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Washington, Friday, December 4, 1959

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

Signature of Promissory Notes

In § 332.13(e), Title 6, Code of Federal Regulations, subparagraph (4) (22 F.R. 21) is amended to delete reference to the mortgage and to provide for exceptions to the requirement that promissory notes be signed by a borrower's spouse. As so amended, § 332.13(e)(4) reads as follows:

§ 332.13 **Loan closing actions.**

* * * * *

(e) *Preparation of note.* * * *

(4) The promissory note will be signed by the borrower and his or her spouse, if married, unless under the provisions of Part 307 of this chapter the spouse's signature is unnecessary.

(Secs. 3, 41, 44, 50 Stat. 523, as amended, 528, as amended, 530, as amended; 7 U.S.C. 1003, 1015, 1018; Order of Acting Secretary of Agriculture, 19 F.R. 74, 22 F.R. 8188)

Dated: November 30, 1959.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-10250; Filed, Dec. 3, 1959; 8:49 a.m.]

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

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 464—TOBACCO

Notice of Applicability of Provisions Contained in 1960 Agricultural Appropriation Act—Public Law 86-80 to Tobacco

The provision in the Department of Agriculture and Farm Credit Administration Appropriation Act for the fiscal year 1960 (Pub. Law 86-80) placing a limitation on the amount of price support which may be extended by Commodity Credit Corporation to any person reads as follows:

Provided further, (1) That no part of this authorization shall be used to formulate or carry out a price support program for 1960 under which a total amount of price support in excess of $50,000 would be extended through loans, purchases, or purchase agreements made or made available by Commodity Credit Corporation to any person on the 1960 production of any agricultural commodity declared by the Secretary to be in surplus supply, unless (a) such person shall reduce his production of such commodity from that which such person produced the preceding year, in such percentage, not to exceed 20 per centum, as the Secretary may determine to be essential to bring production in line within a reasonable period of time with that necessary to provide an adequate supply to meet domestic and foreign demands, plus adequate reserves, or (b) such person shall agree to repay all amounts advanced in excess of $50,000 for any agricultural commodity within twelve months from the date of the advance of such funds or at such later date as the Secretary may determine, (2) that the term "person" shall mean an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, (3) that in the case of any loan to, or purchase from, a cooperative marketing organization, or with regard to price support on an agricultural commodity extended by purchases of a product of such commodity from, or by loans on such product to, persons other than the producers of such commodity, such limitation shall not apply to the amount of price support received by the cooperative marketing organization, or other persons, but the amount of price support made available to any person through such cooperative marketing organization or other persons shall be included in determining the amount of price support received by such person for purposes of such limitation, and (4) that the Secretary of Agriculture shall issue regulations prescribing such rules as he determines necessary to carry out this provision.

To implement the above provisions of the Act, notice is hereby given of the following:

1. Tobacco having been declared by the Secretary to be in surplus supply for the purpose of P.L. 86-80, the provisions of that Act shall be applicable to the following kinds of tobacco: Flue-cured,

(Continued on p. 9693)

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FEDERAL REGISTER

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CODIFICATION GUIDE

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

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types 11–14; fire-cured, types 22–23; fire-cured, type 21; Burley, type 31; Maryland, type 32, dark air-cured, types 35–36; Virginia sun-cured, type 37; cigar filler and cigar binder, types 42–44 and 53–55; cigar filler, type 46; and cigar binder, types 51–52. The term "commodity" hereinafter used in this notice shall be deemed to refer to each one of the kinds of tobacco specified in this paragraph.

2. Each person shall be required to make a 20 percent reduction in his production of the 1960 crop of the commodity below his 1959 production in order to be eligible for nonrecourse price support on the commodity in excess of $50,000.00. The reduction in production shall be made on an acreage basis and the acreage represented by such reduction shall not be put into production of the commodity by any other person.

3. The limitations on nonrecourse price support apply to the 1960 crop of the commodity.

4. Provisions implementing this notice, including provisions which will preclude arrangements entered into by producers in the production of tobacco on farms in 1960 from having the effect of circumventing these provisions of law, will be included in regulations to be issued by the Department of Agriculture at a later date.

(Secs. 1–4 issued under Pub. Law 86–80, 73 Stat. 177)

Issued this 30th day of November 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59–10244; Filed, Dec. 3, 1959; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 12946]

PART 555—BOARD RULINGS

Amendment of Rulings Relating to Escrow Business and Real Estate Loans

NOVEMBER 25, 1959.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of §§ 555.2 and 555.4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 555.2 and 12 CFR 555.4) as hereinafter set forth, and for the purpose of effecting such amendments, hereby amends said sections as follows, effective December 4, 1959:

(1) Amend § 555.2 to read as follows:

§ 555.2 Escrow business; power to engage in.

