Application of percentage depletion rates provided in section 613 (b) to certain taxable years ending in 1954.

(a) *Election of taxpayer.* In the case of any taxable year ending after December 31, 1953, to which the Internal Revenue Code of 1939 is applicable, the taxpayer may elect in accordance with section 613(d) and this section to apply the appropriate percentage depletion rate specified in section 613 in respect of any mineral property (within the meaning of the 1939 Code). In the case of mines, wells, or other natural deposits listed in section 613(b), the election may be made by the taxpayer irrespective of whether his depletion allowance with respect to the property for the taxable year was computed upon the basis of cost, discovery value, or upon a percentage of gross income from the property. Once made, the election shall be irrevocable with respect to the property for which it is exercised. The election may be made for any mineral property of the taxpayer and need not be made for all such properties. "Gross income from the property" and "net income from the property" shall have the same meaning as those terms are used in § 39.23(m)–1 of Regulations 118 (26 CFR (1939) Part 39).

(b) *Computation of depletion allowance.* The depletion allowance for any taxable year with respect to any property for which the taxpayer makes the election under section 613(d) shall be an amount equal to the sum of—

(1) That portion of a tentative allowance, computed under the provisions of the Internal Revenue Code of 1939 (without regard to paragraph (1) of section 613(d)), which the number of days in the taxable year prior to January 1, 1954, bears to the total number of days in such taxable year; plus

(2) That portion of a tentative allowance, computed by using the appropriate percentage depletion rate specified in section 613(b) (but otherwise computed under the provisions of the Internal Revenue Code of 1939), which the number of days in the taxable year after December 31, 1953, bears to the total number of days in such taxable year.

In the case of any taxable year beginning after December 31, 1953, and ending before August 17, 1954, the depletion allowance with respect to any property for which the taxpayer makes the election under section 613(d) shall be computed under the provisions of the Internal

[1] See Department of the Treasury, Internal Revenue Service, F.R. Document 59–1201, in Proposed Rule Making Section, *infra*.

Revenue Code of 1939, except that the appropriate percentage depletion rate specified in section 613(b) shall be used. In making such computation, "gross income from the property" and "net income from the property" shall be determined in the same manner as specified in paragraph (a) of this section.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A is a taxpayer who reports income on the basis of a taxable year ending June 30. For the taxable year ended June 30, 1954, A had gross income from a uranium property in the amount of $100,000 and his depletion allowance was computed with reference to percentage depletion. His net income from this property, for purposes of limiting the depletion allowance, was $40,000. The 15-percent rate of depletion provided for in the Internal Revenue Code of 1939 for metal mines resulted in a depletion allowance for the taxable year of $15,000. Percentage depletion computed with reference to the 23-percent rate provided for uranium under section 613(b) is $23,000 ($100,000 times 23 percent). However, the allowance computed on this basis is limited to $20,000 (50 percent of A's net income from the property). If A exercises the election provided for in section 613(d) his depletion allowance for the taxable year is the aggregate of $7,561.64 (184/365 times $15,000) plus $9,917.80 (181/365 times $20,000) or $17,479.44.

Example (2). Assume the same facts as in example (1) except that A's depletion allowance was computed on the basis of cost and amounted to $17,500. If the election is made, A's allowance for the taxable year is the aggregate of $8,821.92 (184/365 times $17,500) plus $9,917.80 (181/365 times $20,000) or $18,739.72.

(d) *Requirement for making election.* (1) The election under section 613(d) shall be made by filing a statement with the district director with whom the income tax return was filed for the taxable year to which the election is applicable. Such statement shall indicate that an election is being made under section 613(d), shall contain a recomputation of the depletion allowance and the tax liability for all taxable years affected by the exercise of the election, and shall be accompanied either by a claim for refund or credit or by an amended return or returns, whichever is appropriate.

(2) If the treatment of any item upon which a tax previously determined was based, or if the application of any provisions of the internal revenue laws with respect to such tax, depends upon the amount of income (e.g., charitable contributions, foreign tax credit, dividends received credit, and medical expenses), readjustment in these particulars will be necessary as part of any recomputation in conformity with the change in the amount of the income which results solely from the making of the election under section 613(d).

(e) *Administrative provisions; etc.* (1) Section 36(b) of the Technical Amendments Act of 1958 provides as follows:

(b) *Statute of limitations, etc.; interest.* If refund or credit of any overpayment resulting from the application of the amendment made by subsection (a) of this section is prevented on the date of the enactment of this Act, or within 6 months from such date, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within 6 months from such date. No interest shall be paid on any overpayment resulting from the application of the amendment made by subsection (a) of this section.

(2) If refund or credit of any overpayment resulting from the application of section 613(d) is prevented on September 2, 1958, or on or before March 2, 1959, by the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code of 1939 or section 7121 of the Internal Revenue Code of 1954, relating to closing agreements, and other than section 3761 of the Internal Revenue Code of 1939 or section 7122 of the Internal Revenue Code of 1954, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed on or before March 2, 1959. If such refund or credit is not prevented on or before March 2, 1959, the time for filing claim therefor shall be governed by the rules of law generally applicable to credits and refunds.

(3) The amount of any refund or credit which is allowable by reason of section 613(d) shall not exceed the decrease in income tax liability resulting solely from the application of the percentage rates specified in section 613(b). No interest shall be allowed or paid on any overpayment resulting from the application of section 613(d).

(4) For purposes of this section the "decrease in income tax liability" shall be the amount by which the tax previously determined (as defined in section 3801(d) of the Internal Revenue Code of 1939) exceeds the tax as recomputed under section 613(d) and this section.

(f) *Adjustment to basis.* Proper adjustment shall be made to the basis of any property as required by section 113(b)(1) of the Internal Revenue Code of 1939 and § 39.113(b)(1)-1 (c) of Regulations 118 (26 CFR (1939) Part 39) to reflect any change in the depletion allowance resulting from the application of section 613(d) of the Internal Revenue Code of 1954.

Because certain taxpayers to which this Treasury decision applies must file a claim for credit or refund on or before March 2, 1959, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: February 5, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-1200; Filed, Feb. 9, 1959; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

Foreign Awards

Section 578.19 is revised to read as follows:

§ 578.19 Foreign awards.

(a) *Consent required.* No person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title of any kind whatsoever from any king, prince, or foreign state. (Const., art. I, sec. 9, cl. 8.) This includes decorations, awards, and gifts tendered by any official of a foreign government.

(b) *General policy.* (1) The provisions of this section apply to all members of the Armed Forces on active duty, all members of the Reserve components, and all civilian employees of the Army. This policy should be observed also when the award or gift is tendered to a member of the immediate family of any of the foregoing personnel.

(2) The regulations of this section do not apply to a foreign decoration awarded for services while the recipient was a bona fide member of the armed forces of a friendly foreign nation, provided the award was made prior to the individual's entrance into active service of the Armed Forces of the United States.

(3) Posthumous awards made to a former member of the Armed Forces of the United States do not require the consent of the Congress for acceptance by next of kin.

(c) *Participation in ceremonies.* Except as prohibited by paragraph (e) of this section, an individual may participate in a ceremony and receive the tender of a foreign award or gift. The receipt of the award or gift will not constitute acceptance of the award by the recipient. Immediately following the ceremony, the individual will forward the award or gift with all appurtenances thereto, including all official papers such as diploma, citation, etc. to The Adjutant General. A brief statement should accompany the award explaining the act or service for which the award was made, date and place of presentation, and name and title of official who made the presentation.

(d) *Congressional authorization.* Except for such awards as may be specifically authorized by the Congress, The Adjutant General will forward the foreign award or gift to the Secretary of State to be held in escrow pending approval of the Congress. All military and civilian recipients of foreign decorations, upon discharge or permanent retirement from Federal Service, should notify The Adjutant General in order that appropriate action may be taken with reference to their awards or gifts. The Secretary of State is required by law to transmit the names of retired personnel to the second session of each alternate Congress (5 U.S.C. sec. 115a). Upon ap-

proval by the Congress, the award or gift will be forwarded to the individual concerned.

(e) *Military Assistance Program.* (1) As an exception to the general policy and procedures set forth in paragraphs (a) to (d) of this section, the following prohibition shall apply to members of the Armed Forces and civilian employees performing duties in connection with the Military Assistance Program. Specifically, this prohibition includes personnel assigned or attached to, or otherwise performing duty with, Military Assistance Advisory Groups, Military Advisory Groups, Military Aid Groups, or missions having Military Assistance Program functions. Such personnel, regardless of assignment, may not accept the tender of any decoration, award, or gift from foreign governments for duty of this nature. In addition, personnel performing military assistance advisory, programing, budgeting, and/or logistic functions in any headquarters, office, agency, or organization may not accept the tender of any decoration, award, or gift from foreign governments in recognition of such duties. Accordingly, participation in ceremonies involving any such tender is not authorized. In order to avoid embarrassment, the appropriate foreign officials should be acquainted with this prohibition. If presentation is made in spite of such representation, the decoration, award, or gift will be forwarded with a full explanation of the circumstances to The Adjutant General for disposal. This restriction also applies to personnel performing United Nations Truce supervisory activities.

(2) Where an award or gift is proffered to a member of the Armed Forces or a civilian employee performing any duty in connection with the Military Assistance Program in recognition of actual combat services against an armed enemy of the United States, or heroism involving the saving of life, the foregoing prohibition is inapplicable.

[C 8, AR 672-5-1, Jan. 21, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

[SEAL] R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-1156; Filed, Feb. 9, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

Miscellaneous Amendments

In Part 201, Procedures of the Post Office Department, as amended by Federal Register Document 58-4104 (23 F.R. 3775), and by Federal Register Document 58-8786 (23 F.R. 8159-8161), make the following changes:

1. Redesignate Subpart M—Rule Making Procedures of the Post Office Department, as Subpart N, and renumber § 201.150 *Rule making*, as § 201.200.

2. Insert a new Subpart M to read as follows:

Subpart M—Rules of Procedure for Progress Payments on Post Office Department Procurement Contracts

Sec.
201.130 Definition of terms.
201.131 Statement in invitation for bids.
201.133 Applicability.

AUTHORITY: §§ 201.130 to 201.133 issued under R.S. 161, as amended, 396, as amended, sec. 305, 63 Stat. 396, as amended; 5 U.S.C. 22, 369, 41 U.S.C. 255.

§ 201.130 Definition of terms.

(a) The term "progress payments" means payments made from time to time during the performance of a contract on the basis of costs to the contractor, or percentage of completion or particular stage of completion in connection with which the Government takes title to property acquired and work performed under the contract.

(b) The term "eligible contractors" includes all persons awarded contracts covered by these instructions, except a person who is determined by the contracting officer to be in such unsatisfactory financial condition or has disregarded his obligations with respect to progress payments under other Government contracts to such a degree as to endanger recoupment of progress payments under the current contract.

(c) The term "unliquidated progress payments" means progress payments made which have not been liquidated by actual delivery and acceptance by the Government of end items for which partial payments have been made to the contractor.

§ 201.131 Statement in invitation for bids.

Each formal invitation to bid shall contain a statement substantially as follows, unless the contracting officer determines the contract will not exceed $10,000:

Availability of progress payments. Upon written request of the successful bidder or contractor, the Government will, if he is an eligible contractor under applicable regulations, make provision for progress payments to the contractor whenever the contracting officer considers:

a. That the period of time between starting performance and delivery of the first end items will exceed six months.

b. That contract performance is likely to involve expenditures prior to delivery of the first end items, having a material impact on the contractor's working funds or, in the case of progress payments first requested subsequent to award, involves expenditures having such impact.

c. The bidder shall state whether or not his bid is conditioned on the availability of progress payments or whether his bid is firm even though progress payments will not be available.

d. The need for progress payments on the foregoing basis will not be considered a handicap or an adverse factor in awarding contracts hereunder.

§ 201.132 Basis for progress payments.

The following statements shall be inserted in all contracts under which progress payments are available and shall constitute the basis for making progress payments:

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be 90 percent of the contractor's cumulative costs of direct labor performed and material including equipment acquired for performance of this contract; less the sum of previous progress payments. In no event, however, may the amount of unliquidated progress payments exceed 60 percent of the total contract price of items and services not yet delivered, invoiced to and accepted by the Government; also, the aggregate amount of progress payments made may not exceed 60 percent of the total contract price.

(2) Contractor's costs above mentioned must be reasonable, allocable to this contract, and consistent with generally accepted accounting principles.

(b) *Recovery of progress payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced to and accepted by the Government shall be reduced by 60 percent and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been liquidated.

(c) *Reduction or suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the contracting officer the contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to material and work.* When any progress payment is made under this contract, title to material including equipment acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the contractor and properly chargeable to this contract under generally accepted accounting practices shall vest in the Government. The contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed or damaged. Upon completion of performance of all obligations of the contractor under this contract, title to all property not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the contractor. The Government shall have the right to examine at any reasonable time any property to which title has vested or may vest in the Government under this paragraph.

(e) *Records and reports.* The contractor shall maintain accurate books, records, accounts, and reports and shall furnish such statements and information as may be reasonably requested by the contracting officer. The Government shall be afforded reasonable opportunity to examine the contractor's books, records, reports and accounts as well as any property to which title has vested or may vest in the Government.

(f) *Default.* If this contract is terminated for default, the contractor shall, upon demand, pay to the Government the amount of unliquidated progress

payments, less any amounts payable to the contractor in accordance with the default clause.

(g) *Reservation of rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(h) *Surety bond.* Unless the contracting officer determines that the Government is adequately protected against risk or loss on account of progress payments made under this contract, the contractor shall furnish a surety bond in the form prescribed by the Government in the amount of maximum progress payments authorized to be outstanding at any one time under this section.

§ 201.133 **Applicability.**

The rules contained in §§ 201.130 to 201.132 shall apply only to procurement contracts approved and awarded by the Bureau of Facilities contracting officers, Headquarters, Washington 25, D.C.

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-1189; Filed, Feb. 9, 1959; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1781]

[Anchorage 032563]

ALASKA

Reserving Lands at Glennallen for Use of Alaska Communications System, Department of the Army; Partly Revoking Executive Order No. 9085 of March 4, 1942

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

1. Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and disposals of materials, and reserved for use of the Department of the Army for military purposes:

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W.,
Sec. 23, portions of lots 9 and 12, described as the following aliquot parts: W½W½SE¼SW¼NE¼SW¼, SW¼SW¼NE¼SW¼, NW¼NW¼SE¼SW¼ and W½NE¼NW¼SE¼SW¼.

The areas described aggregate 6.25 acres.

2. Executive Order No. 9085 of March 4, 1942, which withdrew lands for use by the Alaska Fire Control Service, General Land Office, now Bureau of Land Management, Department of the Interior, as an administrative site, is hereby revoked so far as it affects any of the lands described in paragraph 1 of this order.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

[F.R. Doc. 59-1166; Filed, Feb. 9, 1959; 8:47 a.m.]

[Public Land Order 1782]

[79706]

ALASKA

Excluding Lands From the Chugach National Forest and Restoring Them for Purchase as Homesites

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described public lands in Alaska are hereby eliminated from the Chugach National Forest, and the boundaries of said forest are adjusted accordingly:

United States Survey No. 2520, lot B, 3.15 acres; latitude 60°24'26" N., longitude 149° 22' W. (Homesite No. 137, Falls Creek Group).

United States Survey No. 2530, lot B, 2.09 acres; latitude 60°20'20" N., longitude 149° 22' W. (Homesite No. 73, Primrose Group).

The lands are hereby opened, pursuant to section 10 of the act of May 14, 1898 (30 Stat. 409) as amended by the act of May 26, 1934 (48 Stat. 809; 48 U.S.C. 461), to application by holders of permits issued by the Department of Agriculture, who own valuable improvements thereon and whose permits will be terminated by reason of this elimination. The lands will not be subject to any other form of appropriation under the public land laws until a further order is issued by an appropriate officer of the Bureau of Land Management opening the lands to such disposition.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

[F.R. Doc. 59-1167; Filed, Feb. 9, 1959; 8:47 a.m.]

[Public Land Order 1783]

[78698]

ALASKA

Excluding Lands From the Chugach National Forest and Restoring Them for Purchase as Homesites

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described public lands in Alaska are hereby eliminated from the Chugach National Forest, and the boundaries of the said forest are adjusted accordingly:

U.S. Survey No. 2525, lot 13, 4.23 acres; latitude 60°30'05" N., longitude 149°47' W. (Homesite No. 104, Snug Harbor Group).

U.S. Survey No. 2679, tract A, 3.69 acres; latitude 60°23'41" N., longitude 146°07'23" W. (Homesite No. 89, Boswell Bay Group).

U.S. Survey No. 2525, tract ROW 1, 3.91 acres; latitude 60°30'05" N., longitude 149°47' W. (Homesite No. 153, Snug Harbor Group).

U.S. Survey No. 3306, lot 11-A, 1.80 acres; latitude 60°30'10" N., longitude 149°48' W. (Homesite No. 163, Slaughter Creek Group).

The lands are hereby opened, pursuant to section 10 of the act of May 14, 1898 (30 Stat. 409) as amended by the act of May 26, 1934 (48 Stat. 809; 48 U.S.C. 461), only to application by holders of permits issued by the Department of Agriculture, who own valuable improvements thereon and whose permits will be terminated by reason of this elimination. The lands will not be subject to any other form of appropriation under the public land laws until a further order is issued by an appropriate officer of the Bureau of Land Management opening the lands to such disposition. With respect to the lands in U.S. Survey 2525, this opening is subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

[F.R. Doc. 59-1168; Filed, Feb. 9, 1959; 8:47 a.m.]

[Public Land Order 1784]

[Idaho 09191]

IDAHO

Withdrawing Lands for Protection of the Water Supply for City of Sandpoint, Idaho, Additional to Those Withdrawn by Public Land Order No. 783 of January 2, 1952

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

Subject to valid existing rights, the following-described public lands in Idaho are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, leases or permits and grazing under the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315-315r) as amended, but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved, under the jurisdiction of the Secretary of the Interior, for protection of the water supply for the City of Sandpoint, Idaho.

BOISE MERIDIAN

T. 57 N., R. 2 W.,
Sec. 4, lots 1, 6, 7, SW¼NE¼ and S½NW¼;
Sec. 6, lot 8.

The areas described aggregate 300.67 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

[F.R. Doc. 59-1169; Filed, Feb. 9, 1959; 8:47 a.m.]

[Public Land Order 1785]

[1740145]

WISCONSIN

Partially Revoking Executive Order No. 8065 of March 14, 1939, Which Established Necedah National Wildlife Refuge

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8065 of March 14, 1939, reserving and setting apart certain intermingled public lands and lands acquired by the Department of Agriculture as the Necedah Migratory Waterfowl Refuge, the name of which was changed to the Necedah National Wildlife Refuge by Executive Order No. 8319 of January 15, 1940, is hereby revoked so far as it affects the following-described acquired lands:

A parcel of land lying northwest of State Highway No. 173, being part of sec. 1, T. 20 N., R. 2 E., and part of sec. 6, T. 20 N., R. 3 E., 4th P.M., more particularly described as follows:

Beginning at a point at the intersection of the north-south centerline of section 1 and the northwesterly right-of-way boundary of State Highway No. 173, 50 feet from and normal to the centerline thereof; thence

N. 2°05′ W., 89.95 chains to the line between Townships 20 and 21 North which is also the Wood County-Juneau County line; thence with said line;

N. 89°50′ E., 12.56 chains;

N. 89°50′ E., 27.44 chains;

N. 89°51′ E., 33.57 chains;

N. 89°35′ E., 6.66 chains to the intersection of the Wood County-Juneau County line with the northwesterly right-of-way boundary of State Highway No. 173; thence with said right-of-way boundary;

S. 40°29′ W., 118.51 chains to the point of beginning.

The tract described contains 360.49 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

[F.R. Doc. 59-1170; Filed, Feb. 9, 1959; 8:47 a.m.]