A Federal association has no power, express or implied, to act generally as an agent for the public in handling escrows. However, a Federal association may handle escrows related to real estate loans it makes and, to an extent reasonably incidental to the accomplishment of its express objects, may handle escrows for others involving the type of real estate transactions that are common to the savings and loan business. In the handling of any escrow, a Federal association may not assume duties or responsibilities or perform acts which are in conflict with the limitations on its power imposed by the Home Owners' Loan Act of 1933, as amended, and regulations thereunder or its charter.

(2) Amend paragraph (c) of § 555.4 to read as follows:

(c) *Servicing of agent for; right of Federal association to act as.* The servicing of loans by a Federal association under § 545.11 of this subchapter can be undertaken to such extent as would be reasonably incidental to the accomplishment of its express objects. For example, an association may agree to service loans for others to whom it sells loans. However, there is no corporate power in Federal associations to act as loan servicing agent for the general public.

Resolved further, That since the aforesaid amendments contain only statements of general policy or interpretations of substantive rules adopted or formulated by the Board for the guidance of the public, the requirements of notice and public procedures set out in § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act do not apply, and for the same reasons, deferment of the effective date is not required under section 4(c) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 59–10251; Filed, Dec. 3, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Upland Cotton

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE'S SHARE OF NATIONAL RESERVE AND FROM STATE RESERVE; REMAINDER OF THE STATE RESERVE; ALLOTMENTS FOR OLD COTTON FARMS

Basis and purpose. The purpose of this amendment is to establish county allotments showing components thereof (computed county allotment, allocation from State's share of national reserve; adjustments from State reserve for trends and abnormal conditions); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and to establish the remainder of State reserve which is available for allocation to counties for new farms, late and reconstituted farms and correction of errors. In addition, this amendment clarifies the procedure for establishing farm allotments for farms which were new farms in 1959.

The amendments contained herein are issued pursuant to the Agricultural Ad-

justment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), including amendments under Public Law 86–172 (73 Stat. 393, approved August 18, 1959). Notice of the proposed issuance of acreage allotment regulations for the 1960 crop of upland cotton was published in the FEDERAL REGISTER on September 12, 1959 (24 F.R. 7382) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

Farmers engaged in the production of upland cotton in 1959 will determine in a referendum to be held on December 15, 1959, whether marketing quotas will be in effect for the 1960 crop of upland cotton. In order that farm allotments may be established as early as possible and notices of individual farm allotments may be mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The regulations pertaining to acreage allotments for the 1960 crop of upland cotton (24 F.R. 8430, 8628) are amended as follows:

1. Section 722.316(h)(1) is amended to read as follows:

(1) *County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent hardships; and remainder of the State reserve.* There are set forth below for all States except Louisiana the county allotments showing components thereof (computed county allotment, allocation from State's share of national reserve, adjustments from State reserve for trends and abnormal conditions); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and the remainder of the State reserve which is available for allocation to counties for new farms, late and reconstituted farms and correction of errors. County allotments and reserves for Louisiana will be established in an amendment to be published at a later date. No adjustments from State reserve for minimum farm allotments are required since the allocation from the State's share of national reserve meets the total needs for minimum farm allotments. The State reserve for Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Missouri, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia does not include a reserve for new farms.