[Public Land Order 1786]

[Oregon 06340]

OREGON

Power Site Modification No. 428, Modifying Executive Order of December 12, 1917, Creating Power Site Reserve No. 661, and the Departmental Order of December 12, 1917, Creating Water Power Designation No. 14

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, c. 421 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive Order of December 12, 1917, creating Power Site Reserve No. 661, and the Departmental order of December 12, 1917, classifying certain lands as Water Power Designation No. 14, are hereby modified to the extent necessary to permit the grant of a highway right-of-way made by section 2477, United States Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following-described lands delineated on a map filed by Marion County, Oregon (Oregon 06340), and designated "Marion County Engineering Department, Salem, Oregon, New County Road 960, Location Thro Power Line R/W, Sections 9 and 10, T. 9 S., R. 3 E., W.M.":

WILLAMETTE MERIDIAN

T. 9 S., R. 3 E.,
Sec. 9, NW¼SE¼ and N½SW¼.

The areas described aggregate 120 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

[F.R. Doc. 59-1171; Filed, Feb. 9, 1959; 8:47 a.m.]

[Public Land Order 1787]

[Oregon 05743]

OREGON

Withdrawing Public Land in the Fremont National Forest for Use of Forest Service as an Administrative Site

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land within the Fremont National Forest in Oregon is hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for an administrative site:

WILLAMETTE MERIDIAN

FREMONT NATIONAL FOREST

Shoe String Creek Administrative Site

T. 37 S., R. 18 E.,
Sec. 4, W½W½ lot 3, E½ lot 4, SW¼ lot 4, and N½N½SW¼NW¼.

The areas described aggregate 54.76 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

[F.R. Doc. 59-1172; Filed, Feb. 9, 1959; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12661; FCC 59-78]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

Additional Channels Through Reduction in Channel Spacing

1. Notice of Proposed Rule Making in the above-mentioned matter was released by the Commission on November 7, 1958. The proposal parallels studies of the air traffic problem by representatives of government and industry, who concluded that additional air traffic control channels were necessary in the band 117.975–132.0 Mc.

2. The Notice, which made provision for the filing of comments by November 26, 1958, was duly published in the FEDERAL REGISTER on November 11, 1958 (23 F.R. 8822). Subsequently, the time for submitting comments was extended to December 11, 1958, by an Order which was released by the Commission November 26, 1958. This Order was duly published in the FEDERAL REGISTER on December 4, 1958 (23 F.R. 9396).

3. Comments in this proceeding were filed by the Aeronautical Flight Test Radio Coordinating Council (AFTRCC) and Aeronautical Radio, Inc. (ARinc).

4. The AFTRCC unqualifiedly favored the proposal, and ARinc favored the proposal also, contingent upon provision being made for geographically separating stations employing the frequencies 126.85 Mc and 126.80 Mc in order to avoid interference. As the result of subsequent conferences between representatives of ARinc, the Federal Aviation Agency, the Civil Aeronautics Administration and the Air Transport Association, ARinc has advised the Commission that it withdraws the request concerning the geographic separation of stations using the frequencies 126.85 Mc and 126.80 Mc, and that it now supports the amendments as are herein ordered.

5. Because of the urgent need for additional frequencies for air traffic control, the public interest would be served by adoption of the amendments in this proceeding.

6. In view of the foregoing, *it is ordered*, That pursuant to the authority contained in sections 303 (b), (c) and (r) of the Communications Act of 1934, as amended, Parts 2 and 9 of the Commission's Rules be amended, effective March 9, 1959, as set forth below and

7. *It is further ordered*, That the proceedings in Docket Number 12661 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 3, 1959.

Released: February 5, 1959.

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

A. Amend Part 9—Aviation Services, as indicated below:

§ 9.312 [Amendment]

1. Amend paragraphs (g) and (h) of § 9.312 to read as follows:

(g) 121.60, 121.65, 121.70, 121.75, 121.80, 121.85, 121.90 and 121.95 megacycles: Airport utility frequencies. The frequency 121.60 Mc. may be used by aircraft radio stations for airport utility communications on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

(h) These frequencies are available for air traffic control operations:

Mc	Mc	Mc	Mc
118.00A	119.75	121.70C	125.10
118.05	119.80	121.75C	125.15
118.10B	119.85	121.80C	125.20
118.15	119.90	121.85C	125.25
118.20	119.95	121.95C	125.30
118.25	120.00	123.60	125.35
118.30	120.05	123.65	125.40
118.35	120.10	123.70	125.45
118.40	120.15	123.75	125.50
118.45	120.20	123.80	125.55
118.50	120.25	123.85	125.60
118.55	120.30	123.90	125.65
118.60	120.35	123.95	125.70
118.65	120.40	124.00	125.75
118.70	120.45	124.05	125.80
118.75	120.50	124.10	125.85
118.80	120.55	124.15	125.90
118.85	120.60	124.20	125.95
118.90	120.65	124.25	126.00
118.95	120.70	124.30	126.05
119.00	120.75	124.35	126.10D
119.05	120.80	124.40	126.15D
119.10	120.85	124.45	126.20D
119.15	120.90	124.50	126.25D
119.20	120.95	124.55	126.30D
119.25	121.00	124.60	126.35
119.30	121.05	124.65	126.40
119.35	121.10	124.70	126.45
119.40	121.15	124.75	126.50
119.45	121.20	124.80	126.55
119.50	121.25	124.85	126.60
119.55	121.30	124.90	126.65
119.60	121.35	124.95	126.70E
119.65	121.40	125.00	126.75
119.70	121.65C	125.05	126.80

A—The frequency 118.0 Mc may be used for air traffic control communications on the condition that no harmful interference is caused to the aeronautical radionavigation service.

B—Primarily for international operations.

C—Available on a secondary basis to its primary use as an airport utility frequency.

D—Available on a non-interference basis to government use of 126.18 Mc.

E—For communication with Air Traffic Communication Stations.

§ 9.331 [Amendment]

2. Amend paragraphs (b) and (c) of § 9.331 to read as follows:

(b) These frequencies are available to private aircraft for air traffic control operations: 122.00, 122.05, 122.10, 122.15, 122.20, 122.25, 122.30 122.35, 122.40, 122.45, 122.50, 122.55, 122.60, 122.65, 122.70, 122.75, 122.85, 122.90, 122.95, and 123.05 megacycles.

(c) [Reserved]

§ 9.411 [Amendment]

3. Amend paragraphs (a) and (c) of § 9.411 to read as follows:

(a)

Mc	Mc	Mc	Mc
118.00A	119.75	121.70C	125.10
118.05	119.80	121.75C	125.15
118.10B	119.85	121.80C	125.20
118.15	119.90	121.85C	125.25
118.20	119.95	121.95C	125.30
118.25	120.00	123.60	125.35
118.30	120.05	123.65	125.40
118.35	120.10	123.70	125.45
118.40	120.15	123.75	125.50
118.45	120.20	123.80	125.55
118.50	120.25	123.85	125.60
118.55	120.30	123.90	125.65
118.60	120.35	123.95	125.70
118.65	120.40	124.00	125.75
118.70	120.45	124.05	125.80
118.75	120.50	124.10	125.85
118.80	120.55	124.15	125.90
118.85	120.60	124.20	125.95
118.90	120.65	124.25	126.00
118.95	120.70	124.30	126.05
119.00	120.75	124.35	126.10D
119.05	120.80	124.40	126.15D
119.10	120.85	124.45	126.20D
119.15	120.90	124.50	126.25D
119.20	120.95	124.55	126.30D
119.25	121.00	124.60	126.35
119.30	121.05	124.65	126.40
119.35	121.10	124.70	126.45
119.40	121.15	124.75	126.50
119.45	121.20	124.80	126.55
119.50	121.25	124.85	126.60
119.55	121.30	124.90	126.65
119.60	121.35	124.95	126.75
119.65	121.40	125.00	126.80
119.70	121.65C	125.05	

A—The frequency 118.0 Mc may be used for air traffic control communications on the condition that no harmful interference is caused to the aeronautical radionavigation service.

B—Primarily for international operations.

C—Available on a secondary basis to its primary use as an airport utility frequency.

D—Available on a non-interference basis to government use of 126.18 Mc.

(c) 121.60, 121.65, 121.70, 121.75, 121.80, 121.85, 121.90 and 121.95 megacycles: These airport utility frequencies are available to airdrome control stations for communications with ground vehicles and aircraft on the ground at airdromes. The antenna heights shall be restricted to the minimum necessary to achieve the required coverage. The frequency 121.60 Mc is available to airdrome control stations for airport utility communications on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

§ 9.432 [Amendment]

4. Amend paragraph (e) of § 9.432 to read as follows:

(e) Frequencies for VHF aeronautical en route operations. In addition to the frequencies listed in §§ 9.433 to 9.436, and § 9.440, other frequencies spaced at 50 kc intervals from 126.85 Mc through 131.95 Mc, inclusive, are available to aeronautical en route stations upon a showing that the proposed operation is compatible with existing operations in the band.

5. Amend § 9.451 to read as follows:

§ 9.451 Frequencies available.

The frequencies 121.60, 121.65, 121.70, 121.75, 121.80, 121.85, 121.90, and 121.95 megacycles are available for use by aeronautical utility mobile stations. The frequency 121.60 Mc is available to aeronautical utility mobile stations for airport utility communications on the condition that no harmful interference is caused to search and rescue communications during any period of search and rescue operations in the locale involved.

6. Amend paragraph (a) of § 9.611 to read as follows:

§ 9.611 Frequencies available.

(a) The frequencies 3281 kilocycles, 123.1, 123.2, 123.3, 123.4 and 123.5 megacycles are available for assignment to ground and aircraft flight test stations. (The frequencies 123.1, 123.3, and 123.5 megacycles are shared with flying school stations on a non-interference basis.) The frequencies 123.15, 123.25, 123.35, 123.45, and 123.55 megacycles are available for assignment only to aircraft manufacturers: *Provided, however,* That until January 1, 1960, these frequencies will be assigned only upon an adequate showing that harmful interference will not be caused to flight test and flying school stations operating on the other very high frequencies listed in this section.

Amend Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, in the following particulars:

§ 2.104 [Amendment]

1. Amend that portion of § 2.104(a)(5), the table of frequency allocations, between 108 and 132 Mc, columns 5 through 11, to read as follows:

Band Mc	Allocation	Band Mc	Service	Class of station	Frequency	Nature {OF SERVICES {of stations
5	6	7	8	9	10	11
108–117.975	G, NG	108–117.975	Aeronautical radionavigation.	Radionavigation land.	108.1	Localizer.
					108.2	Omni-directional radio range.
					108.3	Localizer.
					108.4	Omni-directional radio range.
					108.5	Localizer.
					108.6	Omni-directional radio range.
					108.7	Localizer.
					108.8	Omni-directional radio range.
					108.9	Localizer.
					109.0	Omni-directional radio range.
					109.1	Localizer.
					109.2	Omni-directional radio range.
					109.3	Localizer.
					109.4	Omni-directional radio range.
					109.5	Localizer.
					109.6	Omni-directional radio range.
					109.7	Localizer.

Band Mc 5	Allocation 6	Band Mc 7	Service 8	Class of station 9	Frequency 10	Nature {OF SERVICES {of stations 11
					109.8	Omni-directional radio range.
					109.9	Localizer.
					110.0	Omni-directional radio range.
					110.1	Localizer.
					110.2	Omni-directional radio range.
					110.3	Localizer.
					110.4	Omni-directional radio range.
					110.5	Localizer.
					110.6	Omni-directional radio range.
					110.7	Localizer.
					110.8	Omni-directional radio range.
					110.9	Localizer.
					111.0	Omni-directional radio range.
					111.1	Localizer.
					111.2	Omni-directional radio range.
					111.3	Localizer.
					111.4	Omni-directional radio range.
					111.5	Localizer.
					111.6	Omni-directional radio range.
					111.7	Localizer.
					111.8	Omni-directional radio range.
					111.9	Localizer.
					112.0	Omni-directional radio range.
					112.1–117.9 (NG49)	Omni-directional radio range.
117.975–121.975 (US93) (US94) (US95) (US96)	G, NG	117.975–121.975	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	118.0–121.4 (NG47)	Airdrome control.
					121.5	AERONAUTICAL MOBILE.
					121.6	Aeronautical search and rescue mobile; aeronautical utility land; aeronautical utility mobile.
					121.65	Aeronautical utility land; aeronautical utility mobile.
					121.7	Do.
					121.75	Do.
					121.8	Do.
					121.85	Do.
					121.9	Do.
					121.95	Do.
121.975–123.075 (US97) (US98) (US99)	NG	121.975–123.075	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	122.0–123.05 (NG47)	Private aircraft.
123.075–126.825 (US94) (US100) (US101)	G, NG	123.075–126.825	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	123.1	Flight test; flying school.
					123.15	Flight test.
					123.2	Do.
					123.25	Do.
					123.3	Flight test; flying school.
					123.35	Flight test.
					123.4	Do.
					123.45	Do.
					123.5	Flight test; flying school.
					123.55	Flight test.
					123.6–126.8 (NG47)	Airdrome control.
126.825–132.0	NG	126.825–132.0	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	126.85–131.95 (NG47)	AERONAUTICAL MOBILE.

2. Amend the list of US footnotes immediately following the table by inserting in proper numerical order the text of footnote US93, to read as follows:

US93 The frequency 118.0 Mc may be used for air traffic control communications on the condition that no harmful interference is caused to the aeronautical radionavigation service.

3. Amend the text of footnotes US94, US100 and US101 to read as follows:

US94 The bands 117.975–121.425 and 123.575–126.825 Mc are for air traffic control communications.

US100 The band 123.075–123.575 Mc is for (a) non-Government operations in accordance with the Commission's Rules and (b) for FAA communications incident to flight test activities pertinent to aircraft certification.

US101 The band 123.075–123.575 Mc is for use by flight test and flying school stations.

[F.R. Doc. 59–1190; Filed, Feb. 9, 1959; 8:50 a.m.]

PART 9—AVIATION SERVICES

Miscellaneous Amendments

The Commission having under consideration the amendment of Part 9—Aviation Services, of its Rules to effect editorial changes to clarify certain sections of the rules and to reflect the assumption by the Federal Aviation Agency of Civil Aeronautics Administration functions.

It appearing, that for the above-mentioned reasons, the public interest would be served by amending Part 9 of the Commission's rules in the manner herein ordered; and

It further appearing, that the amendments adopted herein are editorial in nature; therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4(a) of the Administrative Procedure Act is unnecessary; and

It further appearing, that since the amendments herein ordered involve no substantive change in the Commission's rules such amendments may be made effective less than 30 days after publication, as provided in section 4(c) of the Administrative Procedure Act; and

It further appearing, that the amendments herein ordered are issued pursuant to the authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Delegations of Authority;

It is ordered, This 30th day of January, 1959, that effective February 20, 1959, Part 9—Aviation Services, be amended as set forth below.

Released: February 5, 1959.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

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

Part 9 is amended as follows:

1. Section 9.121 is amended to read:

§ 9.121 Suspension of operation.

If, for any reason, it is necessary to suspend the operation of any airdrome control or ground aeronautical navigational radio station, notification of such suspension shall be made to the nearest communications center of the Federal Aviation Agency. If possible, the notice shall forecast the time of resumption of service. In any event, the same Federal Aviation Agency center shall be again notified of resumption of service.

§ 9.151 [Amendment]

2. Subdivisions (iv) and (v), subparagraph (3), paragraph (b) of § 9.151 are amended to read:

(iv) Identification of Air Traffic Communications Station (Federal Aviation Agency) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Air Traffic Communications Station (Federal Aviation Agency) that the required illumination, was resumed.

§ 9.187 [Amendment]

3. Paragraph (c) of § 9.187 is amended to read:

(c) Some radio equipment which is to be installed aboard aircarrier aircraft must meet requirements of the Federal Communications Commission, and those requirements of the Civil Air Regulations which are applicable. The applicable Federal Aviation Agency requirements may be obtained from the Federal Aviation Agency, Washington 25, D.C.

§ 9.189 [Amendment]

4. Paragraph (b) of § 9.189 is amended to read:

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or telegraph to the nearest Air Traffic Communications Station or

office of the Federal Aviation Agency. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

§ 9.434 [Amendment]

5. Paragraph (c) of § 9.434 is amended to read:

(c) The following frequencies are shared with the Federal Aviation Agency and are available for licensing by the Commission subject to the provisions of paragraph (b) of this section at these locations where an applicant justifies the need for service and the Government is not prepared to render this service (the frequencies 1674, 2912, 2946, 3082.5, 5037.5 and 5672.5 kc are available for assignment on an interim basis only until the frequencies listed in this paragraph are activated for Alaskan chain and feeder operations):

2931 kc 5544 kc

§ 9.447 [Amendment]

6. Paragraph (a) of § 9.447 is amended to read:

(a) The frequencies listed in this paragraph may be assigned under the conditions set forth in subparagraphs (1) through (6) of this paragraph. (The frequency 75 Mc is designated for aeronautical marker beacons. In Region 2 the guard band is ±0.4 Mc).

Mc	Mc	Mc	Mc
72.02	72.82	73.62	74.42
72.06	72.86	73.66	74.46
72.10	72.90	73.70	74.50
72.14	72.94	73.74	74.54
72.18	72.98	73.78	74.58
72.22	73.02	73.82	75.42
72.26	73.06	73.86	75.46
72.30	73.10	73.90	75.50
72.34	73.14	73.94	75.54
72.38	73.18	73.98	75.58
72.42	73.22	74.02	75.62
72.46	73.26	74.06	75.66
72.50	73.30	74.10	75.70
72.54	73.34	74.14	75.74
72.58	73.38	74.18	75.78
72.62	73.42	74.22	75.82
72.66	73.46	74.26	75.86
72.70	73.50	74.30	75.90
72.74	73.54	74.34	75.94
72.78	73.58	74.38	75.98

§ 9.511 [Amendment]

7. Paragraph (a) of § 9.511 is amended to read:

(a) Localizer station with simultaneous radiotelephone channel. The frequencies:

Mc	Mc	Mc	Mc
108.1	109.1	110.1	111.1
108.3	109.3	110.3	111.3
108.5	109.5	110.5	111.5
108.7	109.7	110.7	111.7
108.9	109.9	110.9	111.9

8. Section 9.512 is amended to read:

§ 9.512 Scope of service.

Air navigation aid facilities are usually operated by the Federal Aviation Agency. However, the frequencies which these facilities employ are available for licensing by the Commission at those locations where an applicant justifies the need for such service and the Government is not prepared to render this service. Air navigation service will be authorized only where the applicant meets all requirements specified by the Federal Communications Commission after consultation with the Federal Aviation Agency.

§ 9.1204 [Amendment]

9. Subparagraphs (1) and (2), paragraph (a) of § 9.1204 are amended to read:

(1) Ground stations directly connected to and in continuous communication with a FAA Air Route Traffic Control Center (ARTCC) may receive the Alert over the ARTCC circuit.

(2) Ground stations not connected to a FAA circuit, must:

(i) Provide a connection to an accessible FAA communications circuit, or

(ii) Provide a broadcast receiver to obtain the Radio Alert from any broadcast station (standard, FM or TV), that can be heard, or

(iii) Provide a separate receiver to monitor another station in the Aviation Services which is in direct communication with a FAA Air Route Traffic Control Center, or

(iv) Provide any other suitable method which is approved by the FAA Regional Administrator and specifically authorized by the FCC.

10. Paragraphs (a) and (d) of § 9.1205 are amended to read:

§ 9.1205 Operation.

(a) During a period of CONELRAD Radio Alert, all ground stations in the Aviation Services will maintain radio silence, unless required by the appropriate FAA Air Route Traffic Control Center (ARTCC) to remain on the air for the purpose of air traffic control. Such operations will be in accordance with the CAA CONELRAD Plan dated May 1, 1953, and instructions issued by the appropriate ARTCC under the Defense/Commerce SCATER Plan dated May 7, 1957. Licensees of ground stations in the Aviation Services should contact the FAA ARTCC within whose flight advisory area the station is located, for the details of operation applicable to a specific station. When not required by the FAA for the purposes of security control of air traffic, all ground stations in the Aviation Services will promptly leave the air and maintain radio silence for the duration of a CONELRAD Radio Alert, except as specifically authorized by the appropriate ARTCC.

* * * * *

(d) None of the provisions of this subpart shall be interpreted to preclude the operation of certain stations in the Aviation Services in connection with activities of local, State or Federal civil defense organizations, provided such operations are not in conflict with operations necessary for FAA air route traffic control, and such operations are specifically authorized by the Federal Communications Commission.

[F.R. Doc. 59-1191; Filed, Feb. 9, 1959; 8:51 a.m.]

Title 50—WILDLIFE

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

SUBCHAPTER C—MANAGEMENT OF WILDLIFE CONSERVATION AREAS

PART 17—LIST OF AREAS

National Wildlife Refuges

CROSS REFERENCE: For order affecting the tabulation in § 17.3, see Public Land Order 1785 in the Appendix to Title 43, Chapter I, *supra*, revoking in part Executive Order No. 8065 of March 14, 1939 which reserved certain lands as the Necedah Migratory Waterfowl Refuge, the name of which was changed to the Necedah National Wildlife Refuge by Executive Order No. 8319 of January 15, 1940.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1939) Parts 29, 39]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941 AND 1951

Definitions of Certain Minerals

Notice is hereby given, pursuant to the administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. Concurrently with the publication of these proposed regulations, regulations are adopted under section 613(d) of the Internal Revenue Code of 1954. This section provides for an election to apply the percentage depletion rates prescribed by section 613(b) of the Internal Revenue Code of 1954 to a taxable year ending after December 31, 1953, to which the Internal

Revenue Code of 1939 applies. In determining whether or not the election provided for in section 613(d) should be made, consideration should be given to the regulations hereinafter proposed which modify the definitions of certain minerals and, in some instances, affect the applicable depletion rates for such minerals. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code of 1939 (53 Stat. 32, 467; 26 U.S.C. 62, 3791).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

In order to clarify Regulations 118 (26 CFR (1939) Part 39) and Regulations 111 (26 CFR (1939) Part 29) with respect to definitions of certain minerals, such regulations are hereby amended as follows:

PARAGRAPH 1. Paragraph (b) of § 39.23(m)–5 is amended—

(A) By striking the term "Calcium carbonates" and the definition of such term and inserting in lieu thereof the following:

Calcium carbonates. Miscellaneous limestones and other calcium carbonate rocks (not specifically provided for at a 5 percent or 15 percent rate of percentage allowance) such as cement rock and agricultural limestone.

(B) By striking the term "Clay, brick and tile" and the definition of such term and inserting in lieu thereof the following:

Clay, brick and tile. Clay used or sold for use in the manufacture of common brick, drain and roofing tile, sewer pipe, flower pots, and kindred products (other than clay specifically identified as a clay for which a 15 percent rate of percentage allowance is provided); and clay having a pyrometric cone equivalent of less than 19 which is used or sold for use in the manufacture of refractory products.

Clay, refractory and fire. Clay which has a pyrometric cone equivalent of 19 or higher.

(C) By striking the terms "Limestone, chemical grade" and "Limestone, metallurgical grade" and the definitions of such terms and inserting in lieu thereof the following:

Dolomite. Limestone containing a magnesium carbonate content of 35 percent or higher by weight.

Limestone, chemical and metallurgical grade. Limestone containing a calcium carbonate and magnesium carbonate content totaling 95 percent or higher by weight provided that such magnesium carbonate content is less than 35 percent by weight.

(D) By inserting immediately after the term "Pumice" and the definition of such term the following:

Quartzite. A mineral deposit of metamorphosed or silica-cemented sandstone having a free silicon dioxide content in excess of 95 percent; being so firmly cemented that it has the characteristic of breaking across rather than around the original sand grains; having a low porosity; and being very resistant to high temperatures, sudden changes in temperature, and most chemical reagents.

PAR. 2. The second undesignated paragraph of § 29.23(m)–5, as amended by Treasury Decision 6031, approved July 14, 1953, is further amended—

(A) By striking the term "Calcium carbonates" and the definition of such term and inserting in lieu thereof the following:

Calcium carbonates. Miscellaneous limestones and other calcium carbonate rocks (not specifically provided for at a 5 percent or 15 percent rate of percentage allowance) such as cement rock and agricultural limestone.

(B) By striking the term "Clay, brick and tile" and the definition of such term and inserting in lieu thereof the following:

Clay, brick and tile. Clay used or sold for use in the manufacture of common brick, drain and roofing tile, sewer pipe, flower pots, and kindred products (other than clay specifically identified as a clay for which a 15 percent rate of percentage allowance is provided); and clay having a pyrometric cone equivalent of less than 19 which is used or sold for use in the manufacture of refractory products.

Clay, refractory and fire. Clay which has a pyrometric cone equivalent of 19 or higher.

(C) By striking the terms "Limestone, chemical grade" and "Limestone, metallurgical grade" and the definitions of such terms and inserting in lieu thereof the following:

Dolomite. Limestone containing a magnesium carbonate content of 35 percent or higher by weight.

Limestone, chemical and metallurgical grade. Limestone containing a calcium carbonate and magnesium carbonate content totaling 95 percent or higher by weight provided that such magnesium carbonate content is less than 35 percent by weight.

(D) By inserting immediately after the term "Pumice" and the definition of such term the following:

Quartzite. A mineral deposit of metamorphosed or silica-cemented sandstone having a free silicon dioxide content in excess of 95 percent; being so firmly cemented that it has the characteristic of breaking across rather than around the original sand grains; having a low porosity; and being very resistant to high temperatures, sudden changes in temperature, and most chemical reagents.

[F.R. Doc. 59–1201; Filed, Feb. 9, 1959; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

SAN XAVIER INDIAN IRRIGATION PROJECT, ARIZONA

Notice of Proposed Rule Making

Pursuant to section 3 and 4(a) of the Administrative Procedures Act of June 11, 1946 (60 Stat. 238), and the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210), notice is hereby given of intention to modify § 221.105 of the Code of Federal Regulations, Title 25—Indians, by deleting therefrom the annual assessment rate prescribed for the operation and maintenance of the San Xavier Unit, Sells, and issuing an amendment as set forth below establishing an annual operation and maintenance assessment rate of $8.00 for the Unit under the name of the San Xavier Indian Irrigation Project, Arizona. Interested persons are hereby given opportunity to submit their views, data or arguments in writing on the proposed order to the Area Director, Phoenix Area Office, Bureau of Indian Affairs, Post Office Box 7007, Phoenix, Arizona, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 4, 1959.

Part 221 is amended by the addition of a new center head and five new sections to read as follows:

SAN XAVIER INDIAN IRRIGATION PROJECT, ARIZONA

§ 221.170 Charges.

There is established an annual basic operation and maintenance assessment rate of $8.00 per annum against each acre of land on the San Xavier Indian Irrigation Project, Arizona, to which water can be delivered from the irrigation project works not to exceed two acre feet of water per acre annually, effective for the calendar year 1959 and each succeeding year thereafter until further notice. Additional water, if and when available, in excess of two acre-feet per acre per annum, may be delivered upon written application of the landowner or lessee at the rate of $3.00 per acre foot, or fraction thereof.

§ 221.171 Payments.

The annual basic water charge fixed in § 221.170 shall become due and payable on or before March 1 of each year, and any unpaid charges shall stand as a first lien against the land without penalty until paid. Charges for excess water shall be paid in advance of the delivery of water.

§ 221.172 Delivery.

The delivery of water shall be refused to all tracts of land for which the charges have not been paid except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners are financially unable to pay the assessment when due. In such instances, water may be delivered under the following conditions:

(a) The Indian owner shall make necessary arrangements with the Superintendent to pay the assessment from proceeds derived for labor performed on the project works as authorized by the Superintendent, or from proceeds of crops grown on the land when harvested and marketed within that calendar year.

(b) In any instances where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his assessment from proceeds for labor performed on the project works, or from the proceeds of crops grown on the land, or from any other source, water may be delivered following certification by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay the assessment.

§ 221.173 Water users responsibility.

The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the economical use of the irrigation water.

§ 221.174 Distribution and apportionment.

All water of the project is deemed a common water supply in which all irrigable lands of the project are entitled to share equally and such water will be distributed to the lands of the project as equitably as physical conditions will permit.

[F.R. Doc. 59-1163; Filed, Feb. 9, 1959; 8:46 a.m.]

[25 CFR Part 221]

FORT APACHE INDIAN IRRIGATION PROJECT, ARIZONA

Notice of Proposed Rule Making

Pursuant to sections 3 and 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and the acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210), notice is hereby given of intention to amend Part 221 of 25 CFR by establishing an annual operation and maintenance assessment for the Fort Apache Indian Irrigation Project, Arizona as set forth below. Interested persons are hereby given opportunity to submit their views, data or arguments in writing on the proposed order to the Area Director, Phoenix Area Office, Bureau of Indian Affairs, Post Office Box 7007, Phoenix, Arizona, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 4, 1959.

Part 221 is amended by the addition of a new center head and five new sections to read as follows:

FORT APACHE INDIAN IRRIGATION PROJECT, ARIZONA

§ 221.180 Charges.

There is established an annual operation and maintenance assessment rate of $8.50 against each acre of land on the Fort Apache Indian Irrigation Project, Arizona, to which water can be delivered from the irrigation project works, effective for the calendar year 1959 and each succeeding year thereafter until further notice.

§ 221.181 Payments.

The annual assessment shall become due and payable on March 1 of each year except that in cases of Indians farming their own land who are unable to pay the assessment when due, water may be delivered to their land under the following conditions:

(a) The Indian owner shall make necessary arrangements with the Superintendent to pay the assessment from proceeds derived for labor performed on the project works as authorized by the Superintendent, or from proceeds of crops grown on the land when harvested and marketed within that calendar year.

(b) In any instance where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his assessment from proceeds for labor performed on the Project works, or from the proceeds of crops grown on the land, or from any other source, water may be delivered following certification by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay the assessment. In such cases, all unpaid charges shall be entered on the accounts and will stand as a first lien against the land benefited until paid without penalty.

§ 221.182 Domestic and stock water.

Domestic and stock water may be carried in the project canals and laterals during the winter months of non-irrigation season only when such practices will not be detrimental to the canal system or the lands affected thereby; when it will not interfere with maintenance work; and when no additional costs will accrue to the irrigation water users as a result of the practice.

§ 221.183 Water users responsibility.

The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the economical use of the irrigation water.

§ 221.184 Water schedule.

A water service schedule shall be worked out by project officials in cooperation with all water users. This schedule shall be complied with as circumstances and physical conditions will permit.

[F.R. Doc. 59-1164; Filed, Feb. 9, 1959; 8:46 a.m.]

[25 CFR Part 221]

CHUICHU INDIAN IRRIGATION PROJECT, ARIZONA

Notice of Proposed Rule Making

Notice is hereby given of intention to add new §§ 221.190 to 221.195 to Title 25, Code of Federal Regulations as set forth below. The purpose of this regulation is to provide for operation and maintenance charges for the irrigable lands of the Chuichu Indian Irrigation Project, Arizona.

Interested persons are hereby given an opportunity to participate in the proposed rule making by submitting their views, data or arguments in writing to the Area Director, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona, within 30 days from the date of this publication.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 4, 1959.

Part 221 is amended by the addition of a new center head and six new sections to read as follows:

CHUICHU INDIAN IRRIGATION PROJECT, ARIZONA

Sec.
221.190 Charges.
221.191 Payments.
221.192 Water delivery.
221.193 Water users' responsibility for water after delivery.
221.194 Water service.
221.195 Distribution and apportionment.

AUTHORITY: §§ 221.190 to 221.195 issued under sec. 1, 3, 36 Stat. 270, 272 as amended; 25 U.S.C. 385.

§ 221.190 Charges.

The reimbursable costs of operating and maintaining the Chuichu Indian Irrigation Project in Arizona are apportioned on a per acre basis against the irrigable lands of the project to which water can be delivered, and for the calendar year 1959, and each succeeding year until further order, the basic rate is hereby fixed at $22 per acre for the delivery of not to exceed four acre feet of water per acre annually. Additional water, when available, may be delivered upon written application of the landowner or lessee at the rate of $5 per acre foot, or fraction thereof.

§ 221.191 Payments.

The annual charges fixed in § 221.190 shall become due on March 1 of each year and payable on or before that date, and any unpaid charges shall stand as a first lien against the land without penalty until paid. Charges for excess water shall be paid in advance of the delivery of water.

§ 221.192 Water delivery.

(a) The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners shall have made the necessary arrangements with the Superintendent as hereinafter provided. When any Indian owner of land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date, the Superintendent may make the necessary arrangements with such Indian owner as will permit him to perform labor on the irrigation project works, the proceeds derived therefrom to be applied in partial payment of such charges. The Superintendent may also make necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written arrangements to that effect are made with the Superintendent by the Indian owner prior to the delivery of water.

(b) In any instance where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the

land, or from any other source, the delivery of water may be made to the land if a written certificate is issued by the Superintendent stating that such Indian landowner is not financially able to pay such charges. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

§ 221.193 Water users' responsibility for water after delivery.

The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in a suitable condition for delivery of irrigation water.

§ 221.194 Water service.

A water service schedule will be worked out by the Bureau of Indian Affairs in cooperation with the water users. The schedule shall be followed until modified or amended. Violation of the foregoing requirement by a water user shall be just cause for refusal to deliver water to his land.

§ 221.195 Distribution and apportionment.

The pumped water of the project is deemed a common water supply in which all lands of the entire project are entitled to share equally and such water will be distributed to the lands of the project as equitably as physical conditions will permit.

[F.R. Doc. 59-1165; Filed, Feb. 9, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 934, 996, 999]

[Docket Nos. AO-14-A27, AO-83-A23, AO-203-A10, AO-204-A9]

HANDLING OF MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASS., MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of a public hearing to be held in the Cape Cod Room, Essex Hotel, 695 Atlantic Avenue, Boston, Massachusetts, beginning at 10:00 a.m., e.s.t., on February 18, 1959, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

The following proposals were made by H. P. Hood and Sons, Inc., and are cosponsored, in whole or in part, by the following: David Buttrick Company; Devines Milk Laboratories; Garelick Brothers Farm, Inc.; Rhode Island Milk Dealer Association, Inc.; and Whiting Milk Company:

§ 904.4 [Amendment]

1. Revise § 904.4(g) (2) and (3) of the Boston order by deleting the words "the Merrimack Valley, Springfield, or Worcester orders" and substitute therefor the words "another Federal order".

2. Revise the Boston order by deleting § 904.27 and substitute therefor the following:

§ 904.27 Assignment of receipts from New York-New Jersey order pool plants.

(a) Receipts of packaged fluid milk products, other than cream, from New York-New Jersey order pool plants shall be assigned to Class I milk.

(b) Receipts of fluid milk products from New York-New Jersey pool plants, other than packaged fluid milk products, shall be assigned to Class II milk, except as provided in § 904.28, and except that receipts during the months of August through March which are classified and priced in Class I-A or I-B under the New York-New Jersey order shall be assigned to Class I milk.

§§ 934.4, 996.4, 999.4 [Amendment]

3. Revise the Merrimack Valley, Springfield, and Worcester orders by inserting the following language immediately after the word "orders" as it appears in paragraph (g)(2) of §§ 934.4, 996.4 and 999.4: and receipts of packaged fluid milk products from any plant which is a regulated plant under the provisions of any other Federal order;".

4. Revise the Merrimack Valley, Springfield and Worcester orders by deleting the language immediately following the words "except a regulated plant under" as it appears in paragraph (g)(3) of §§ 934.4, 996.4 and 999.4 and substitute therefor the following language: "another Federal order, without its intermediate movement to another plant."

§ 934.16 [Amendment]

5. Revise the Merrimack Valley order by deleting paragraph (e) as it appears in § 934.16 and substitute therefor the following paragraph:

(e) If moved as packaged fluid milk products to a plant subject to another Federal order, they shall be classified as Class I milk.

§§ 996.16, 999.16 [Amendment]

6. Revise the Springfield and Worcester orders by deleting paragraphs (e) and (f) of §§ 996.16 and 999.16 and substitute therefor the following paragraphs:

(e) If moved as packaged fluid milk products to a plant subject to another Federal order, they shall be classified as Class I milk.

(f) Except as provided in paragraph (e) of this section, if moved to a plant subject to the New York-New Jersey order, they shall be classified as Class I milk if assigned to Classes I-A or I-B under that order; otherwise they shall be classified as Class II milk.

7. Revise the Springfield and Worcester orders by deleting the words "New York" as they appear in paragraph (g) of §§ 996.16 and 999.16 and substitute therefor the words "New York-New Jersey".

§§ 934.27, 996.27, 999.27 [Amendment]

8. Revise the Merrimack Valley, Springfield and Worcester orders by deleting paragraphs (c) and (d) of §§ 934.27, 996.27 and 999.27 and substitute therefor the following paragraphs:

(c) Receipts of packaged fluid milk products, other than cream, from any plant which is a regulated plant under the provisions of another Federal order shall be assigned to Class I milk.

(d) Except as provided in paragraph (c) of this section, receipts from New York-New Jersey order pool plants shall be assigned to Class I milk if classified and priced in Classes I-A or I-B under the New York-New Jersey order.

§ 904.17 [Amendment]

9. Revise § 904.17(a) of the Boston order by deleting the period at the end of the sentence, and substitute therefor the following language: ", except that if moved as other than packaged fluid milk to a plant which is a pool plant under the Connecticut or Southeastern New England orders, it shall be classified in the class or classes to which the receipt is assigned under such other order."

§ 934.16 [Amendment]

10. Revise the Merrimack Valley order by deleting § 934.16 (c) and (d) and substitute therefor the following:

(c) If moved to a producer-handler's plant or to any unregulated plant except a plant subject to the Boston, Connecticut, Southeastern New England, Springfield, or Worcester orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved, other than as packaged fluid milk products, to a plant subject to the Boston, Connecticut, Southeastern New England, Springfield, or Worcester orders, they shall be classified in the class or classes to which the receipt is assigned under such other order.

§ 996.16 [Amendment]

11. Revise the Springfield order by deleting § 996.16 (c) and (d) and substitute therefor the following:

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Connecticut, Merrimack Valley, New York-New Jersey, Southeastern New England, or

Worcester orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved, other than as packaged fluid milk products to a plant subject to the Boston, Connecticut, Merrimack Valley, Southeastern New England, or Worcester orders, they shall be classified in the class to which the receipt is assigned under such other order.

§ 999.16 [Amendment]

12. Revise the Worcester order by deleting § 999.16 (c) and (d) and substitute therefor the following:

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the Boston, Connecticut, Merrimack Valley, New York-New Jersey, Southeastern New England, or Springfield orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved, other than as packaged products to a plant subject to the Boston, Connecticut, Merrimack Valley, Southeastern New England, or Springfield orders, they shall be classified in the class to which the receipt is assigned under such other order.

Proposed by the New England Milkshed Price Committee:

§§ 904.2, 934.2, 996.2, 999.2 [Amendment]

13. Delete paragraphs (c), (d) (2) and (4), and (e) of §§ 904.2, 934.2, 996.2 and 999.2 and substitute therefor the following:

(c) "Dairy farmer" means any person who produces milk which is moved from his farm to a plant other than as packaged milk.

(d) * * *

(2) Any dairy farmer with respect to milk which is purchased from him by a handler and moved to a regulated plant, if that handler caused milk from the same farm to be moved as nonpool milk to an unregulated plant during the same month, except that the term shall not apply to any dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

* * * * *

(4) For purposes of this paragraph, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by such handler or dealer.