ALABAMA

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County allotment sum of columns (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Autauga	8,513	358.5	0	0	8,871.5	0	84
Baldwin	2,778	494.0	0	0	3,272.0	0	0
Barbour	13,232	782.4	0	0	14,014.4	0	284
Bibb	3,594	214.5	0	0	3,808.5	0	0
Blount	16,528	1,219.4	0	0	17,747.4	0	0
Bullock	8,483	221.5	0	0	8,704.5	0	0
Butler	9,006	664.4	0	0	9,670.4	0	142
Calhoun	6,487	540.7	0	0	7,027.7	0	116
Chambers	9,071	324.5	0	0	9,395.5	0	0
Cherokee	20,104	534.0	0	0	20,638.0	0	45
Chilton	9,526	1,229.8	0	0	10,755.8	0	0
Choctaw	6,299	713.4	0	0	7,012.4	0	71
Clarke	5,680	819.8	0	0	6,499.8	0	202
Clay	4,420	686.5	0	0	5,106.5	0	0
Cleburne	3,019	271.7	0	0	3,290.7	0	3
Coffee	17,830	849.8	0	0	18,679.8	0	337
Colbert	20,539	445.3	0	0	20,984.3	0	288
Conecuh	11,768	1,021.6	0	0	12,789.6	0	144
Coosa	1,710	322.0	0	0	2,032.0	0	18
Covington	15,234	1,079.5	0	0	16,313.5	0	157
Crenshaw	10,495	566.0	0	0	11,061.0	0	120
Cullman	31,927	1,567.4	0	0	33,494.4	0	0
Dale	7,723	641.3	0	0	8,364.3	0	203
Dallas	24,993	405.2	0	0	25,398.2	0	482
De Kalb	30,099	1,663.0	0	0	31,762.0	0	0
Elmore	14,184	448.8	0	0	14,632.8	0	0
Escambia	9,963	540.3	0	0	10,503.3	0	68
Etowah	11,337	907.6	0	0	12,244.6	0	56
Fayette	8,594	925.0	0	0	9,519.0	0	0
Franklin	12,735	821.5	0	0	13,556.5	0	0
Geneva	18,932	869.7	0	0	19,801.7	0	280
Greene	12,536	197.7	0	0	12,733.7	0	36
Hale	14,373	374.0	0	0	14,747.0	0	23
Henry	14,484	497.4	0	0	14,981.4	0	303
Houston	24,502	1,151.5	0	0	25,653.5	0	538
Jackson	23,069	1,063.4	0	0	24,132.4	0	0
Jefferson	3,550	538.9	0	0	4,088.9	0	160
Lamar	10,347	792.9	0	0	11,139.9	0	115
Lauderdale	26,500	949.0	0	0	27,449.0	0	0
Lawrence	36,329	642.1	0	0	36,971.1	0	155
Lee	8,871	318.4	0	0	9,189.4	0	73
Limestone	47,335	1,003.1	0	0	48,338.1	0	1,023
Lowndes	10,019	150.1	0	0	10,169.1	0	0
Macon	15,617	441.3	0	0	16,058.3	0	0
Madison	55,105	915.0	0	0	56,020.0	0	1,191
Marengo	15,662	483.0	0	0	16,145.0	0	0
Marion	12,660	1,060.0	0	0	13,720.0	0	0
Marshall	28,463	1,116.8	0	0	29,579.8	0	0
Mobile	3,321	438.0	0	0	3,759.0	0	41
Monroe	16,875	696.2	0	0	17,571.2	0	135
Montgomery	10,184	253.1	0	0	10,437.1	0	0
Morgan	27,111	783.3	0	0	27,894.3	0	0
Perry	10,356	338.2	0	0	10,694.2	0	0
Pickens	14,033	601.4	0	0	14,634.4	0	0
Pike	15,573	595.2	0	0	16,168.2	0	368
Randolph	9,775	967.3	0	0	10,742.3	0	0
Russell	9,631	268.6	0	0	9,899.6	0	64
St. Clair	5,208	619.1	0	0	5,827.1	0	118
Shelby	5,625	243.7	0	0	5,868.7	0	60
Sumter	13,208	337.3	0	0	13,545.3	0	163
Talladega	11,934	534.3	0	0	12,468.3	0	0
Tallapoosa	6,760	350.9	0	0	7,110.9	0	83
Tuscaloosa	15,610	665.7	0	0	16,275.7	0	95
Walker	7,119	1,117.9	0	0	8,236.9	0	0
Washington	2,424	393.8	0	0	2,817.8	0	0
Wilcox	10,861	357.5	0	0	11,218.5	0	67
Winston	7,125	682.8	0	0	7,807.8	0	0
a. State total	936,958	44,088.0	0	0	981,046.0	0	7,911

b. State reserve available for late and reconstituted farms and correction of errors 89

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 989,046

ARIZONA

Cochise	12,979	128.7	0	0	13,107.7	0	0
Gila	15	3.2	10.8	0	29.0	0	0
Graham	8,987	5.7	0	0	8,992.7	0	0
Greenlee	1,625	38.6	0	0	1,663.6	0	0
Maricopa	116,700	416.9	0	0	117,116.9	0	0
Mohave	260	2.6	4.2	0	266.8	0	0
Pima	21,161	25.0	0	0	21,186.0	0	0
Pinal	127,931	62.9	0	0	127,993.9	0	0
Santa Cruz	1,833	1.6	0	0	1,834.6	0	0
Yavapai	11	11.0	0	0	22.0	0	0
Yuma	27,977	168.8	0	0	28,145.8	0	0
a. State total	319,479	865.0	15.0	0	320,359.0	0	0

b. State reserve available for late and reconstituted farms and correction of errors 60