(e) "Producer" means any dairy farmer whose milk is moved from his farm to a pool plant, or to any other plant as diverted milk; except that the term shall not include a producer-handler, a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, nor a dairy farmer with respect to milk which is considered as receipts from a producer under the provisions of another Federal order.

§§ 904.3, 934.3, 996.3, 999.3 [Amendment]

14. Delete paragraphs (a) and (d) of §§ 904.3, 934.3, 996.3, and 999.3 and substitute therefor the following:

(a) "Plant" means the land and buildings, or separate portion thereof, together with their surroundings, facilities, and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons who are engaged in the business of receiving fluid milk products for resale or manufacture into milk products, and which is used for the receiving, handling, or processing of milk or milk products.

* * * * *

(d) "Receiving plant" means any plant to which milk is moved from dairy farmers' farms in cans and there accepted, weighed or measured, sampled, and cooled; or is moved from dairy farmers' farms in tank trucks and there transferred to stationary equipment in the building or to other vehicles; and at which plant are maintained facilities for the washing and sanitizing of the cans or tank trucks.

§§ 904.4, 934.4, 996.4, 999.4 [Amendment]

15. Delete paragraphs (a) and (f) of §§ 904.4, 934.4, 996.4, and 999.4 and substitute therefor the following:

(a) "Milk" means the commodity received from a dairy farmer as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half".

* * * * *

(f) "Pool milk" means milk which a handler has received as milk from producers, and all fluid milk products derived from milk so received. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at a plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month, and such milk shall be considered as received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month.

16. Incorporate in §§ 904.4, 934.4, 996.4, and 999.4 a definition of diverted milk to read as follows:

"Diverted milk" means milk which a pool handler reports as having been received from a dairy farmer's farm at one of his pool plants, but which he causes to be moved from that farm to another plant, provided the conditions of subparagraph (1) or (2) of this paragraph have been met. Diverted milk shall be considered to have been received at the pool plant from which it was diverted:

(1) The handler caused milk from that farm to be moved to such pool plant on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused pool milk to be moved from the farm, or caused pool milk to be moved from the farm by tank truck; or

(2) The handler caused the milk to be moved from that farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

Proposed by the Dairy Division, Agricultural Marketing Service:

17. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator in the respective market as follows: Room 403, 230 Congress Street, Boston 10, Massachusetts; 25 Argyle Street, Andover, Massachusetts; Room 408, 145 State Street, Springfield 3, Massachusetts; Room 403, 107 Front Street, Worcester, Massachusetts; or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 4th day of February 1959.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-1177; Filed, Feb. 9, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 5]

[Docket No. 12749; FCC 59-76]

EXPERIMENTAL RADIO SERVICE

Applications for Contract Development Station Licenses

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. With the rapid increase in the number of applications in the Experimental Radio Services involving contract development work, the Commission is experiencing increased difficulty in its efforts to determine the exact frequency requirements in each case. In many cases, the frequency requests are found to exceed the actual contract requirements by wide margins. This information is usually obtained only after long delays and persistent checking through the various liaison channels. Consequently, the time required to process applications is lengthened, and the frequency coordination procedure is made needlessly more difficult and complex. The Commission believes that these delays and uncertainties could be avoided by requiring the applicant to furnish supplementary statements with his application supplying complete details re-

garding contract numbers, frequency requirements, equipment nomenclature, project objectives, etc. The Commission, therefore, proposes to amend § 5.57 (c) to require that such supplementary information be attached to and become a part of each application for a contract developmental authorization. To assure that all the necessary information is supplied in a consistent manner, the Commission will supply a form setting out in detail the information that is required.

3. Similar difficulties arise in connection with the the renewal of the licenses for contract developmental stations. The Commission is accordingly proposing to require the same supplemental information with each application for renewal of license when a Government contract is involved.

4. The proposed amendments, which are set forth in detail below, are issued under authority of sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein; and any person desiring to support the proposal, may file with the Commission on or before March 3, 1959, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing said original comments. No additional comments may be filed unless specifically requested by the Commission or good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 3, 1959.

Released: February 5, 1959.

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

Part 5 is amended as follows:

1. Amend § 5.57(c) to read as follows:

(c) *Applications involving government contracts.* The provisions of paragraphs (a) and (b) of this section shall not be applicable to applicants for an authorization in the Experimental Service (Research) to be used for the purpose of fulfilling the requirements of a contract with an agency of the United States Government. In lieu thereof, such applicants shall include as a part of the application, FCC Form 440A,[1] Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.

2. Amend § 5.55(g) to read as follows:

(g) *Application for renewal of station license.* (1) Application for renewal of station license shall be submitted on FCC Form 405. A blanket application may be submitted for renewal of a group of station licenses in the same class in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such applications shall be clearly identified thereon. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

(2) If the station license sought to be renewed is used for the purpose of fulfilling the requirements of a contract with an agency of the U.S. Government, the application for renewal shall be accompanied by Form 440A[1] in triplicate, Supplemental Information for Applications in the Experimental Radio Service Involving Government Contracts.[1]

[F.R. Doc. 59-1192; Filed, Feb. 9, 1959; 8:51 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Notice of Hearing and Proposed Rule Making

Notice is hereby given all interested parties that the Federal Trade Commission on the 10th day of March 1959, beginning at 10:00 o'clock a.m., e.s.t., at its offices in the City of Washington, District of Columbia, will hold a public hearing on proposed rules and regulations under the Textile Fiber Products Identification Act.

Interested parties may participate by submitting in writing to the Commission on or before such date, their views, arguments, or other pertinent data, or they may be heard orally at such time. Any party wishing to submit further views, arguments or data in response to that submitted as a result of this notice or at the hearing may do so in writing at any time within ten days after such hearing is closed.

Such action is taken pursuant to the authority given the Federal Trade Commission under section 7(c) of the Textile Fiber Products Identification Act (Pub. Law 85-897; 15 U.S.C. Sec. 70; 72 Stat. 1717) "to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement."

The matters to be considered are the proposed rules and regulations set out below, together with such pertinent amendments, revisions, deletions and additions thereto as may be proposed. Other matters for consideration are whether or not rules should be promulgated by the Commission:

(1) Limiting the use of the terms "virgin" or "new" to describe textile fibers which have never been reclaimed from any knitted, woven, felted or otherwise manufactured textile fiber products;

(2) Recognizing the terms "wool", "reprocessed wool" and "reused wool" as those terms are defined in the Wool Products Labeling Act, as generic names for such fibers when applicable under the Textile Fiber Products Identification Act;

(3) Excluding narrow fabrics and elastic fabrics of 6 inches or less from the provisions of the Act, as provided for in section 12(b);

(4) Establishing generic names and definition for cross-linked cellulosic fibers.

Rule 1. Terms defined.

As used in these rules, unless the context otherwise specifically requires:

(a) The term "Act" means the "Textile Fiber Products Identification Act" (approved September 2, 1958, 85th Congress, 2d Session; 15 U.S.C. 70, 72 Stat. 1717).

(b) The terms "rule," "rules," "regulations," and "rules and regulations" mean the rules and regulations prescribed by the Commission pursuant to section 7(c) of the Act.

(c) The definition of terms contained in section 2 of the Act shall be applicable also to such terms when used in rules promulgated under the Act.

(d) The term "United States" means the several States, the District of Columbia, and the Territories and possessions of the United States.

(e) The terms "required information" and "information required" mean such information required to be disclosed on labels, invoices and in advertising under the Act and regulations.

(f) The terms "label," "labels," "labeled," and "labeling" mean the stamp, tag, label, or other means of identification, or authorized substitute therefor, required to be affixed to textile fiber products by the Act and regulations and on which the information required is to appear.

(g) The terms "marketing or handling" and "marketed or handled," when applied to textile fiber products, mean any one or all of the transactions set forth in section 3 of the Act.

(h) The terms "invoice" and "invoice or other paper" mean a written account, order, memorandum, list, or catalog, which is issued in connection with the marketing or handling of any textile fiber product transported or delivered to a purchaser, consignee, factor, bailee, correspondent, agent, or any other person engaged in the marketing or handling of textile fiber products.

(i) The term "outer coverings of furniture, mattresses, and box springs" means those coverings as are permanently incorporated in such articles.

(j) The term "wearing apparel" means any costume or article of clothing or covering for any part of the body worn or intended to be worn by individuals.

(k) The term "beddings" means sheets, covers, blankets, comforters, pillows, pillowcases, quilts, bedspreads, pads, and all other textile fiber products used or intended to be used on or about a bed or other place for reclining or sleeping.

[1] Filed as part of the original document.

(l) The term "headwear" means any textile fiber product worn exclusively on or about the head and face by individuals.

(m) The term "backings," when applied to floor coverings, means that part of a floor covering to which the pile, face, or outer surface is woven, tufted, hooked, knitted, or otherwise attached, and which provides the structural base of the floor covering. The term "backings" shall also include fabrics attached to the structural base of the floor covering in such a way as to form a part of such structural base, but shall not include the pile, face, or outer surface of the floor covering or any part thereof.

(n) The term "elastic material" means a fabric composed of yarn consisting of an elastomer or a covered elastomer, which yarn can be stretched at 70° F. to at least twice its original length and which, after stress is removed, will return immediately to approximately its original length.

(o) The term "coated fabric" means any fabric which is coated, filled, impregnated, or laminated with a continuous-film-forming polymeric composition in such a manner that the weight added to the base fabric is at least 35 percent of the weight of the fabric before coating, filling, impregnation, or lamination.

(p) The term "upholstered product" means articles of furniture containing stuffing and shall include mattresses and box springs.

(q) The term "ornamentation" means any fibers or yarns imparting a visibly discernible pattern or design to a yarn or fabric.

Rule 2. General requirements.

(a) Each textile fiber product, except those exempted or excluded under section 12 of the Act, shall be labeled or invoiced in conformity with the requirements of the Act and regulations.

(b) Any advertising of textile fiber products subject to the Act shall be in conformity with the requirements of the Act and regulations.

Rule 3. Fibers present in amounts of 5 percent or less.

(a) In disclosing the constituent fibers in required information, no fiber present in the amount of five percentum or less shall be designated by its generic name or trade-marked name, but shall be designated as "other fiber."

(b) When more than one of such fibers are present in a product, they shall be designated in the aggregate as "other fibers."

Rule 4. English language requirement.

All required information shall be set out in the English language. If the required information appears in a language other than English, it also shall appear in the English language. The provisions of this rule shall not apply to advertisements in foreign language newspapers or periodicals, but such advertising shall in all other respects comply with the Act and regulations.

Rule 5. Abbreviations, ditto marks, and asterisks prohibited.

(a) In disclosing required information, words or terms shall not be abbreviated except as permitted in Rule 33(d), designated by ditto marks, or appear in footnotes referred to by asterisks or other symbols in the required information.

(b) Where the generic name of a textile fiber is required to appear in immediate conjunction with a trademarked fiber name in advertising, labeling, or invoicing, a disclosure of the generic name by means of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the trademarked fiber name, shall not be permitted.

Rule 6. Generic names of fibers to be used.

(a) Except where another name is permitted under the Act and regulations, the respective generic names of all fibers present in the amount of more than five per centum of the total fiber weight of the textile fiber product shall be used when naming fibers in the required information; as for example: "cotton," "rayon," "silk," "linen," "nylon," etc.

(b) Where a textile fiber product contains the hair or fiber of a fur-bearing animal present in the amount of more than five per centum of the total fiber weight of the product, the name of the animal producing such fiber may be used in setting forth the required information, provided the name of such animal is used in conjunction with the words "fiber," "hair," or "blend;" as for example:

80% Rabbit Hair
20% Nylon
or
80% Silk
20% Mink Fiber
or
60% Cotton, 40% Raccoon Blend

Rule 7. Generic names and definitions for manufactured fibers.

Pursuant to the provisions of section 7(c) of the Act, the following generic names for manufactured fibers, together with their respective definitions, are hereby established:

(a) *Acrylic.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of acrylonitrile units.

(b) *Modacrylic.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of less than 85 percent but at least 35 percent by weight of acrylonitrile units.

(c) *Polyester.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of an ester of a dihydric alcohol and terephthalic acid.

(d) *Saran.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of least 80 percent by weight of vinylidene chloride units.

(e) *Azlon.* A manufactured fiber in which the fiber-forming substance is composed of any regenerated naturally occurring proteins.

(f) *Nytril.* A manufactured fiber containing at least 85 percent of a long chain polymer of vinylidene dinitrile where the vinylidene dinitrile content is no less than every other unit in the polymer chain.

(g) *Nylon.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polyamide having recurring amide groups as an integral part of the polymer chain.

(h) *Rayon.* A manufactured fiber formed from regenerated cellulose with less than 15 percent by weight chemically combined substituents.

(i) *Acetate.* A manufactured fiber in which the fiber-forming substance is cellulose acetate. Where not less than 95 percent by weight of the cellulose is acetylated, the term triacetate may be used as a generic description of the fiber.

(j) *Rubber.* A manufactured fiber in which the fiber-forming substance is an elastomer comprised of natural or synthetic rubber.

(k) *Metallic.* A manufactured fiber composed of metal, plastic-coated metal, metal-coated plastic, or a core completely covered by metal.

(l) *Alvyne.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of vinyl alcohol units.

(m) *Olefin.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of ethylene, propylene, or other olefin units.

(n) *Glass.* A manufactured fiber in which the fiber-forming substance is glass.

(o) *Vinyon.* A manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85 percent by weight of vinyl chloride units.

(p) *Spandex.* A manufactured fiber in which the fiber-forming substance is a long chain synthetic elastomer comprised of at least 85 percent of a segmented polyurethane.

Rule 8. Procedure for establishing generic names for manufactured fibers.

(a) Prior to the marketing or handling of a manufactured fiber for which no generic name has been established by the Commission, the manufacturer or producer thereof shall file a written application with the Commission, requesting the establishment of a generic name for such fiber, stating therein:

(1) That the fiber cannot be identified by any of the generic names or definitions established in Rule 7;

(2) The chemical composition of the fiber, including the fiber-forming substances and percentages thereof;

(3) Suggested names for consideration as generic, together with a definition for the fiber, and any other information pertinent to the application.

(b) Upon receipt of the application, the Commission may assign a numerical

or alphabetical symbol for the fiber for temporary use during its consideration of such application. After taking the necessary procedure in consideration of the application, the Commission in due course shall establish a generic name or advise the applicant of its refusal to grant the application and the proper existing generic name for the fiber.

Rule 9. Use of fur-bearing animal names and symbols prohibited.

(a) The advertising or the labeling of a textile fiber product shall not contain any names, words, depictions, descriptive matter, or other symbols which connote or signify a fur-bearing animal, unless such product or the part thereof in connection with which the names, words, depictions, descriptive matter, or other symbols are used is a fur product within the meaning of the Fur Products Labeling Act.

(b) Subject to the provisions of paragraph (a) of this rule and Rule 6 of the regulations, a textile fiber product shall not be described or referred to in any manner in an advertisement or label with:

(1) The name or part of the name of a fur-bearing animal, whether as a single word or a combination word, or any coined word which is phonetically similar to a fur-bearing animal name, or which is only a slight variation in spelling of a fur-bearing animal name or part of the name. As for example, such terms as "Ermine," "Mink," "Persian," "Broadtail," "Beaverton," "Marmink," "Sablelon," "Lam," "Pershian," "Minx," or similar terms shall not be used.

(2) Any word or name symbolic of a fur-bearing animal by reason of conventional usage or by reason of its close relationship with fur-bearing animals. As for example, such terms as "guardhair," "underfur," and "mutation," or similar terms, shall not be used.

(c) Nothing contained herein shall prevent the nondeceptive use of animal names or symbols in referring to a textile fiber product where the fur of such animal is not commonly or commercially used in fur products, as that term is defined in the Fur Products Labeling Act; as for example: "Kitten soft," "Bear Brand," etc.

Rule 10. Fiber content of elastic yarn or material.

(a) Textile fiber products made in whole or in part of elastic yarn or material shall be identified as to the required information, subject to the provisions of Rule 12.

(b) In disclosing the required fiber content information of a textile fiber product containing elastic yarn or material, the percentage of the elastomer, together with the percentage of all textile coverings and all other yarns or materials, shall be stated.

Rule 11. Floor coverings containing backings, fillings, and paddings.

In disclosing the required fiber content information as to floor coverings containing exempted backings, fillings or paddings, the disclosure shall be made in such manner as to indicate that it relates only to the face, pile, or outer surface of the floor covering and not to the backing, filling, or padding. Examples of the form of marking these types of floor coverings as to fiber content are as follows:

100% Cotton Pile

Face—60% Rayon, 40% Cotton

Outer Surface—100% Wool

Rule 12. Trimmings of household textile articles.

(a) Trimmings incorporated in household textile articles may, among other forms of trim, include (1) rick-rack, tape, belting, binding, braid, labels, and findings; (2) decorative trim, whether applied by embroidery, overlay, applique, or attachment; and (3) decorated patterns or designs which are an integral part of the fabric out of which the textile fiber product is made; provided such decorative trim (2) or decorative pattern or design (3), does not exceed 15 percent of the surface area of the textile fiber product.

If no representation is made as to the fiber content of the decorative trim or decoration, as provided for in subparagraphs (2) and (3) of this paragraph, the fiber content designation of the basic fabric shall be followed by the statement "exclusive of decoration."

(b) The term "findings" may include elastic material, where such material does not exceed 20 percent of the surface area of the textile fiber product, provided the fiber content of the basic fabric is followed by the statement "exclusive of elastic."

Rule 13. Sale of remnants and products made of remnants.

(a) Where remnants of fabric are, for practical purposes, of unknown or undeterminable fiber content, the fiber content disclosure of such remnants may be designated in required information as "remnants, fiber content unknown".

(b) Where such remnants of fabrics are displayed for sale at retail, a conspicuous sign may, in lieu of individual labeling, be used in immediate conjunction with such display, stating with respect to required fiber content disclosure that the goods are "remnants of undetermined fiber content."

(c) Where textile fiber products are made of such remnants, the required fiber content information of the products may be disclosed as "made of remnants, fiber content unknown."

(d) If any representations as to fiber content are made with reference to remnants, the provisions of this rule shall not apply.

Rule 14. Products containing unknown fibers.

(a) Where a textile fiber product is made from miscellaneous scraps, rags, odd lots, or waste materials containing mixtures of known and unknown fibers, the required fiber content disclosure may, where truthfully applicable, indicate that such product is composed of miscellaneous scraps, rags, odd lots, or waste materials, as the case may be, containing unknown fibers together with a minimum percentage of known fiber or fibers; as for example:

Made of miscellaneous scraps containing unknown fibers with a minimum of ------% acetate and ------% rayon.

Made from miscellaneous rags containing unknown fibers with a minimum of ------% cotton.

Made of miscellaneous odd lots containing unknown fibers with a minimum of ------% rayon and ------% nylon.

Made of waste materials containing unknown fibers with a minimum of ------% acetate and ------% cotton.

(b) Where a textile fiber product is made from miscellaneous scraps, rags, odd lots, or waste materials of unknown and, for practical purposes, undeterminable fiber content, the required fiber content disclosure may, when truthfully applicable, indicate that such product is composed of miscellaneous scraps, rags, odd lots, or waste materials, as the case may be, of unknown fiber content; as for example:

Made of miscellaneous scraps of unknown fiber content.

Made of miscellaneous rags of unknown fiber content.

Made of miscellaneous odd lots of unknown fiber content.

Made of miscellaneous waste materials of unknown fiber content.

No representation as to fiber content shall be made as to any textile fiber product designated as being composed of unknown or undeterminable fibers. If any representation as to fiber content is made with reference to such products, a full fiber content disclosure shall be required.

(c) Nothing contained in this rule shall excuse a full disclosure as to fiber content where the same is known or practically ascertainable, or to permit a partial disclosure of known fibers.

Rule 15. Label and method of affixing.

The label required to be affixed to the textile fiber product shall be such as is appropriate to the nature and type of product. Such label shall be conspicuously affixed to the product in a secure manner and shall be of such durability as to remain on and attached to the product throughout the sale, resale, distribution and handling incident thereto, and, except where otherwise provided, shall remain on or be firmly affixed to the product when sold and delivered to the ultimate consumer.

Rule 16. Arrangement and disclosure of information on labels.

(a) The information with respect to textile fiber products required to be shown and displayed upon the label shall be that which is required by the Act and regulations, including the following:

(1) The generic names and percentages by weight of the constituent fibers present in the textile fiber product, exclusive of permissive ornamentation, in amounts of more than five percentum in order of predominance by weight with any percentage of fiber or fibers required to be designated as "other fiber" or "other fibers" appearing last.

(2) The name, or registered identification number issued by the Commission, of the manufacturer or of one or more persons marketing or handling the textile fiber product.

(3) If such textile fiber product is an imported product, the name of the country where such product was processed or manufactured.

(b) All parts of the required information shall be conspicuously and separately set out on the front side of the label, in immediate conjunction with each other and in plainly legible and conspicuous type or lettering of equal size and prominence: *Provided, however,* That the required name or registered identification number may appear on the reverse side of the label if it is conspicuous and accessible.

(c) Subject to the provisions of Rule 17, if non-required information or representations are placed on the label or elsewhere on the product, such non-required information or representations shall be set forth separate and apart from the required information and shall not interfere with, minimize, detract from, or conflict with such required information, nor shall such non-required information in any way be false or deceptive as to fiber content.

Rule 17. Use of fiber trademarks on labels.

(a) A non-deceptive fiber trademark may be used on a label in conjunction with the generic name of the fiber to which it relates. Where such a trademark is placed on a label in conjunction with the required information, the generic name of the fiber must appear in immediate conjunction therewith, and such trademark and generic name must appear in type or lettering of equal size and conspicuousness.

(b) Where a generic name or a fiber trademark is used on any label, whether required or non-required, a full and complete fiber content disclosure shall be made at the outset on such label in accordance with the act and regulations: *Provided,* That on products as to which sectional disclosure of fiber content is permitted and used, an additional non-deceptive label may be used showing the complete fiber content information as to a particular section or area of the product.

(c) If a fiber trademark is not used in the required disclosure, but is used in non-required information, the generic name shall be used again in immediate conjunction with the trademark, in type or lettering of equal size and conspicuousness, the first time such trademark is used elsewhere on the label.

(d) No fiber trademark or generic name shall be used in non-required information on a label in such a manner as to be false, deceptive, or misleading as to fiber content, or to indicate directly or indirectly that a textile fiber product is composed wholly or in part of a particular fiber, when such is not the case.

Rule 18. Labels naming fibers not present.

Words which constitute or imply the name or designation of a fiber which is not present in the product shall not appear on labels.

Rule 19. Name required to appear on labels.

The name required by the Act to be used on labels shall be the full name under which the person is doing business. When a person has a trademarked name registered with the United States Patent Office such trademarked name may be used on labels in lieu of the full name otherwise required, provided the owner of such trademarked name furnishes the Commission with documentary evidence of its registration prior to its use. No other trademarks, trade names or other name shall be used on labels for required identification purposes.

Rule 20. Registered identification number.

(a) Registered numbers for use as the required identification in lieu of the name on textile fiber product labels, as provided in section 4(b)(3) of the Act, will be issued by the Commission to qualified persons residing in the United States upon receipt of an application duly executed in the form set out in paragraph (d) of this rule.

(b)(1) Registered identification numbers shall be used only by the person or concern to whom they are issued, and such numbers are not transferable or assignable.

(2) Registered identification numbers shall be subject to cancellation whenever any such number was procured or has been used improperly or contrary to the requirements of the Acts administered by the Federal Trade Commission, and regulations promulgated thereunder, or when otherwise deemed necessary in the public interest.

(c) Registered identification numbers assigned under this rule may be used on labels required in labeling products subject to the provisions of the Wool Products Labeling Act and Fur Products Labeling Act, and numbers previously assigned by the Commission under such Acts may be used as and for the required name in labeling under this Act. When so used by the person or firm to whom assigned, the use of the numbers shall be construed as identifying and binding the applicant as fully and in all respects as though assigned under the specific Act for which it is used.

(d) Form of application for registered identification number (printed forms are available upon request at the offices of the Commission):

APPLICATION FOR REGISTERED IDENTIFICATION NUMBER

To the Federal Trade Commission,
Washington 25, D.C.

The undersigned, _____,
(Full name of applicant)

a _____
(Corporation, partnership or proprietorship)

residing in the United States and having principal office and place of business at _____
(Street and number)

_____, _____
(City) (State or Territory)

being engaged in the marketing and handling of textile fiber products, as defined in the Textile Fiber Products Identification Act, hereby makes application to the Federal Trade Commission for a registered identification number for use on required labels.

The undersigned is engaged in the _____
(Manufacturing, distributing, etc.)

of the following products _____
(List products)

Dated, signed and executed this _____ day of _____ 19__ at _____,
(City)

_____
(State or Territory)

(If firm is a partnership list partners below)

_____ _____
(Please type or print) (Name under which business is conducted)

_____ _____
(Signature of proprietor, partner, or executive officer)

[Impression of corporate seal if corporation] Attest: _____
(Secretary)

EXECUTION

State of _____ } ss
County of _____ }

On this _____ day of _____ 19__, before me personally appeared the said _____ proprietor, partner (strike non-applicable words) _____

_____
(If corporation, give title of officer)

of _____, to me personally
(Name of company)

known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated.

[Impression of Notary seal required here.] _____
Notary Public in and for County of _____
State of _____
My commission expires _____

Rule 21. Marking of samples, swatches or specimens.

Where samples, swatches, or specimens of textile fiber products subject to the Act are used to promote or effect sales of such textile fiber products, the samples, swatches, and specimens as well as the products themselves shall be labeled to show their respective fiber contents and other required information.

Rule 22. Products containing linings, interlinings, fillings, and paddings.

In disclosing the required information as to textile fiber products, the fiber content of any linings, interlinings, fillings, or paddings shall be set forth separately and distinctly if such linings, interlinings, fillings, or paddings are incorporated in the product for warmth rather than for structural purposes, or if any express or implied representations are made as to their fiber content. Examples are as follows:

100% Nylon
Interlining: 100% Rayon

Covering: 100% Rayon
Filling: 100% Cotton.

Rule 23. Textile fiber products containing superimposed or added fibers.

Where a textile fiber product is made wholly of one fiber or a blend of fibers with the exception of an additional fiber in minor proportion superimposed or added in certain distinct areas or sections for reinforcing or other useful purposes, the product may be designated

according to the fiber content of the principal fiber or blend of fibers, with an exception naming the superimposed or added fiber, giving the percentage thereof, and indicating the area or section which contains the superimposed or added fiber. Examples of this type of fiber content disclosure as applied to products having reinforcing fibers added to a particular area or section are as follows:

55% Cotton
45% Rayon
Except 5% Nylon added to toe and heel.

All Cotton except 4% Nylon added to neckband.

Rule 24. Pile fabrics and products composed thereof.

The fiber content of pile fabrics or products may be stated on the label in such segregated form as will show the fiber content of the face or pile and of the back or base, with percentages of the respective fibers as they exist in the face or pile and in the back or base: *Provided*, That in such disclosure the respective percentages of the face and back be given in such manner as will show the ratio between the face and the back. Examples of the form of marking pile fabric as to fiber content provided for in this rule are as follows:

100% Nylon Pile
100% Cotton Back
(Back constitutes 60% of fabric and pile 40%).

Face—60% Rayon, 40% Nylon
Back—70% Cotton, 30% Rayon
(Face constitutes 60% of fabric and back 40%).

Rule 25. Sectional disclosure of content.

(a) *Permissive.* Where a textile fiber product is composed of two or more sections which are recognizably distinct and such several sections are of different fiber composition the required fiber content to be stated upon the label may be separated on the same label in such manner as to show the fiber composition of each section, provided the section to which the respective percentages and fiber designations apply is specifically designated and such disclosure by sections is adequate fully to inform purchasers of the required information.

(b) *Mandatory.* The disclosure by sections as above provided shall be made in all instances where such form of marking is necessary to avoid deception.

Rule 26. Ornamentation.

(a) Where the textile fiber product contains fiber ornamentation not exceeding five percentum of the total fiber weight of the product and the stated percentages of the fiber content are exclusive of such ornamentation, the label or any invoice used in lieu thereof shall contain a phrase or statement showing such fact; as for example:

60 Percent Cotton
40 Percent Rayon

Exclusive of Ornamentation.

or

All Cotton Exclusive of Ornamentation.

(b) Where the fiber ornamentation exceeds five percentum, it shall be included in the statement of required percentages of fiber content, subject, however, to the right of making sectional disclosure under Rule 25 where the ornamentation constitutes a distinct section of the product and the provisions of Rule 25 are fully met.

Rule 27. Use of the term "all" or "100%."

Where the textile fiber product to which the label is attached is composed wholly of one kind of fiber, either the word "All" or "100%" may be used with the correct fiber name; as for example: "100% Cotton," "All Cotton," "100% Nylon," "All Nylon."

Rule 28. Products contained in packages.

Where it is the common or accepted practice of the distributor of textile fiber products contained in packages to break the package and sell or deliver individual products therefrom, each individual product or unit contained therein shall be labeled with the required information by the person initially packaging the products.

Rule 29. Labeling of pairs or products containing two or more units.

(a) Where a textile fiber product consists of two or more parts, units, or items of different fiber content, a separate label containing the required information shall be affixed to each of such parts, units, or items showing the required information as to such part, unit, or item, irrespective of whether such parts, units, or items are marketed and handled together and in combination with each other.

(b) Where garments, wearing apparel, or other textile fiber products are marketed or handled in pairs and are intended for use in pairs, the use of more than one label will not be required if both pieces are of the same fiber content and remain firmly attached to each other during the marketing or handling thereof and when sold and delivered to the ultimate consumer.

Rule 30. Textile fiber product in form for consumer.

A textile fiber product shall be considered to be in the form intended for sale or delivery to, or for use by, the ultimate consumer when the manufacturing or processing of the textile fiber product is substantially complete. The fact that minor or insignificant details of the manufacturing or processing have not been completed shall not excuse the labeling of such products as to the required information. For example, a garment must be labeled even though such matters as the finishing of a hem or cuff or the affixing of buttons thereto remain to be completed.

Rule 31. Invoice in lieu of label.

Where a textile fiber product is not in the form intended for sale, delivery to, or for use by the ultimate consumer, an invoice or other paper may be used in lieu of a label, and such invoice or other paper shall show, in addition to the name and address of the person issuing the invoice or other paper, the fiber content of such product as provided in the Act and regulations as well as any other required information.

Rule 32. Products containing reused stuffing.

Any upholstered product, mattress, or cushion which contains stuffing which has been previously used as stuffing in any other upholstered product, mattress, or cushion shall have securely attached thereto a substantial tag or label, at least 2 inches by 3 inches in size, and statements thereon conspicuously stamped or printed in the English language and in plain type not less than ⅛ inch high, indicating that the stuffing therein is composed in whole or in part of "reused stuffing," "secondhand stuffing," "previously used stuffing" or "used stuffing."

Rule 33. Country where imported textile fiber products are processed or manufactured.

(a) Each imported textile fiber product shall be labeled with the name of the country where such imported product was processed or manufactured.

(b) The term "country" means the political entity known as a nation. Colonies, possessions, or protectorates outside the boundaries of the mother country shall be considered separate countries and the name thereof shall be deemed acceptable in designating the country where the textile fiber product was processed or manufactured unless the Commission shall otherwise direct.

(c) The country where the imported textile fiber product was principally made shall be considered to be the country where such textile fiber product was processed or manufactured. Further work or material added to the textile fiber product in another country must effect a basic change in form in order to render such other country the place where such textile fiber product was processed or manufactured.

(d) The English name of the country where the imported textile fiber product was processed or manufactured shall be used. The adjectival form of the name of the country will be accepted as the name of the country where the textile fiber product was processed or manufactured, provided the adjectival form of the name does not appear with such other words so as to refer to a kind or species of product. Variant spellings which clearly indicate the English name of the country such as Brasil for Brazil and Italie for Italy, are acceptable. Abbreviations which unmistakably indicate the name of a country such as "Gt. Britain" for "Great Britain," are acceptable.

(e) Nothing in this rule shall be construed as limiting in any way the information required to be disclosed on labels under the provisions of any Tariff Act of the United States or regulations prescribed by the Secretary of the Treasury.

Rule 34. Change in form of imported textile fiber products.

(a) Where the form of an imported textile fiber product is not basically changed, the country where such product was originally manufactured or processed shall be set out in the required

information. As for example, a fabric imported into the United States in the greige but finished and dyed in this country must show the country where the fabric was manufactured or processed.

(b) Where a textile fiber product is made in the United States from imported textile fiber products the country where such imported textile fiber products were manufactured or processed need not be disclosed. As for example, the labeling of a shirt manufactured in this country out of an imported fabric need not disclose the country where the fabric was manufactured or processed.

Rule 35. Products labeled or invoiced by processors or finishers at direction of principal.

Any person marketing or handling textile fiber products who shall cause or direct a processor or finisher to label, invoice, or otherwise identify any textile fiber product with required information shall, together with such processor or finisher, be responsible under the Act and regulations for any failure of compliance with the Act and regulations by reason of any statement or omission in such label, invoice, or other means of identification utilized in accordance with his direction.

Rule 36. Form of separate guaranty.

(a) The following is a suggested form of separate guaranty under section 10 of the Act which may be used by a guarantor residing in the United States on or as part of an invoice or other paper relating to the marketing or handling of any textile fiber products listed and designated therein, and showing the date of such invoice or other paper and the signature and address of the guarantor.

We guarantee that the textile fiber products specified herein are not misbranded nor falsely nor deceptively advertised or invoiced under the provisions of the Textile Fiber Products Identification Act and rules and regulations thereunder.

NOTE: The printed name and address of an invoice or other paper will suffice to meet the signature and address requirements.

(b) The mere listing of the fiber content of a textile fiber product or an invoice or other paper relating to its marketing or handling shall not be considered a form of separate guaranty.

Rule 37. Form of continuing guaranty from seller to buyer.

Under section 10 of the Act, a seller residing in the United States may give a buyer a continuing guaranty to be applicable to all textile fiber products sold or to be sold. The following is the prescribed form of continuing guaranty from seller to buyer:

We, the undersigned, guarantee that all textile fiber products now being sold or which may hereafter be sold or delivered to _____ are not, and will not be misbranded nor falsely nor deceptively advertised or invoiced under the provisions of the Textile Fiber Products Identification Act and rules and regulations thereunder. This guaranty effective until _____

Dated, signed and executed this _____ day of _____, 19__, at _____,
(City)

_____
(State or territory)

[Impression of corporate seal, if corporation.] _____
Name under which business is conducted.

_____
Signature of proprietor, partner or executive officer of corporation.

Attest:

_____
Secretary.

EXECUTION

State of _____ } ss
County of _____ }

On this _____ day of _____, 19__, before me personally appeared the said _____ _____ proprietor, partner (strike non-applicable words) _____

_____
(If corporation, give title of officer)
of _____, to me personally
(Name of company)
known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated.

[Impression of Notary seal required here.] _____
Notary Public in and for
County of _____
State of _____
My commission expires _____

Rule 38. Continuing guaranties filed with Federal Trade Commission.

(a) (1) Under section 10 of the Act any person residing in the United States and handling textile fiber products may file a continuing guaranty with the Federal Trade Commission. When filed with the Commission a continuing guaranty shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. Forms for use in preparing continuing guaranties will be supplied by the Commission upon request.

(2) Continuing guaranties filed with the Commission shall continue in effect until revoked. The guarantor shall promptly report any change in business status to the Commission.

(b) Prescribed form of continuing guaranty:

CONTINUING GUARANTY

The undersigned, _____,
(Full name of guarantor)
a _____,
(Corporation, partnership, proprietorship)
residing in the United States, and having principal office and place of business at _____, _____,
(Street and number) (City)

_____
(State or Territory)
and engaged in manufacturing or handling textile fiber products, hereby guarantees that every such textile fiber product contained in each shipment, or other delivery, made by the guarantor will not be misbranded or falsely or deceptively invoiced or advertised within the meaning of the Textile Fiber Products Identification Act and the rules and regulations thereunder.

Dated, signed and executed this _____ day of _____, 19__, at _____,
(City)

_____
(State or Territory)

[Impression of corporate seal, if corporation.] _____
Name under which business is conducted

_____
Signature of proprietor, partner or executive officer of corporation.

Attest:

_____
Secretary.

EXECUTION

State of _____ } ss
County of _____ }

On this _____ day of _____, 19__, before me personally appeared the said _____ _____ proprietor, partner (strike non-applicable words) _____

_____
(If corporation, give title of officer)
of _____, to me personally known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated.

[Impression of Notary seal required here.] _____
Notary Public in and for
County of _____
State of _____
My commission expires _____

(c) Any person who has a continuing guaranty on file with the Commission may, during the effective dates of the guaranty, give notice of such fact by setting forth on the invoice or other paper covering the marketing or handling of the product guaranteed the following: "Continuing guaranty under the Textile Fiber Products Identification Act filed with the Federal Trade Commission."

(d) Any person who falsely represents in writing that he has a continuing guaranty on file with the Federal Trade Commission when such is not a fact shall be deemed to have furnished a false guaranty under section 10(b) of the Act.

Rule 39. Maintenance of records.

(a) Pursuant to the provisions of section 6 of the Act, every manufacturer of a textile fiber product subject to the Act, irrespective of whether any guaranty has been given or received, shall maintain written records showing the fiber content as required by the Act of all such textile fiber products made by such manufacturer.

(b) The records so maintained shall show:

(1) The percentage by weight of each fiber if said percentage of such fiber is more than 5 percent, and the aggregate of all other fibers;

(2) The date, source and quantity of all raw material purchases;

(3) The date and quantity of each batch, blend, lot, stock, kettle, dye, weaving specifications, or cutting record as applicable to all raw material used, relating each to the purchase records of such raw material by appropriate lot or stock numbers, letters, or symbols; and

(4) The date and quantity of each sale or delivery of textile fiber products manufactured, relating each sale or delivery to the manufacturing or processing record required in subparagraph 3 of this paragraph by appropriate lot or stock numbers, letters, or symbols.

(c) The purpose of such records shall be to establish a line of continuity from each purchase or acquisition of raw material through all processes of manufacture to the sale or delivery of all finished or semi-finished textile fiber products.

(d) Manufacturers shall also keep and maintain as records under the Act all purchases and sales invoices, purchase and sales contracts, labels, manufacturing contracts, orders or duplicate copies thereof, business correspondence, factory records, inventories, and other pertinent documents and data showing or tending to show the purchase, receipt, use, and disposition of or accounting for of all raw stocks, fiber, yarn, fabric or other manufactured materials obtained by the manufacturer.

Rule 40. Use of terms in written advertisements which imply presence of a fiber.

The use of terms in written advertisements which are descriptive of a method of manufacture, construction, or weave and which by custom and usage are also indicative of a textile fiber or fibers, or the use of terms in such advertisements which constitute or connote the name or presence of a fiber or fibers, shall be deemed to be an implication of fiber content under section 4(c) of the Act.

Rule 41. Use of trademarks in advertising.

(a) (1) In advertising textile fiber products, the use of a fiber trademark shall require a full disclosure of the fiber content information required by the Act and regulations.

(2) Where a fiber trademark is used in advertising, the trademark and the generic name of the fiber must appear in the required information in immediate proximity and conjunction with each other in type or lettering of equal size and conspicousness.

(b) A fiber trademark shall not be used in nonrequired information in advertising in such a manner as to be false, deceptive, or misleading as to fiber content, or to indicate, directly or indirectly, that a textile fiber product is composed wholly or in part of a particular fiber, when such is not the case.

Rule 42. Arrangement of information in advertising textile fiber products.