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 320,419

ARKANSAS

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Arkansas	9,927	123.9	0	0	10,050.9	0	0
Ashley	23,594	184.9	0	0	23,778.9	0	783.3
Baxter	70	11.8	0	0	81.8	0	0.1
Benton	2	1.2	0	0	3.2	0	0
Boone	15	3.2	0	0	18.2	0	0
Bradley	6,013	123.6	0	0	6,136.6	0	0
Calhoun	4,174	0	0	0	4,174.0	0	0
Chicot	29,171	183.6	0	0	29,354.6	0	234.6
Clark	4,643	10.3	0	0	4,653.3	0	0
Clay	37,760	551.0	0	0	38,311.0	0	472.8
Cleburne	3,788	63.8	0	0	3,851.8	0	.5
Cleveland	5,148	0	0	0	5,148.0	0	0
Columbia	13,801	180.1	0	0	13,981.1	0	0
Conway	7,158	0	0	0	7,158.0	0	0
Craighead	76,550	557.7	0	0	77,107.7	0	1,450.5
Crawford	388	.7	0	0	388.7	0	0
Crittenden	90,158	182.8	0	0	90,340.8	0	1,258.1
Cross	35,795	224.0	0	0	36,019.0	0	112.2
Dallas	2,446	29.1	0	0	2,475.1	0	0
Desha	40,893	173.7	0	0	41,066.7	0	535.8
Drew	13,928	219.6	0	0	14,147.6	0	32.7
Faulkner	13,641	3.6	0	0	13,644.6	0	0
Franklin	551	0	0	0	551.0	0	0
Fulton	897	113.0	0	0	1,010.0	0	0.6
Garland	13	3.9	0	0	16.9	0	0
Grant	931	87.8	0	0	1,018.8	0	16.0
Greene	36,822	539.7	0	0	37,361.7	0	184.4
Hempstead	10,685	107.4	0	0	10,792.4	0	0
Hot Spring	563	48.5	0	0	611.5	0	4.0
Howard	2,494	98.9	0	0	2,592.9	0	63.9
Independence	6,491	0	0	0	6,491.0	0	0
Izard	2,524	118.4	0	0	2,642.4	0	13.0
Jackson	41,745	105.1	0	0	41,850.1	0	0
Jefferson	63,650	156.0	0	0	63,806.0	0	496.2
Johnson	931	.9	0	0	931.9	0	0
Lafayette	14,265	80.4	0	0	14,345.4	0	0
Lawrence	19,578	167.9	0	0	19,745.9	0	299.8
Lee	55,472	371.7	0	0	55,843.7	0	1,515.2
Lincoln	32,335	118.8	0	0	32,453.8	0	41.4
Little River	5,685	0	0	0	5,685.0	0	0
Logan	1,782	0	0	0	1,782.0	0	0
Lonoke	49,031	321.5	0	0	49,352.5	0	172.2
Marion	51	14.3	0	0	65.3	0	0
Miller	11,220	43.2	0	0	11,263.2	0	0
Mississippi	171,363	226.5	0	0	171,589.5	0	2,215.9
Monroe	36,513	311.5	0	0	36,824.5	0	645.7
Montgomery	87	17.6	0	0	104.6	0	0
Nevada	5,285	0	0	0	5,285.0	0	0
Newton	43	11.9	0	0	54.9	0	0
Ouachita	2,889	59.8	0	0	2,948.8	0	0
Perry	1,198	0	0	0	1,198.0	0	0
Phillips	75,585	364.9	0	0	75,949.9	0	855.3
Pike	445	15.7	0	0	460.7	0	3.7
Poinsett	78,568	185.8	0	0	78,753.8	0	1,235.9
Polk	48	8.5	0	0	56.5	0	0
Pope	3,176	0	0	0	3,176.0	0	0
Prairie	10,233	125.6	0	0	10,358.6	0	0
Pulaski	16,622	6.9	0	0	16,628.9	0	0
Randolph	9,288	9.8	0	0	9,297.8	0	13.6
St. Francis	61,993	258.1	0	0	62,251.1	0	346.3
Saline	124	30.3	0	0	154.3	0	0
Scott	223	18.1	0	0	241.1	0	0
Searcy	192	6.8	0	0	198.8	0	0
Sebastian	369	17.0	0	0	386.0	0	9.4
Sevier	804	46.3	0	0	850.3	0	5.9
Sharp	2,766	107.8	0	0	2,873.8	0	2.0
Stone	191	24.7	0	0	215.7	0	.6
Union	3,023	112.7	0	0	3,135.7	0	0
Van Buren	1,168	120.5	0	0	1,288.5	0	8.1
Washington	2	2.2	0	0	4.2	0	0
White	23,351	212.3	0	0	23,563.3	0	0
Woodruff	35,245	165.4	0	0	35,410.4	0	277.8
Yell	6,536	1.3	0	0	6,537.3	0	0
a. State total	1,324,109	7,794.0	0	0	1,331,903.0	0	13,307.5

b. State reserve available for late and reconstituted farms and correction of errors 67.5