(a) In advertising textile fiber products, all parts of the required information shall be stated in immediate conjunction with each other and in legible and conspicuous type or lettering of equal size and prominence. In making the required disclosure of the fiber content of the product, the generic names of the fibers present in amounts of more than five per centum shall appear in order of predominance by weight, to be followed by the designation "other fiber" or "other fibers" if a fiber or fibers be present in amounts of five per centum or less.

(b) Non-required information or representations shall in no way be false, deceptive, or misleading as to fiber content and shall not include any names, terms, or representations prohibited by the Act and regulations. Such non-required information or representations shall not be set forth or so used as to interfere with, minimize, or detract from the required information.

Rule 43. Fiber content tolerances.

(a) A textile fiber product which contains more than one fiber shall not be deemed to be misbranded as to fiber content percentages if the percentages by weight of any fibers present in the total fiber content of the product, exclusive of permissive ornamentation, do not deviate or vary from the percentages stated on the label in excess of 3 percent of the total fiber weight of the product. For example, where the label indicates that a particular fiber is present in the amount of 40 percent, the amount of such fiber present may vary from a minimum of 37 percent of the total fiber weight of such product to a maximum of 43 percent of the total fiber weight of such product.

(b) Where the percentage of any fiber or fibers contained in a textile fiber product deviates or varies from the percentage stated on the label by more than the tolerance or variation provided in paragraph (a) of this rule, such product shall be misbranded unless the person charged proves that the entire deviation or variation from the fiber content percentages stated on the label resulted from unavoidable variations in manufacture and despite the exercise of due care.

(c) Where representations are made to the effect that a textile fiber product is composed wholly of one fiber by use of such terms as "All" or "100 percent," the tolerance provided in section 4(b)(2) of the Act and paragraph (a) of this rule shall not apply.

Rule 44. Products not intended for uses subject to the Act.

Textile fiber products, including waste materials, intended for uses in other textile fiber products exempted or excluded from the Act shall not be subject to the labeling and invoicing requirements of the Act and regulations, if an invoice or other paper covering the marketing or handling of such products or waste materials is given, which indicates that such products or waste materials are intended for a use or uses not within the scope of the act and regulations.

Rule 45. Exclusions from the Act.

(a) Pursuant to section 12(b) of the Act, the Commission hereby excludes from the operation of the Act:

(1) All textile fiber products except:
(i) Articles of wearing apparel;
(ii) Handkerchiefs;
(iii) Scarfs;
(iv) Bedding;
(v) Curtains and casements;
(vi) Draperies;
(vii) Tablecloths, napkins and doilies;
(viii) Floor coverings;
(ix) Towels;
(x) Wash cloths and dish cloths;
(xi) Ironing board covers and pads;
(xii) Umbrellas;
(xiii) Batts;
(xiv) Products subject to section 4(h) of the Act;
(xv) Flags;
(xvi) Cushions;
(xvii) All fibers, yarns and fabrics (including narrow fabrics except packaging ribbons);
(xviii) Furniture slip covers and other covers or coverlets for furniture;
(xix) Afghans;
(xx) Sleeping bags;
(xxi) Antimacassars and tidies;
(xxii) Hammocks.

(2) Belts, suspenders, arm bands, garters, sanitary belts, label cloth, book cloth, artists' canvases, tapestry cloth, and shoe laces.

(3) All textile fiber products manufactured by the operators of company stores and offered for sale and sold exclusively to their own employees as ultimate consumers.

(4) Coated fabrics and those portions of textile fiber products made of coated fabrics.

(5) Second hand household textile articles which are discernibly second hand or which are marked to indicate their second hand character.

(b) The exclusions provided for in paragraph (a) of this rule shall not be applicable if any representations as to fiber content of such articles are made.

Issued: February 5, 1959.

By direction of the Commission.

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

[F.R. Doc. 59-1186; Filed, Feb. 9, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

Redelegation of Final Authority

Notice of redelegation of final authority by the Agricultural Stabilization and Conservation State Committees for the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

The allotment and marketing quota regulations for peanuts of the 1959 and subsequent crops (23 F.R. 8515) issued pursuant to the allotment and marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281-1393), provide that any authority delegated to a State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance

with section 3(a)(1) of the Administrative Procedure Act (5 U.S.C. 1002(a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein redelegations of authority vested in the Agricultural Stabilization and Conservation State Committees by the regulations referred to above which have been made by State committees in peanut-producing States for the 1959 crop of peanuts. The following sets forth the sections of the regulations containing the authority being redelegated and the person or persons or titles of the person or persons to whom the authority has been redelegated.

ALABAMA

Section 729.1027: To the State Administrative Officer and each Farmer Fieldman.

ARIZONA

Sections 729.1020, 729.1022 and 729.1027: To the State Administrative Officer and to each Program Specialist engaged in production adjustment work.

ARKANSAS

Section 729.1027: To the State Administrative Officer, Program Specialists, W. F. Brunsfield and R. A. Owens, and each Farmer Fieldman.

CALIFORNIA

Sections 729.1011(k)(5), 729.1016(b)(5), 729.1017, 729.1018, 729.1020, 729.1021, 729.1022, 729.1023(b), 729.1026, 729.1027, 729.1048 (b) and (c), 729.1052 (b) and (c), 729.1054, 729.1056(c)(2), 729.1057(d) and 729.1058(b): To Program Specialists, John T. Moody and Harold L. Silcott.

FLORIDA

Sections 729.1011(k)(5), 729.1016(b)(5), 729.1017, 729.1020(b), and 729.1022: To the State Administrative Officer or the person acting in such capacity.

Sections 729.1021 and 729.1027: To the State Administrative Officer or the person acting in such capacity, to each Program Specialist engaged in production adjustment work and to each County Office Operations Reviewer.

GEORGIA

Sections 729.1011(k)(5), 729.1017, 729.1018, 729.1021(a), 729.1027 and 729.1048 (b) and (c): To the State Administrative Officer and to each Program Specialist engaged in production adjustment work.

LOUISIANA

Sections 729.1015 through 729.1018, 729.1020 through 729.1022 and 729.1027: To the State Administrative Officer and to each Program Specialist engaged in production adjustment work.

MISSISSIPPI

Sections 729.1017, 729.1018, 729.1020, 729.1022, 729.1026, 729.1048 (b) and (c), 729.1052 (b) and (c), 729.1054 and 729.1056 (c)(2): To the State Administrative Officer or the person acting in such capacity.

Sections 729.1021 and 729.1027: To the State Administrative Officer or the person acting in such capacity, to each Program Specialist engaged in production adjustment work and to each Farmer Fieldman.

NEW MEXICO

Sections 729.1016 through 729.1018, 729.1023, 729.1024, 729.1026, 729.1052, 729.1054 and 729.1056: To the State Administrative Officer or the person acting in such capacity.

Sections 729.1021 and 729.1027: To the State Administrative Officer or the person acting in such capacity, to the Program Specialist in charge of peanut allotment and marketing quota work and to each Farmer Fieldman.

NORTH CAROLINA

Section 729.1020: To the Program Specialist in charge of production adjustment work or the person acting in such capacity.

Section 729.1027: To Program Specialists engaged in production adjustment work and to each Farmer Fieldman or person acting in such capacity.

OKLAHOMA

Section 729.1021: To the Program Specialist in charge of production adjustment work and to the Program Specialist in charge of the peanut acreage allotments.

Section 729.1027: To the Program Specialist in charge of production adjustment work, to the Program Specialist in charge of the peanut acreage allotments, to each Farmer Fieldman and to each County Office Operations Reviewer.

SOUTH CAROLINA

Sections 729.1017, 729.1021, 729.1023, 729.1048 and 729.1056: To the State Administrative Officer and each Program Specialist engaged in production adjustment work.

TENNESSEE

Section 729.1017: To the State Administrative Officer and to each Program Specialist engaged in production adjustment work.

Sections 729.1020(b), 729.1021(a), 729.1022 and 729.1027: To the State Administrative Officer, to each Program Specialist engaged in production adjustment work and to each Farmer Fieldman.

TEXAS

Sections 729.1011(k)(5), 729.1017, 729.1018, 729.1020, 729.1022, 729.1023(b), 729.1026, 729.1027, 729.1048 (b) and (c), 729.1052 (b) and (c), 729.1054, 729.1056(c)(2), 729.1057(d) and 729.1058(b): To H. H. Marshall, W. M. Hott, Paul H. Johnson, Leonard C. Williams and to each Farmer Fieldman.

Sections 729.1016(b)(5) and 729.1021: To H. H. Marshall, W. M. Hott, Paul H. Johnson and Leonard C. Williams.

VIRGINIA

Sections 729.1011(k)(5), 729.1021(a), 729.1023(b), 729.1027, 729.1048 (b) and (c), 729.1052 (b) and (c) and 729.1056(c)(2): To the State Administrative Officer and to the Program Specialist in charge of production adjustment work.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 361–368, 372–374, 376, 388, 52 Stat. 38, as amended, 62–64, as amended, 65, as amended, 66, as amended, 88, secs. 358, 359, 55 Stat. 88, as amended, 90, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1358, 1359, 1361–1368, 1372–1374, 1376, 1377, 1388, 1824, 1836)

Issued at Washington, D.C., this 4th day of February 1959.

[SEAL] CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59–1199; Filed, Feb. 9, 1959; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Dept. of Justice, Bureau of Prisons, has filed an application, Serial Number F–022792 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a Federal jail site.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

U.S. Survey 2931 (Tok Townsite)

Lot 8: Block 3 W.

Containing 0.173 acres.

RICHARD L. QUINTUS,
Operations Supervisor,
Fairbanks.

[F.R. Doc. 59–1196; Filed, Feb. 9, 1959; 8:51 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Department of Justice has filed an application, Serial Number A.045884 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for use as a temporary prisoners stockade.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing Address: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PORTAGE AREA

An unsurveyed parcel of land located in the Portage Townsite and situated adjacent to the southwest side of the Airstrip reserved for the (formerly) Territorial Department of Aviation more particularly described as follows:

Beginning at Corner No. 1 which is situated at the intersection of the southwest boundary of the Territorial Department of Aviation Airstrip and the northwest bound-

ary of the gravel pit reserved for the Bureau of Public Roads (Anchorage 020805), thence;
Northwest 660 ft. along airport boundary to Corner No. 2;
Southwest 330 ft. to Corner No. 3;
Southeast 660 ft. to Corner No. 4;
Northeast 330 ft. to Point of Beginning.

Containing 5 acres.

DONALD T. GRIFFITH,
Acting Operations Supervisor,
Anchorage.

[F.R. Doc. 59-1173; Filed, Feb. 9, 1959; 8:48 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of the Air Force has filed an application, Serial Number A.033714 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for a communication station.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, Mailing Address: 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Tract A

A tract of land located near Nikolski on Umnak Island, Aleutian Islands, Alaska, more exactly described as follows:

Commencing at U.S.C. & G.S. Monument "Niggerhead." Latitude 52°58'24.622" N., longitude 168°51'11.619" W.; Thence South 500 feet to the point of beginning for this description; thence West 500 feet; thence North 2,000 feet; thence East 2,000 feet; thence South 2,000 feet; thence East 2,000 feet; thence South 2,500 feet; thence West 2,000 feet; thence North 2,200 feet, more or less; thence West 500 feet, more or less; thence North 300 feet, more or less; thence West 1,000 feet, more or less, to the point of beginning.

Containing 210.06 acres, more or less.

Tract B

A tract of land located near Nikolski on Umnak Island, Aleutian Islands, Alaska, more exactly described as follows:

Commencing at latitude 52°56'21.081" N., longitude 168°51'42.335" W., identical with U.S.C. & G.S. Monument "Astro,"; thence N. 43°30' E., 870 feet, more or less, to the point of beginning for this description; thence N. 0°17'15" W., 1,000 feet; thence S. 89°42'45" E., 5,500 feet; thence S. 0°17'15" W., 1,000 feet; thence N. 89°42'45" W., 5,500 feet to the point of beginning.

Containing 126.26 acres, more or less.

DONALD T. GRIFFITH,
Acting Operations Supervisor,
Anchorage.

[F.R. Doc. 59-1174; Filed, Feb. 9, 1959; 8:48 a.m.]

National Park Service

[Region 2 Order 3, Amdt. 5]

REGIONAL ADMINISTRATIVE OFFICER AND REGIONAL PROCUREMENT AND PROPERTY OFFICER

Delegation of Authority With Respect to Contracts

JANUARY 12, 1959.

Sections 4 and 5 of Order No. 3, issued February 17, 1956 (21 F.R. 1494), are amended to read as follows:

SEC. 4. *Regional Administrative Officer.* The Regional Administrative Officer may execute and approve contracts not in excess of $100,000 for construction, supplies, equipment, and services. This authority may be exercised by the Regional Administrative Officer in behalf of any office or area for which the Region Two Office serves as the field finance office.

SEC. 5. *Regional Procurement and Property Officer.* The Regional Procurement and Property Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, and services. This authority may be exercised by the Regional Procurement and Property Officer in behalf of any office or area for which the Region Two Office serves as the field finance office.

(National Park Service Order No. 14; 39 Stat. 535; 16 U.S.C., 1952 ed., Sec. 2)

HOWARD W. BAKER,
Regional Director.

[F.R. Doc. 59-1175; Filed, Feb. 9, 1959; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE NO. 33; GREAT LAKES/CARIBBEAN

Notice of Tentative Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on February 3, 1959, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 33 and, in accordance with his action of July 27, 1956, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said route be published in the FEDERAL REGISTER:

1. Trade Route No. 33, as described below, is affirmed as an essential foreign trade route of the United States:

Between United States ports on the Great Lakes and St. Lawrence River, intermediate Canadian Great Lakes ports and other Canadian ports along the general track of the route, and foreign ports in the Gulf of Mexico, Caribbean Sea and the Guianas (Mexico to southern border of French Guiana, all islands of the Caribbean and West Indies and other nearby islands including Barbados, Trinidad and Tobago).

2. Requirements for United States flag operation on Trade Route No. 33 during the open season of navigation on the Great Lakes are approximately weekly sailings to the North Coast of South America including the Netherlands West Indies, and approximately fortnightly sailings to Cuba and other islands in the Greater Antilles. Traffic between the Great Lakes and the East Coast of Central America and Mexico appears insufficient to justify a separate service at this time. Further study will be made of possible U.S. flag service to this foreign area.

3. Existing C-type and Victory-type vessels are suitable for interim operation on Trade Route No. 33, subject to replacement after a trial period with superior vessels particularly suited for long-range operation on this route.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or requests a hearing thereon, should submit same in writing to the Chief, Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on February 20, 1959. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: February 5, 1959.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-1154; Filed, Feb. 9, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 9184]

LINEAS AEREAS DE NICARAGUA, S.A.

Notice of Hearing

In the matter of the application of Lineas Aereas de Nicaragua, S.A., for an amendment of its foreign air carrier permit so as to include as an intermediate point San Salvador, El Salvador.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above-entitled matter is assigned to be held on April 8, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., February 3, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-1181; Filed, Feb. 9, 1959; 8:49 a.m.]

[Docket No. 10147]

B.N.P. AIRWAYS, LTD.

Notice of Hearing

In the matter of the application of B.N.P. Airways, Limited for renewal of a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958 to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958 that a hearing in the above-entitled matter is assigned to be held on February 13, 1959, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., February 5, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-1182; Filed, Feb. 9, 1959; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12501 etc.; FCC 59-95]

COMMUNITY TELECASTING CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Community Telecasting Corporation, Moline, Illinois, Docket No. 12501, File No. BPCT-2339; Tele-Views News Company, Inc., Moline, Illinois, Docket No. 12503, File No. BPCT-2367; Midland Broadcasting Co., Moline, Illinois, Docket No. 12504, File No. BPCT-2370; Illiway Television, Inc., Moline, Illinois, Docket No. 12505, File No. BPCT-2428; Moline Television Corp., Moline, Illinois, Docket No. 12506, File No. BPCT-2440; Iowa-Illinois Television Co., Moline, Illinois, Docket No. 12508, File No. BPCT-2496; for construction permits for new Television Broadcast Stations.

1. The Commission has before it for consideration (1) a petition to enlarge issues filed July 18, 1958 by Iowa-Illinois Television Co. and pleadings filed in response thereto;[1] (2) a motion to enlarge issues filed July 18, 1958, by Community Telecasting Corporation, supplements thereto filed July 21 and August 1, 1958, and pleadings filed in response thereto;[2] and (3) requests to accept supplemental pleadings.[3]

2. Community Telecasting Corporation (Community), KSTT Telecasting Company (KSTT), Tele-Views News Company, Inc. (Tele-Views), Midland Broadcasting Co. (Midland), Illiway Television, Inc. (Illiway), Moline Television Corp. (Moline), Public Service Broadcasting Company (Public Service) and Iowa-Illinois Television Co. (Iowa-Illinois) filed applications for construction permits for a new television station to operate on Channel 8 assigned to Davenport, Iowa, Rock Island-Moline, Illinois. By Order of June 26, 1958, released June 30, 1958, the Commission designated these applications for consolidated hearing on certain issues including the standard comparative issue. The subject petitions to enlarge issues were filed July 18, 1958 and sought issues designed to inquire into the financial qualifications of Tele-Views, Midland, Illiway, Public Service, Iowa-Illinois and to inquire into the legal qualifications of Iowa-Illinois. The applications of KSTT and Public Service were dismissed without prejudice by Order of the Chief Hearing Examiner released September 12, 1958, and the remaining applications were retained in hearing status. Commencement of the hearing was rescheduled from October 1 to December 1, 1958 by Order of the Hearing Examiner released September 15, 1958. Subsequently, hearing was rescheduled to commence January 26, 1959.

3. In view of the dismissal of the application of Public Service, that portion of the petition of Community which sought to inquire into the financial qualifications of Public Service is moot and will not be further considered herein. Additionally, that portion of the petition of Community which is directed to the qualifications of Illiway will not be considered further since Community, in its reply pleading, withdrew its motion to enlarge issues insofar as it pertained to Illiway.

4. Before looking to the substantive points raised by the requests to enlarge issues, consideration must be had of certain requests for leave to file supplemental pleadings. Two supplements were filed to Community's motion to enlarge issues. Certain affidavits were filed three days after the filing of the motion to enlarge, the delay in filing due allegedly to a delay in the mails. Subsequently, fourteen days later, another affidavit was filed which sought to clarify certain facts stated in an earlier affidavit. Tele-Views filed a supplement to its opposition to the petition of Community and sought thereby to make additional evidence of the financial ability of certain of its stockholders available to the Commission for consideration. Additionally, Iowa-Illinois supplemented its opposition to Community's petition by a pleading which directs the Commission's attention to a decision of the United States Court of Appeals for the District of Columbia Circuit, handed down after the opposition was filed, which assertedly sheds new light on certain matters under consideration. The Commission has considered the matters advanced in support of the acceptance of these supplemental pleadings and is of the opinion that good cause has been shown for the acceptance thereof. As our Rules make clear, the filing of multitudinous pleadings is looked upon with disfavor because of the hindrance they cause to our processes. A myriad of pleadings has already been filed with respect to the matters involved here. However, under the particular circumstances of this proceeding and considering the large number of parties hereto, good cause exists for allowing the supplemental pleadings so that we might have before us as much information as possible to assist us in determining whether or not the issues to be heard must be increased.

5. A question has been raised with respect to the new financial data submitted by Tele-Views since no request to amend its application has been filed. As we stated in a Memorandum Opinion and Order in Musical Heights, Inc., released December 19, 1958 (FCC 58-1193; Mimeo No. 66649), "The fact that applicant has not yet sought leave to amend its application to incorporate the up-to-date financial information does not preclude its presentation in opposition to a petition of the kind now before us. The supplemental information serves to reinforce rather than materially alter the material upon which the Commission made its pre-hearing finding of financial qualification".