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 1,345,278

ARKANSAS—Continued

[Acres]

CALIFORNIA

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Fresno	185,754	1,118.5	0	0	186,872.5	0	0
Imperial	46,924	156.0	0	0	47,080.0	0	0
Kern	169,787	219.6	0	0	170,006.6	0	0
Kings	90,618	308.6	0	0	90,926.6	0	0
Los Angeles	155	1.2	0	0	156.2	0	0
Madera	44,699	197.3	0	0	44,896.3	0	0
Merced	27,207	95.8	0	0	27,302.8	0	0
Riverside	19,007	81.6	0	0	19,088.6	0	0
San Benito	170	6.9	0	0	176.9	0	0
San Bernardino	429	19.2	0	0	448.2	0	0
San Diego	280	0.7	0	0	280.7	0	0
Stanislaus	68	35.6	0	0	103.6	0	0
Tulare	139,890	923.0	0	0	140,813.0	0	0
a. State total	724,988	3,164.0	0	0	728,152.0	0	0

b. State reserve available for late and reconstituted farms and correction of errors 50

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 728,202

FLORIDA

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Alachua	142	32.4	0	0	174.4	0	0
Baker	5	2.7	0	0	7.7	0	0
Bay	51	13.0	0	0	64.0	0	0
Calhoun	642	138.6	0	0	780.6	0	0
Clay	6	6.2	0	0	12.2	0	0
Columbia	267	92.0	0	0	359.0	0	0
Dixie	5	.6	0	0	5.6	0	0
Duval	2	2.6	0	0	4.6	0	0
Escambia	1,469	223.1	0	0	1,692.1	0	0
Gadsden	205	94.1	0	0	299.1	0	0
Gilchrist	4	1.9	0	0	5.9	0	0
Hamilton	1,165	180.3	0	0	1,345.3	0	0
Holmes	4,782	628.4	0	0	5,410.4	0	0
Jackson	7,164	1,265.5	0	0	8,429.5	0	0
Jefferson	1,371	164.6	0	0	1,535.6	0	0
Lafayette	234	98.5	0	0	332.5	0	0
Leon	976	123.8	0	0	1,099.8	0	0
Levy	6	1.7	0	0	7.7	0	0
Liberty	12	2.1	0	0	14.1	0	0
Madison	2,775	423.5	0	0	3,198.5	0	0
Nassau	6	2.8	0	0	8.8	0	0
Okaloosa	1,520	188.2	0	0	1,708.2	0	0
Santa Rosa	5,739	534.3	0	0	6,273.3	0	0
Suwannee	629	222.0	0	0	851.0	0	0
Taylor	27	12.2	0	0	39.2	0	0
Union	16	9.0	0	0	25.0	0	0
Walton	2,285	359.9	0	0	2,644.9	0	0
Washington	876	163.0	0	0	1,039.0	0	0
a. State total	32,381	4,987.0	0	0	37,368.0	0	0

b. State reserve available for late and reconstituted farms and correction of errors 150

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 37,518

GEORGIA

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Appling	4,241	513.9	0	0	4,754.9	0	39.3
Atkinson	885	225.1	0	0	1,110.1	0	8.2
Bacon	2,191	438.2	0	0	2,629.2	0	25.3
Baker	3,031	218.1	0	0	3,249.1	0	28.1
Baldwin	2,372	147.1	0	0	2,519.1	0	26.0
Banks	3,110	296.3	0	0	3,406.3	0	28.8
Barrow	5,399	273.6	0	0	5,672.6	0	50.0
Bartow	15,694	251.3	0	0	15,945.3	0	145.4
Ben Hill	4,777	201.7	0	0	4,978.7	0	65.2
Berrien	3,198	556.7	0	0	3,754.7	0	29.6
Bibb	1,157	53.9	0	0	1,210.9	0	10.7
Bleckley	6,377	137.8	0	0	6,514.8	0	59.1
Brantley	38	25.8	0	0	63.8	0	.4
Brooks	8,352	787.7	0	0	9,139.7	0	77.4
Bryan	190	55.3	0	0	245.3	0	2.2
Bullock	14,111	458.8	0	0	14,569.8	0	130.8
Burke	33,180	167.6	0	0	33,347.6	0	307.5
Butts	4,259	92.1	0	0	4,351.1	0	50.8
Calhoun	5,125	93.9	0	0	5,218.9	0	47.5
Camden	1	1.1	0	0	2.1	0	0
Candler	6,178	180.6	0	0	6,358.6	0	57.2
Carroll	9,816	674.0	0	0	10,490.0	0	91.0
Catoosa	1,321	159.4	0	0	1,480.4	0	12.2
Charlton	11	12.6	0	0	23.6	0	.1
Chatham	42	7.8	0	0	49.8	0	.4
Chattahoochee	130	36.5	0	0	166.5	0	1.2
Chattooga	4,380	235.9	0	0	4,615.9	0	44.6
Cherokee	803	138.5	0	0	941.5	0	7.4
Clarke	1,797	132.4	0	0	1,929.4	0	19.6
Clay	3,280	121.2	0	0	3,401.2	0	30.4
Clayton	1,076	60.8	0	0	1,136.8	0	49.1
Clinch	133	63.6	0	0	196.6	0	1.2
Cobb	1,024	157.3	0	0	1,181.3	0	20.0
Coffee	6,708	573.1	0	0	7,281.1	0	107.2
Colquitt	19,459	608.0	0	0	20,067.0	0	183.8
Columbia	1,883	101.1	0	0	1,984.1	0	23.0
Cook	3,708	398.3	0	0	4,106.3	0	37.4
Coweta	7,111	311.2	0	0	7,422.2	0	65.9
Crawford	1,679	130.4	0	0	1,809.4	0	15.6
Crisp	8,932	133.4	0	0	9,065.4	0	82.8
Dade	386	114.9	0	0	500.9	0	3.6
Dawson	177	34.4	0	0	211.4	0	1.6
Decatur	3,895	529.1	0	0	4,424.1	0	36.1
De Kalb	536	85.3	0	0	621.3	0	15.0
Dodge	12,395	349.3	0	0	12,744.3	0	114.9
Dooly	17,670	211.1	0	0	17,881.1	0	163.7
Dougherty	1,842	71.2	0	0	1,913.2	0	45.5
Douglas	1,129	84.0	0	0	1,213.0	0	10.5
Early	12,711	481.6	0	0	13,192.6	0	117.8
Echols	42	32.7	0	0	74.7	0	.4
Effingham	1,480	184.7	0	0	1,664.7	0	13.7
Elbert	8,372	494.9	0	0	8,866.9	0	77.6
Emanuel	15,651	423.5	0	0	16,074.5	0	151.0
Evans	2,465	161.1	0	0	2,626.1	0	27.9
Fayette	4,447	147.0	0	0	4,594.0	0	41.2
Floyd	6,812	238.4	0	0	7,050.4	0	63.1
Forsyth	2,111	245.1	0	0	2,356.1	0	19.6
Franklin	7,266	604.1	0	0	7,870.1	0	68.0
Fulton	2,168	141.5	0	0	2,309.5	0	24.7
Gilmer	4	1.7	0	0	5.7	0	0
Glascock	4,586	72.2	0	0	4,658.2	0	42.5
Gordon	9,705	485.1	0	0	10,190.1	0	89.9
Grady	3,521	576.4	0	0	4,097.4	0	32.6
Greene	2,941	160.2	0	0	3,101.2	0	27.2
Gwinnett	4,005	326.2	0	0	4,331.2	0	37.1
Habersham	408	125.6	0	0	533.6	0	3.8
Hall	2,227	209.6	0	0	2,436.6	0	21.0
Hancock	8,266	267.7	0	0	8,533.7	0	76.6
Haralson	2,689	275.1	0	0	2,964.1	0	24.9

GEORGIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Harris	1,608	135.6	0	0	1,743.6	0	14.9
Hart	10,962	438.5	0	0	11,400.5	0	101.6
Heard	2,662	239.7	0	0	2,901.7	0	28.2
Henry	10,679	290.6	0	0	10,969.6	0	99.0
Houston	4,971	117.7	0	0	5,088.7	0	56.9
Irwin	9,241	275.1	0	0	9,516.1	0	85.6
Jackson	9,010	433.2	0	0	9,443.2	0	83.5
Jasper	4,085	63.8	0	0	4,148.8	0	47.2
Jeff Davis	2,194	347.5	0	0	2,541.5	0	24.3
Jefferson	18,531	203.6	0	0	18,734.6	0	171.0
Jenkins	10,905	151.6	0	0	11,056.6	0	101.7
Johnson	14,890	148.2	0	0	15,038.2	0	139.9
Jones	486	79.9	0	0	565.9	0	14.5
Lamar	2,322	137.6	0	0	2,459.6	0	21.5
Lanier	610	156.0	0	0	766.0	0	5.7
Laurens	26,944	537.6	0	0	27,481.6	0	254.1
Lee	3,385	161.4	0	0	3,546.4	0	31.4
Liberty	119	64.8	0	0	183.8	0	1.1
Lincoln	2,284	73.3	0	0	2,357.3	0	21.2
Long	486	127.0	0	0	613.0	0	4.5
Lowndes	3,096	528.4	0	0	3,624.4	0	28.7
Lumpkin	78	20.1	0	0	98.1	0	.7
McDuffie	6,115	84.9	0	0	6,199.9	0	56.7
McIntosh	3	5.4	0	0	8.4	0	0
Macon	10,984	125.8	0	0	11,109.8	0	101.8
Madison	9,579	616.9	0	0	10,195.9	0	88.8
Marion	3,565	168.1	0	0	3,733.1	0	33.0
Meriwether	10,927	293.4	0	0	11,220.4	0	101.2
Miller	5,581	311.9	0	0	5,892.9	0	56.7
Mitchell	11,678	307.3	0	0	11,985.3	0	108.2
Monroe	1,448	76.1	0	0	1,524.1	0	13.4
Montgomery	3,711	217.1	0	0	3,928.1	0	38.4
Morgan	13,225	127.1	0	0	13,352.1	0	131.3
Murray	3,503	313.2	0	0	3,816.2	0	32.5
Muscogee	186	16.8	0	0	202.8	0	1.7
Newton	7,135	207.7	0	0	7,342.7	0	66.1
Oconee	7,444	228.0	0	0	7,672.0	0	69.0
Oglethorpe	6,965	345.0	0	0	7,310.0	0	70.5
Paulding	2,758	143.4	0	0	2,901.4	0	25.6
Peach	2,205	53.5	0	0	2,258.5	0	25.6
Pickens	464	85.5	0	0	549.5	0	4.3
Pierce	2,126	389.4	0	0	2,515.4	0	19.7
Pike	5,853	140.0	0	0	5,993.0	0	54.2
Polk	5,837	270.4	0	0	6,107.4	0	54.1
Pulaski	8,217	121.9	0	0	8,338.9	0	83.9
Putnam	1,534	111.8	0	0	1,645.8	0	14.2
Quitman	1,459	64.4	0	0	1,523.4	0	13.5
Randolph	5,234	216.1	0	0	5,450.1	0	48.5
Richmond	2,238	51.6	0	0	2,289.6	0	20.7
Rockdale	2,997	146.2	0	0	3,143.2	0	27.8
Schley	3,624	62.0	0	0	3,686.0	0	33.6
Screven	15,647	249.9	0	0	15,896.9	0	145.0
Seminole	4,388	188.5	0	0	4,576.5	0	40.7
Spalding	2,417	49.4	0	0	2,466.4	0	22.4
Stephens	920	187.0	0	0	1,107.0	0	8.5
Stewart	2,750	144.6	0	0	2,894.6	0	25.5
Sumter	9,903	192.6	0	0	10,095.6	0	123.3
Talbot	1,306	225.2	0	0	1,531.2	0	12.1
Taliaferro	1,608	102.6	0	0	1,710.6	0	14.9
Tattnall	4,892	535.9	0	0	5,427.9	0	45.3
Taylor	6,584	149.5	0	0	6,733.5	0	61.0
Telfair	4,489	372.3	0	0	4,861.3	0	41.6
Terrell	11,257	172.0	0	0	11,429.0	0	106.4
Thomas	5,475	393.4	0	0	5,868.4	0	60.2
Tift	6,503	349.6	0	0	6,852.6	0	60.3
Toombs	7,249	338.4	0	0	7,587.4	0	67.2
Treutlen	3,205	118.7	0	0	3,323.7	0	29.7
Troup	1,764	181.5	0	0	1,945.5	0	51.3
Turner	7,373	249.5	0	0	7,622.5	0	68.3

GEORGIA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Twiggs	3,241	182.7	0	0	3,423.7	0	30.0
Upson	1,184	143.1	0	0	1,327.1	0	32.6
Walker	2,576	481.7	0	0	3,057.7	0	23.9
Walton	17,872	323.9	0	0	18,195.9	0	178.8
Ware	752	295.2	0	0	1,047.2	0	11.4
Warren	10,438	93.5	0	0	10,531.5	0	96.7
Washington	16,243	230.2	0	0	16,473.2	0	150.5
Wayne	2,284	241.8	0	0	2,525.8	0	21.2
Webster	1,539	154.1	0	0	1,693.1	0	14.3
Wheeler	3,308	154.9	0	0	3,462.9	0	30.6
White	563	137.5	0	0	700.5	0	5.2
Whitfield	1,974	377.1	0	0	2,351.1	0	18.3
Wilcox	10,454	249.9	0	0	10,703.9	0	111.4
Wilkes	4,079	198.1	0	0	4,277.1	0	37.8
Wilkinson	2,303	223.4	0	0	2,526.4	0	21.3
Worth	17,361	477.4	0	0	17,838.4	0	220.2
a. State total	817,110	34,563.0	0	0	851,673.0	0	8,054.0

b. State reserve available for late and reconstituted farms and correction of errors 200