6. Turning now to the merits of the petitions presently before the Commission, consideration will be directed first to the arguments advanced by Iowa-Illinois in its petition to enlarge issues to determine the financial qualifications of Midland. The application discloses that Midland proposes to meet its ex-

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[1] Opposition filed August 26, 1958, by Midland Broadcasting Co. and reply and errata thereto filed August 27 and 29, 1958, respectively, by Broadcast Bureau.

[2] Opposition filed August 26, 1958, by Midland Broadcasting Co.; reply and errata thereto filed August 27 and 29, 1958, respectively, by Broadcast Bureau; opposition filed August 27, 1958, by Illiway Television, Inc.; comments in opposition filed August 27, 1958, and supplement thereto filed October 22, 1958, by Iowa-Illinois Television Company; opposition filed August 27, 1958 by Public Service Broadcasting Company; opposition filed August 27, 1958 and supplement thereto filed October 17, 1958, by Tele-Views News Company, Inc.; reply to oppositions filed September 12, 1958, and replies to supplemental pleadings filed October 22 and October 27, 1958, respectively, by Community Telecasting Corporation; and reply to the reply to the supplemental pleadings filed November 5, 1958, by Iowa-Illinois Television Co.

[3] The requests of Community Telecasting Corporation filed July 21 and August 1, 1958, to accept supplements to the motion to enlarge issues; the request of Tele-Views News Company, Inc., filed October 17, 1958, to accept a supplement to its opposition; and the request of Iowa-Illinois Television Co., filed October 22, 1958, to accept a supplement to its comments in opposition.

penses with $250,000 in stock subscriptions and $750,000 in debenture loans. Iowa-Illinois challenges the availability of the $750,000 because of a limiting provision in the agreement providing for these loans. Subsequent to the filing of the Iowa-Illinois petition to enlarge, Midland amended its application to show expressly that the stockholders intended to commit themselves to the $750,000 figure, and this amendment has been allowed. Iowa-Illinois filed no further pleading taking notice of the change. In view of the amended application substantiating the proposed financing arrangements and Iowa-Illinois' failure to comment further thereon, the petition to enlarge issues filed by Iowa-Illinois will be denied. Community, in that portion of its petition directed to the financial qualifications of Midland, raised the same point but in its reply pleading accepted Midland's amended showing.

7. The portions of Community's petition to enlarge issues to inquire into financial qualifications which remain to be considered concern the financial showings of Midland, Tele-Views and Iowa-Illinois. Community advances the same argument with respect to all three applicants—they have failed to show available funds in an amount sufficient to meet what Community considers necessary expense, i.e. "first year cash requirements." Community questions the availability to Tele-Views of $600,000 derived from loans on property and of $75,000 worth of additional stock subscriptions from four stock subscribers. It asserts that Midland's first year cash requirements are in excess of $1,000,000 and that Midland has not provided for sufficient operating capital to meet that figure so that it can be considered financially qualified and further challenges the ability of one stockholder to meet his obligation to the applicant in the amount of $29,250. It challenges the availability to Iowa-Illinois of $203,025 out of $500,000 for operating expenses which sum is to be derived from a $300,000 stockholder loan and $200,000 in stock subscriptions.

8. The Broadcast Bureau would enlarge the issues to inquire into the financial qualifications of Tele-Views but would deny enlargement of the issues as to Midland and Iowa-Illinois. It is of the view that both Midland and Iowa-Illinois have demonstrated the availability of sufficient funds to construct their proposed stations and to operate them for a reasonable period of time without revenue. However, the Broadcsat Bureau maintains there is a serious question whether Tele-Views has sufficient security for a $600,000 loan and whether the loan in fact will be available, and it supports Community's allegations concerning the financial inability of certain stockholders of Tele-Views to meet their obligations. Tele-Views, Midland and Iowa-Illinois oppose enlargement of the issues, each maintaining that it has clearly demonstrated the availability of sufficient funds to construct its proposed station and to operate it.

9. The Commission has carefully considered the voluminous pleadings filed in this matter. As noted above, we have permitted the filing of supplemental pleadings so that we might have before us as much information on these matters as possible. On the basis of the material before us, we hereby reaffirm our previous determination that Midland and Iowa-Illinois are financially qualified but conclude that inquiry must be made into the financial qualifications of Tele-Views. Community's showing with respect to applicants' Midland and Iowa-Illinois has not been sufficient to warrant inclusion of an issue as to their financial status. Obviously, certain of the applicants herein have neglected to follow the Commission's instructions as to the showing on finances to be furnished by parties connected with the applicant, set forth in Application Form 301, Section II, page 2, and have been lax in substantiating that certain assets of individuals are readily available sources of funds. Such showings are the more to be deplored because they lead to protracted interlocutory contests of the type evidenced in the instant case. However, Community has not persuaded us that, notwithstanding such incomplete showings, sufficient funds are not available to these applicants to meet their necessary expenses. Community's position that to establish its financial qualifications an applicant must have sufficient capital to meet so-called "first year cash requirements" with operating capital amounting to a set fifteen percent of the costs of construction is not correct. It is true that the Commission is desirous of obtaining information as to the expenses to be incurred by a station during its first year of operation as well as its estimated revenues for the first year. We do not hold, however, that an applicant must show that it has sufficient funds to meet all the cash requirements of the first year before it can be found financially qualified. Our position has been that an applicant is to be considered financially qualified when it can establish that it has sufficient funds to construct its station and operate it for a reasonable period of time. West Georgia Broadcasting Company, 23 FCC 255, 266 (1957), remanded on other grounds in Carroll Broadcasting Company v. FCC, —— App D.C. ——; 258 F. 2d 440; 17 RR 2066 (1958); Sanford A. Schafitz, 24 FCC 363 1958).

10. Our determination to inquire further into the financial qualifications of Tele-Views is based on all of the pleadings filed with respect thereto. We have considered the material in the supplement to the opposition of Tele-Views which gives new financial data with respect to the four stockholders whose financial standing was questioned. As we noted above, the supplemental information reinforced rather than altered the other material before the Commission. Even if it might be considered (which we do not here conclude) that this supplemental showing resolves once and for all the questions raised as to the ability of the stockholders to meet their financial obligations to the applicant, still a question remains as to the availability of the $600,000 loan. Tele-Views' application reflects no commitment or other assurance of availability of the loan from any qualified lender. Community has demonstrated to our satisfaction that a question exists as to whether Tele-Views has sufficient security for a $600,000 loan and whether, in fact, the loan will be available to it. Thus, doubt has been raised as to whether Tele-Views can meet the costs of construction of its proposed station. As has been held in the past, the Commission does not require a legally enforceable contract as a requisite to a financial plan but there must be coming to meet the necessary expenses. some assurance that funds will be forth- We cannot find, on the basis of the pleadings before us, such assurance, and consequently believe that inquiry should be made into this matter at hearing.

11. There remains for determination that portion of Community's motion to enlarge issues which seeks inquiry into the legal qualifications of Iowa-Illinois. In view of the supplement to the motion to enlarge filed with respect to this matter on January 7, 1959, this portion of Community's motion to enlarge issues will be considered at a later date.

12. In view of the foregoing, *it is ordered*, This 3d day of February 1959 that the requests to accept supplemental pleadings filed by Community Telecasting Corporation on July 21 and August 1, 1958, by Tele-Views News Company, Inc. on October 17, 1958, and by Iowa-Illinois Television Co. on October 22, 1958, are granted: and

It is further ordered, That the petition to enlarge issues filed July 18, 1958 by Iowa-Illinois Television Co. is denied; and

It is further ordered, That, with the exception of that portion of the motion to enlarge issues directed to the legal qualifications of Iowa-Illinois which will be treated in a subsequent document, the motion to enlarge issues filed July 18, 1958, by Community Telecasting Corporation, as supplemented, is granted only to the extent noted hereinafter by the addition of a new Issue 5 and is otherwise denied in all respects except as to those portions described hereinabove which have become moot or have been withdrawn; and

It is further ordered, That Issue 5 in the Order of the Commission adopted June 26, 1958 (FCC 58–616) in the above-captioned proceeding is renumbered Issue 6 and the following Issue 5 is included:

5. To determine whether Tele-Views News Company, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

Released: February 5, 1959.

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

[F.R. Doc. 59–1193; Filed, Feb. 9, 1959; 8:51 a.m.]

[Docket No. 12707; FCC 59M–154]

BARRY O'LEARY, INC.

Order Continuing Hearing

In the matter of Barry O'Leary, Inc., 215 North 16th Street, Billings, Montana,

Docket No. 12707; order to show cause why there should not be revoked the license of Special Industrial Radio Station KOH-979.

The Hearing Examiner having under consideration a pleading filed on February 3, 1959, on behalf of Barry O'Leary, Inc., for postponement of hearing from February 4 to February 18, 1959, and for other relief; and

It appearing, that the Safety and Special Radio Services Bureau has informally waived the "four-day" rule and consented to the requested postponement;

It is ordered, This 3d day of February 1959, that the hearing in the above-styled proceeding now scheduled for February 4, 1959, is continued to February 18, 1959, at 10 a.m. in Washington, D.C.

It is further ordered, That the other matters contained in the pleading will be the subject of further consideration and action.

Released: February 4, 1959.

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

[F.R. Doc. 59-1194; Filed, Feb. 9, 1959; 8:51 a.m.]

[Docket Nos. 12717, 12718; FCC 59M-155]

WESTERN BROADCASTING CORP. OF PUERTO RICO ET AL.

Order Advancing Date of Hearing

In re applications of Western Broadcasting Corporation of Puerto Rico, Aguadilla, Puerto Rico, Docket No. 12717, File No. BPCT-2537; Jose A. Bechara, Jr., A. Gimenez-Aguayo, and Reynaldo Barletta, a Partnership, Aguadilla, Puerto Rico, Docket No. 12718, File No. BPCT-2551; for construction permits for new Television Broadcast Stations.

The Hearing Examiner having under consideration the record in this proceeding and the matters agreed upon at the prehearing conference held on February 4, 1959;

It appearing, that the hearing in the above-entitled matter is presently scheduled to be held on March 10, 1959; and

It further appearing, that on January 28, 1959, the application of Abacoa Radio Corporation, one of the original applicants, was dismissed by the Chief Hearing Examiner pursuant to a petition filed by that applicant; and

It further appearing, that on January 30, 1959, the petition of Western Broadcasting Corporation of Puerto Rico to amend its application was granted and the amendment accepted; and

It further appearing, that the amended application reflects the desire of the two above-named applicants to merge their interests in order that a television service might be brought to Aguadilla, Puerto Rico at an early date; and

It further appearing, that an earlier hearing date than that presently scheduled would tend toward an early and orderly disposition of this proceeding and would tend to implement the objectives of the parties;

It is ordered, This 4th day of February 1959, that the hearing presently scheduled to be held on March 10, 1959, be, and the same is, hereby advanced to February 25, 1959, at 9:00 a.m., in the offices of the Commission at Washington, D.C.

Released: February 4, 1959.

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

[F.R. Doc. 59-1195; Filed, Feb. 9, 1959; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4063 etc.]

PAN AMERICAN PETROLEUM CORP.

Notice of Applications and Date of Hearing

FEBRUARY 3, 1959.

In the matters of Pan American Petroleum Corporation,[1] Docket Nos. G-4063, G-4065, G-4069, G-4070, G-4072, G-4452, G-4621, G-4622, G-4626, G-4627, G-4630, G-4831, G-4903, G-5663, G-5709, G-5710, G-5713, G-6831, G-7486, G-7494, G-7495, G-7498, G-7499, G-7500, G-7503, G-7506, G-7515, G-7517, G-7518, G-7525, G-7532, G-11479, G-11969.

Take notice that Pan American Petroleum Corporation (Applicant) a Delaware corporation having its principal place of business at Tulsa, Oklahoma, has filed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sales of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale as indicated below. These sales were all being made on June 7, 1954, and have been continued since that time, with the exception of the sales involved in Docket Nos. G-7500 and G-11969.

Certain of the applications have been amended from time to time as set forth below.

Docket No.	Date Filed	Field	Purchaser	Related Rate Schedule
G-4063, application	Oct. 4, 1954	Little Buffalo Basin Field, Park and Hot Springs Counties, Wyo.	Montana-Dakota utilities Co.	11
G-4065		Hastings Chocolate Bayou and Turtle Bay Fields, Brazoria and Chambers Counties, Tex.	Texas Eastern Gas Transmission Corp.	8
Application	Oct. 4, 1954			
Amended (Applicant also filing for Helen Budge).	Nov. 30, 1954			
G-4069		Fowler Field, Lea County, N. Mex. (production from Ellenburger-Dolomite formation).	El Paso Natural Gas Co.	5
Application	Oct. 4, 1954			
Amended	Nov. 26, 1956			
G-4070		East Haynesville Field, Claiborne Parish, La.	Arkansas Louisiana Gas Co.	16
Application	Oct. 4, 1954			
Amended	Dec. 2, 1957			
Supplemented	Mar. 24, 1958			
G-4072	Oct. 4, 1954	Heard Ranch Field, Bee County, Tex.	Trunkline Gas Co.	29
G-4452		Woodlawn Field, Harrison County, Tex.	Mississippi River Fuel Corp.	31
Application[1]	Oct. 19, 1954			
Amended	Nov. 30, 1954			
Amended[2]	Sept. 5, 1957			
Amended	Sept. 9, 1957			
G-4621	Nov. 1, 1954	South Fullerton Field, Andrews County, Tex.	El Paso Natural Gas Co.	23
G-4622	Nov. 1, 1954	Levelland Field, Cochran and Hockley Counties, Tex.	do	21
G-4626	Nov. 1, 1954	Waskom Field, Harrison County, Tex.	Mississippi River Fuel Corp.	27
G-4627	Nov. 1, 1954	Slaughter Field, Hockley, Cochran, and Terry Counties, Tex.	El Paso Natural Gas Co.	18
G-4630	Nov. 1, 1954	Woodlawn Field, Harrison and Marion Counties, Tex.	Mississippi River Fuel Corp.	19
G-4831		Old Ocean Field, Brazoria and Matagorda Counties, Tex.	Texas Illinois Natural Gas Pipe Line Co.	69
Application	Nov. 12, 1954			
Amended	Nov. 30, 1954			
Amended	Jan. 13, 1955			
G-4903	Nov. 16, 1954	East Bay City Field, Matagorda County, Tex.	Tennessee Gas Transmission Co.	82
Concurrence of the Moran Corporation and W. N. Hooper filed December 31, 1954. Pan Am also filing as agent for J. C. Lewis, Eula Sims McDonald, E. L. McDonald.				
G-5663		East Bay City Field, Matagorda County, Tex.	Texas Illinois Natural Gas Pipeline Co.	60
Application	Nov. 23, 1954			
Amended	Aug. 22, 1958			
Pam Am also filing as agent for J. C. Lewis, Eula Sims McDonald, E. L. McDonald.				

[1] Applicant files for Texie Blalock Davis, W. Dudley Taylor, Trustee for Dudley Davis Taylor, Texie Taylor, D. H. Snyder III, Frank Davis Snyder and Jack M. Carson, Jr.; Jack Blalock; Earl Hollandsworth; Bracken Oil Company and Mrs. Janie R. Strength.

[2] By above amendment filed September 5, 1957, Applicant deleted its interest in the James E. Hale Lease for the reason that said interest was assigned to Hollandsworth Oil Company.

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[1] Formerly Stanolind Oil and Gas Company.

Docket No.	Date Filed	Field	Purchaser	Related Rate Schedule
G-5709		N. Lansing Field, Harrison County, Tex.	Arkansas-Louisiana Gas Co.	65
Application	Nov. 24, 1954			
Amended	Oct. 28, 1957			
Dedicating Applicant's share of production from the Still Gas Unit "D".				
G-5710, application (interest in gas sold from Snyder Gasoline Plant).	Nov. 24, 1954	Kelly Snyder Field, Scurry County, Tex.	El Paso Natural Gas Co.	68
G-5713, application (filed on behalf of Applicant as Operator and for non-signatory co-owners).	Nov. 24, 1954	Woodlawn Field, Harrison County, Tex.	Mississippi River Fuel Corp.	62
G-6831	Nov. 30, 1954	Coquat, Goebel Oakville, Harris and Clay West Burns Fields, Live Oak County, Tex.	Transcontinental Gas Pipe Line Corp.	92
G-7486:				
Application	Dec. 2, 1954	Langlie Mattix Field, Lea County, N. Mex.	El Paso Natural Gas Co.	136
Amended	Oct. 8, 1956			
Amended	Nov. 26, 1956			
Amended	May 15, 1957			
Amended	Aug. 27, 1958			
Each amendment adds to the application additional acreage which has been dedicated to basic contract.				
G-7494:				
Application	Dec. 2, 1954	Hendrick Field, Winkler County, Tex.	Ryeade Oil Corp. (successor to C. V. Lyman).	122
Amended (Covering additional acreage dedicated to basic contract).	Nov. 14, 1956			
G-7495	Dec. 2, 1954	Northeast Blanco Field, San Juan and Rio Arriba Counties, N. Mex.	El Paso Natural Gas Co.	109
G-7498	Dec. 2, 1954	Cogdell Field, Kent and Scurry Counties, Tex.	do	133
G-7499	Dec. 2, 1954	Hendrick Field, Winkler County, Tex.	Ryeade Oil Corporation (successor to C. V. Lyman).	127
G-7500		Spraberry Field, Reagan, Upton, Glasscock and Midland Counties, Tex.	El Paso Natural Gas Co.	129
Application	Dec. 2, 1954			
Amended	Nov. 6, 1957			
Amended	Jan. 17, 1958			
G-7503	Dec. 2, 1954	Riverside-O'Neil Field, Nueces County, Tex.	Tennessee Gas Transmission Co.	138
G-7506	Dec. 2, 1954	Kermit Field, Winkler County, Tex.	Ryeade Oil Corp.	113
G-7515		Elk Basin Field, Carbon County, Montana, and Park Counties, Wyo.	Montana-Dakota Utilities Co.	215 (supersedes 103)
Application	Dec. 2, 1954			
Amended	Mar. 31, 1958			
Amended	Aug. 18, 1958			
G-7517	Dec. 2, 1954	Whelan Field, Harrison County, Tex.	H. L. Hunt	88
G-7518	Dec. 2, 1954	Waskom Field, Caddo Parish, Louisiana, and Harrison County, Tex.	Arkansas-Louisiana Gas Co.	77
G-7525	Dec. 2, 1954	LaRosa Field, Refugio County, Tex.	Tennessee Gas Transmission Co.	95
G-7532		New Mexico Federal Unit Lands, Lea County, N. Mex.	El Paso Natural Gas Co.	110
Application	Dec. 2, 1954			
Amended	Dec. 11, 1958			
G-11479	Nov. 14, 1956	Langlie-Mattix, House, Eaves, West Dollarhide, Fowler, Eumont, and Jalmat Fields, Lea County, N. Mex.	El Paso Natural Gas Co.	168
Application	Nov. 14, 1956			
Amended (Adding to the application additional acreage which has been dedicated to basic contract.)	Nov. 17, 1958			
G-11969		South Blanco Pictured Cliffs and Tapacito Pictured Cliffs Fields, Rio Arriba County, N. Mex.	Pacific Northwest Pipeline Corp.	193
Application	Feb. 11, 1957			
Amended	Jan. 6, 1958			
Amended	Nov. 14, 1958			
Both Amendments add to the application additional acreage which has been dedicated to basic contract.				

These related matters should be heard on a consolidated record and 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 March 9, 1959, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications as amended.

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 February 27, 1959.

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

[F.R. Doc. 59-1159; Filed, Feb. 9, 1959; 8:46 a.m.]

[Docket No. E-6862]

CALIFORNIA ELECTRIC POWER CO.

Notice of Application

FEBRUARY 3, 1959.

Take notice that on January 28, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at San Bernardino, California, seeking an order authorizing it to assume certain obligations or liabilities in respect of certain securities of its wholly-owned Mexican subsidiary, Industrial Electrica Mexicana, S.A. de C.V. ("Industrial"), an electrical utility company operating in Baja California and Sonora, Republic of Mexico. Industrial proposes to borrow $500,000 from Bank of America National Trust and Savings Association to be evidenced by Industrial's serial notes to be issued to said bank. The notes provide for interest at a rate per annum of ¼ of 1 percent above the Bank's prime rate for ninety-day commercial notes but not less than 4 percent per annum. Applicant will agree that if Industrial fails to pay, when due, the principal amount, or interest on, any such note or notes, Applicant will purchase such defaulted note or notes at the face amount thereof plus accrued interest. Applicant is of the opinion that its proposed agreement with Bank of America constitutes an assumption of obligation or liability in respect of the securities of Industrial, and, therefore seeks an authorization of the Commission to assume such obligation or liability.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of February 1959, 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. 59-1157; Filed, Feb. 9, 1959; 8:45 a.m.]

[Docket No. E-6863]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

FEBRUARY 3, 1959.

Take notice that on January 28, 1959, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Arizona Public Service Company ("Applicant"), a corporation organized under the laws of the State of Arizona and doing business only in Arizona, with its principal business office at Phoenix, Arizona, seeking an order authorizing the merger or consolidation of the electric facilities of Verde Electric Cooperative, Inc., ("Co-op") with and into those of Applicant, or, alternatively, for an order disclaiming jurisdiction over the proposed transaction. Co-op owns and operates various

distribution lines which distribute power to some 400 customers, both residential and commercial, in the Verde Valley and contiguous areas in Yavapai and Coconino Counties, Arizona. The facilities involved in the proposed merger are the entire electric system of Co-op in the Verde Valley and contiguous areas in Yavapai and Coconino Counties and it is contemplated that Applicant will continue to use the facilities for the same purposes upon consummation of the merger. The proposed acquisition will not have any effect on any existing contract for purchase, sale or interchange of electric energy except that an agreement under which Applicant supplies power to Co-op will terminate, and an agreement for receiving delivery of Co-op's allotment of firm hydro power and energy from the Arizona Power Authority will also terminate. The consideration or purchase price to be paid by Applicant is the total libilities and obligations of Co-op, which were calculated at a net of $573,600 as of October 31, 1958. Applicant states the merger will be of substantial benefit to customers of Co-op in the nature of less expensive and more reliable service.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of February 1959, 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. 59–1158; Filed, Feb. 9, 1959; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

DEFENSE MATERIALS SERVICE; REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

DECEMBER 31, 1958.

Regulation	Termination date	Unit	Limitation (quantity)	Purchases [1] During Quarter		Cumulative Purchases [1] Through End of Quarter	
				Quantity	Amount	Quantity	Amount
Public Law 206, 83d Cong.							
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2 asbestos.	1,500	0	0	1,499	$1,762,505
		Short tons, crude No. 3				850	340,070
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	90	$55,183	2,144	1,189,306
Columbium tantalum	Dec. 31, 1958	Pounds, contained combined pentoxide	15,000,000	0	0	15,567,912	60,637,262
Manganese:							
Butte-Phillipsburg	June 30, 1958	Long ton units, recoverable manganese	6,000,000	0	0	6,020,471	9,074,860
Deming	do	do	6,000,000	0	0	6,215,258	12,036,388
Weeden	do	do	6,000,000	0	0	6,108,316	10,743,179
Domestic small producers	Jan. 1, 1961	Long ton units, contained manganese	28,000,000	1,629,582	4,251,888	22,133,543	56,307,050
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent	25,000	841	772,407	16,172	16,096,772
Tungsten	July 1, 1958	Short ton units, tungsten trioxide	3,000,000	0	0	2,996,280	189,212,945
Public Law 520, 79th Cong.							
Chrome	June 30, 1959	Long dry tons, chrome ore and/or chrome concentrates.	200,000	[2] 2,390	[2] 223,693	199,961	18,588,036
Defense Production Act							
Mercury:							
Domestic	Dec. 31, 1957	Flasks, prime virgin mercury	125,000	0	0	9,428	2,121,300
Do	Dec. 31, 1958	do	30,000	5,285	1,189,125	14,892	3,350,700
Mexican	Dec. 31, 1957	do	75,000	0	0	766	172,317
Do	Dec. 31, 1958	do	20,000	0	0	1,387	318,572

[1] Quantities represent deliveries.
[2] Adjustment of prior period acquisition.

Dated: February 4, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59–1187; Filed, Feb. 9, 1959; 8:50 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

MINOR S. JAMESON, JR.

Employment Without Compensation and Statement of Business Interests

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Minor S. Jameson, Jr., Executive Vice President, Independent Petroleum Association of America, Washington, D.C., as an Advisor, in the Resources and Production Area, in the Office of Civil and Defense Mobilization. Mr. Jameson's statement of his business interests is set forth below.

Dated: January 12, 1959.

LEO A. HOEGH,
Director.

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended:

Savanna Creek Gas & Oil Limited.

Dated: January 12, 1959.

MINOR S. JAMESON, Jr.

[F.R. Doc. 59–1151; Filed, Feb. 9, 1959; 8:45 a.m.]

GERHARD D. BLEICKEN

Employment Without Compensation and Statement of Business Interests

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Gerhard D. Bleicken, Advisor (Member, Program Advisory Committee), in the Program and Policy Area, in the Office of Civil and Defense Mobilization. Mr. Bleicken's statement of his business interests is set forth below.

Dated: January 9, 1959.

LEO A. HOEGH,
Director.

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended:

Vice President and Secretary, John Hancock Mutual Life Insurance Co., Boston, Mass.
Director, High Vacuum Equipment Corp., Hingham, Mass.
Director, Kinetics Corp., Hingham, Mass.

Dated: January 9, 1959.

GERHARD D. BLEICKEN.

[F.R. Doc. 59–1152; Filed, Feb. 9, 1959; 8:45 a.m.]

C. F. OGDEN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Domestic stocks:
- Aeroquip Corporation.
- American Airlines, Inc.
- Aluminum, Ltd.
- Davidson Brothers, Inc.
- The Detroit Edison Company.
- Dow Chemical Company.
- Fundamental Investors, Inc.
- General Dynamics.
- General Electric Company.
- Glenn L. Martin Company.
- McLouth Steel.
- Park Davis & Company.
- Phillips Petroleum.
- Rayonier, Inc.
- Republic Steel Corporation.
- Sperry Rand Corporation.
- Texas Gas Transmission.

Canadian stocks:
- Britalta Petroleums, Ltd.
- New Athena Mines, Ltd.
- Scurry Rainbow Oil, Ltd.
- Rayrock Mines, Ltd.

This amends statement published September 10, 1958 (23 F.R. 7015).

Dated: January 1, 1959.

C. F. OGDEN.

[F.R. Doc. 59-1153; Filed, Feb. 9, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1200]

CANADIAN PYRITES, LTD. AND DU PONT COMPANY OF CANADA LTD.

Notice of Application for Order Exempting Transaction Between Affiliates

FEBRUARY 3, 1959.

Notice is hereby given that Canadian Pyrites, Limited (Applicant), an affiliated person of Delaware Realty and Investment Company (Realty) and Christiana Securities Company (Christiana), registered closed-end non-diversified investment companies, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting from the provisions of section 17(a) of the Act the sale of certain property located in Canada to Du Pont Company of Canada Limited (Du Pont of Canada), a company presumptively controlled by the above-named registered investment companies, for a price of $2,510.

Applicant is a wholly owned subsidiary of E. I. Du Pont de Nemours and Company (Du Pont). Du Pont also owns 81.92 percent of the voting securities of Du Pont of Canada. Realty owns 33 percent of the outstanding common stock of Christiana which owns, with full power to vote, approximately 27 percent of the outstanding common stock of Du Pont.

The property involved consists of approximately 645 acres located in the southern part of the Algoma District of the Province of Ontario, Canada. This property was acquired by Applicant in three different conveyances during the years 1929 and 1930 for a total consideration of $180,061. These conveyances were subject to road and railroad rights-of-way and payment of royalties for minerals mined and excepted timber and water rights.

The application states that the property is not suited for agricultural uses. It was acquired originally as an insurance against the possible shortage of sulphur because in 1929 and 1930 the known supply of sulphur was limited and the property involved contained deposits of pyrite ore from which sulphur is obtainable. Since that time, it is stated, the known world supply of sulphur from other sources has increased to the extent that the pyrite ore in the subject property has no value at the present time and will continue to have no value for a considerable period in the future.

Applicant for the past few years has attempted to sell this property, but has not been able to find a buyer. Recently the Algoma Central and Hudson Bay Railway Company, which has no affiliation with Applicant, offered to purchase the property for $2,500 which is approximately the same price offered by Du Pont of Canada to whom Applicant proposes to sell the property.

Section 17(a) of the Act, with certain exceptions, prohibits an affiliated person (Applicant) of a registered investment company from selling to a company controlled by such registered company any property unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any one concerned and that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice Is Further Given that any interested persons, may, not later than February 17, 1959, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the Act.

By the Commission.

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

[F.R. Doc. 59-1188; Filed, Feb. 9, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 82]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 5, 1959.

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

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

No. MC-FC 61658. By order of January 27, 1959, the Transfer Board approved the transfer to John McCraw, doing business as O & M Lumber Transport, Waldron, Ark., of Certificates in Nos. MC 115213, MC 115213 Sub 1, and MC 115213 Sub 3, issued December 8, 1955, December 8, 1955, and November 15, 1956, respectively, to Kenneth Oliver and John McCraw, a partnership, doing business as O & M Lumber Transport, Waldron, Ark., authorizing the transportation of: *Lumber, wood moldings, wood lath, flour, feed,* and *hay,* between certain specified points in Arkansas, Kansas, Oklahoma, Missouri, Texas, and Tennessee. Thomas Harper, P.O. Box 297, Forth Smith, Ark., for applicants.

No. MC-FC 61668. By order of January 28, 1959, the Transfer Board approved the transfer to Elwyn E. Franke, Council Bluffs, Iowa, of Certificate in No. MC 105067, issued December 15, 1949, to Lloyd J. Saar, Council Bluffs, Iowa, authorizing the transportation of: *Livestock, animal feeds, farm machinery,* and *building materials,* between Council Bluffs, Iowa, and points in Iowa within 15 miles of Council Bluffs, on the one hand, and, on the other, Omaha, Nebr. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minnesota, for applicants.

No. MC-FC 61674. By order of January 28, 1959, the Transfer Board approved the transfer to J. A. Finn, Inc., West Quincy, Mass., of Permits in Nos. MC 22316 and MC 22316 Sub 1, issued December 22, 1954, and December 17, 1954, respectively, to John A. Finn, doing business as J. A. Finn, West Quincy, Mass., authorizing the transportation of: *Such*

merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business, between points in a specified territory in Massachusetts, New Hampshire, Rhode Island, and Maine, and *bakery products*, from Somerville, Mass., to Concord, N.H., and *rejected* shipments, on the return. George C. O'Brien, 33 Broad Street, Boston 9, Mass., for applicants.

No. MC-FC 61879. By order of January 27, 1959, the Transfer Board approved the transfer to Greenleaf Motor Express, Inc., Ashtabula, Ohio, of the operating rights in Certificates Nos. 106223, MC 106223 Sub 26, MC 106223 Sub 32, MC 106223 Sub 34, MC 106223 Sub 36, MC 106223 Sub 39, and MC 106223 Sub 42, issued October 21, 1955, September 22, 1955, February 10, 1956, May 7, 1956, November 15, 1956, May 22, 1957 and July 17, 1958, to Bruce F. Jarvis, doing business as Greenleaf Motor Express, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Ashtabula, Ohio, and points within 15 miles thereof, on the one hand, and, on the other, points in the Philadelphia, Pa., Commercial Zone, from Ashtabula, Ohio, and 15 miles thereof, to points in Connecticut, Massachusetts, Rhode Island, to fifteen specified towns, in New York, and to points in a designated portion of New York, fresh vegetables, from Ashtabula, Ohio, to six towns in Pennsylvania, five towns in Ohio, Hartford and New Haven, Conn., Providence, R.I., Washington, D.C., Baltimore, Md., Newark, N.J., Indianapolis and Terre Haute, Ind., Detroit, Mich., Chicago, Ill., Louisville, Ky., eight towns in New York, and Boston, Springfield, and Worcester, Mass., frozen fruits and vegetables, from Dunkirk, N.Y., to points in Massachusetts, Connecticut, and Rhode Island, frozen (cold pack) vegetables, from Boston, Mass., Dover, Del., and New York and Walcott, N.Y., to points in Ohio and Pennsylvania, fish and shell fish, from Cleveland, Ohio, to Boston and Gloucester, Mass., from Boston, Gloucester, New Bedford and Provincetown, Mass., and Providence, R.I., to Indianapolis, Muncie, South Bend, and Terre Haute, Ind., Louisville, Ky., Baltimore, Md., Washington, D.C., seven towns in New York, Huntington and Wheeling, W. Va., and points in Ohio and Pennsylvania, fresh and frozen fish, from four towns in Ohio, to New York, N.Y., Baltimore, Md., and Philadelphia, Pa., from Dunkirk, N.Y., to Baltimore, Md., and Philadelphia, Pa., from Erie, Pa., to New York, N.Y., and Baltimore, Md., rubber products, from Akron and Barberton, Ohio, to points in Connecticut, Massachusetts, New York, and Rhode Island, synthetic liquid rubber latex, from Cambridge, Mass., to Akron, Ohio, yarn, from Talcottville, Conn., to Ashtabula, Ohio, Cork rings, from New York, N.Y., to Geneva, Ohio, paper cartons, from Framingham, Mass., to Geneva, Ohio, hand agricultural implements and parts thereof, shovels, sidewalk cleaners, spades, scoops and wooden handles, between Ashtabula, Ohio, and points within 15 miles thereof, on the one hand, and, on the other, Wallingford, Vt., synthetic liquid rubber latex, from Akron, Ohio, to points in New Jersey and those in a designated portion of Pennsylvania, from Louisville, Ky., to points in Connecticut, New Jersey, New York, Massachusetts, Rhode Island, and a described portion of Pennsylvania, plasticizer (synthetic gum or resin) in bulk, in tank vehicles, from Avon Lake, Ohio, to Chicago, Ill., Detroit, Mich., Louisville, Ky., Memphis, Tenn., St. Louis, Mo., and points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Pennsylvania, latex (liquid rubber, synthetic) in bulk, in tank vehicles, from Louisville, Ky., to Burlington, Wis., Chicago, Ill., Fairfax and Sylacauga, Ala., and Marietta and Toledo, Ohio, vinyl lacquer (resin) in bulk, in tank vehicles, from Ashtabula, Ohio, to Newark, N.J., liquid chemicals, except petroleum chemicals, in bulk, in tank vehicles, from Ashtabula, Ohio, to points in Michigan, New York, and Kentucky, rubber preservatives, liquid, in bulk, in tank vehicles, from Akron, Ohio, to Louisville, Ky., plasticizer, in bulk, in tank vehicles, from Akron, Ohio to Fort Wayne, Mishawaka, Muncie, and Richmond, Ind., chlorinated paraffin, in bulk, in tank vehicles, from points in Painesville Township, Lake County, Ohio, to Stratford, Conn., Pawtucket, and Cranston, R.I., liquid chemicals, except petroleum chemicals, in bulk, in tank vehicles, from Ashtabula, Ohio, to points in Illinois, Indiana, Iowa, Maine, Minnesota, Missouri, New Hampshire, Vermont, and Wisconsin, chlorinated chemicals, in bulk, in tank vehicles, from Ashtabula, Ohio, to points in West Virginia, latex synthetic, in bulk, in tank vehicles, from Louisville, Ky., to Ashland and Cincinnati, Ohio, and Stoughton, Wis., plasticizer, in bulk, in tank vehicles, from Avon Lake, Ohio, to Stoughton, Wis., and points in Indiana, from Avon Lake, Ohio, to North Kansas City, Mo., and points in Wisconsion (except Stoughton, Wis.), synthetic latex, in bulk, in tank vehicles, from Ashland, Ohio, to points in Indiana, latex, synthetic, in bulk, in tank vehicles, from Louisville, Ky., to points in Wisconsin (except Burlington and Stoughton, Wis., from Akron, Ohio, to Stevens Points, Wis., liquid synthetic latex, in bulk, in tank vehicles, from Akron, Ohio, to points in New Hampshire (except Manchester, Dover, and Nashua, and liquid synthetic latex (other than neoprene latex), in bulk, in tank vehicles, from Louisville, Ky., to points in New Hampshire, and substitution of Greenleaf Motor Express, Inc., as applicant in MC 106223 Sub 43TA and MC 106223 Sub 44TA, and MC 106223 Sub 45, authorizing the transportation, over irregular routes, of latex, liquid, in bulk, in tank vehicles, from Louisville, Ky., to Grove City, Ohio, and of plasticizer, in bulk, in tank vehicles, from Avon Lake, Ohio, to points in Kentucky, except Louisville. Edwin C. Reminger, Standard Building, Cleveland 13, Ohio, for applicants.

No. MC-FC 61904. By order of January 28, 1959, the Transfer Board approved the transfer to William F. Cartwright, doing business as South Prospect Transfer, Kansas City, Mo., of Certificate No. MC 68891, issued by the Commission December 10, 1954, to Mrs. J. H. Wimberly, doing business as Wimberly Transfer Co., Valdosta, Ga., authorizing the transportation, over irregular routes, of household goods as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Georgia, within a territory bounded by a line beginning at the Georgia-Florida State line and extending along U.S. Highway 1 to Waycross, Ga., thence along U.S. Highway 82 (Georgia Highway 50) to Albany, Ga., thence along U.S. Highway 19 to the Georgia-Florida State line, and thence along the Georgia-Florida State line to junction U.S. Highway 1, the point of beginning; and, between Valdosta, Ga., on the one hand, and, on the other, points in Alabama, North Carolina, and South Carolina. Caril V. Kretsinger, 1014 Temple Building, Kansas City 6, Mo., for applicants.

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

[F.R. Doc. 59-1183; Filed, Feb. 9, 1959; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 5, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35232: *Coal—East Tennessee and southwest Kentucky to central territory.* Filed by O. W. South, Jr., Agent (SFA No. A3769), for interested rail carriers. Rates on coal, carloads from mines on Southern Railway in eastern Tennessee and southwest Kentucky to points in central territory.

Grounds for relief: Market competition.

Tariff: Supplement 22 to Southern Freight Tariff Bureau tariff I.C.C. 1566.

FSA No. 35233: *Coal—East Tennessee and southwest Kentucky to Ohio points.* Filed by O. W. South, Jr., Agent (SFA No. A3770), for interested rail carriers. Rates on coal, carloads from mines on Southern Railway in eastern Tennessee and southwestern Kentucky to South Dayton and O. H. Hutchings Station, Ohio.

Grounds for relief: Truck-barge-rail competition.

Tariff: Supplement 22 to Southern Freight Tariff Bureau tariff I.C.C. 1566.

FSA No. 35234: *Acid phosphate—South Florida points to Twin Cities.* Filed by O. W. South, Jr., Agent (SFA No. A3771), for interested rail carriers. Rates on superphosphate (acid phosphate), carloads from Agricola, Fla., and

other specified points in Florida to Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief: Barge-truck and rail-barge-truck competition.

Tariff: Supplement 57 to Southern Freight Association tariff I.C.C. 1522.

FSA No. 35235: *Coal from West Virginia to Dunkirk, N.Y.* Filed by Roy S. Kern, Agent (No. 53), for The Baltimore and Ohio Railroad Company and the Erie Railroad Company. Rates on bituminous fine coal, as described in the application, carloads from mines in the Baltimore and Ohio Railroad Moundsville District of West Virginia to Dunkirk, N.Y.

Grounds for relief: Motor truck and market competition.

Tariff: Supplement 33 to Baltimore and Ohio Railroad tariff Coal and Coke Series I.C.C. 3122.

By the Commission.

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

[F.R. Doc. 59-1184; Filed, Feb. 9, 1959; 8:49 a.m.]

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