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 859,927

ILLINOIS

Alexander	1,771	7.4	0	0	1,778.4	0	19.4
Jefferson	1	0	0	0	1.0	0	0
Madison	1	1.1	0	0	2.1	0	0
Massac	4	1.3	0	0	5.3	0	0
Pulaski	1,282	22.2	0	0	1,304.2	0	20.6
Williamson	1	0	0	0	1.0	0	0
a. State total	3,060	32.0	0	0	3,092.0	0	40.0

b. State reserve available for late and reconstituted farms and correction of errors 10

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 3,142

KANSAS

Cowley	1	1	0	0	2	0	0
Haskell	0	2	0	0	2	0	0
Montgomery	20	0	0	0	20	0	0
a. State total	21	3	0	0	24	0	0

b. State reserve available for new farms, late and reconstituted farms and correction of errors 2

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 26

KENTUCKY

Ballard	13	4.5	0	0	17.5	0	0
Calloway	144	75.4	0	0	219.4	0	0
Carlisle	56	22.3	0	0	78.3	3.0	0
Fulton	5,590	30.4	0	75	5,695.4	25.0	30.0
Graves	164	74.4	0	0	238.4	0	0
Hickman	999	150.5	0	25	1,174.5	10.0	5.0
McCracken	3	.2	0	0	3.2	2.0	0
Marshall	54	28.3	0	0	82.3	0	0
a. State total	7,023	386.0	0	100	7,509.0	40.0	35.0

b. State reserve available for new farms, late and reconstituted farms and correction of errors 50

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 7,634

MARYLAND

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Caroline	14	0	0	0	14	0	0
a. State total	14	0	0	0	14	0	0

b. State reserve available for new farms, late and reconstituted farms and correction of errors 1

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 15

MISSISSIPPI

Adams	2,818	66.7	0	0	2,884.7	0	0
Alcorn	13,619	580.2	0	0	14,199.2	0	0
Amite	9,314	603.4	0	0	9,917.4	0	0
Attala	13,234	557.8	0	0	13,791.8	0	0
Benton	11,177	271.7	0	0	11,448.7	0	0
Bolivar	112,003	170.7	0	0	112,173.7	0	0
Calhoun	16,200	493.3	0	0	16,693.3	0	0
Carroll	14,760	393.5	0	0	15,153.5	0	0
Chickasaw	13,900	303.5	0	0	14,203.5	0	0
Choctaw	4,337	449.1	0	0	4,786.1	0	0
Claiborne	5,030	158.7	0	0	5,188.7	0	0
Clarke	4,984	654.0	0	0	5,638.0	0	0
Clay	7,844	194.2	0	0	8,038.2	0	0
Coahoma	82,589	73.0	0	0	82,662.0	0	0
Copiah	8,860	607.2	0	0	9,467.2	0	0
Covington	9,954	540.2	0	0	10,494.2	0	0
DeSoto	30,709	360.4	0	0	31,069.4	0	0
Forrest	1,323	186.8	0	0	1,509.8	0	0
Franklin	1,851	190.8	0	0	2,041.8	0	0
George	1,247	230.9	0	0	1,477.9	0	0
Greene	1,211	301.4	0	0	1,512.4	0	0
Grenada	11,323	201.6	0	0	11,524.6	0	0
Hancock	34	5.5	0	0	39.5	0	0
Harrison	14	8.8	0	0	22.8	0	0
Hinds	26,565	505.1	0	0	27,070.1	0	0
Holmes	32,265	434.2	0	0	32,699.2	0	0
Humphreys	44,728	105.0	0	0	44,833.0	0	0
Issaquena	9,806	24.6	0	0	9,830.6	0	0
Itawamba	11,227	500.7	0	0	11,727.7	0	0
Jackson	58	14.2	0	0	72.2	0	0
Jasper	7,510	724.6	0	0	8,234.6	0	0
Jefferson	5,261	234.9	0	0	5,495.9	0	0
Jefferson Davis	15,532	615.8	0	0	16,147.8	0	0
Jones	8,869	891.1	0	0	9,760.1	0	0
Kemper	10,642	386.3	0	0	11,028.3	0	0
Lafayette	16,523	507.2	0	0	17,030.2	0	0
Lamar	3,855	484.2	0	0	4,339.2	0	0
Lauderdale	6,157	579.5	0	0	6,736.5	0	0
Lawrence	8,162	376.7	0	0	8,538.7	0	0
Leake	17,181	865.5	0	0	18,046.5	0	0
Lee	26,510	545.2	0	0	27,055.2	0	0
Leflore	68,391	73.9	0	0	68,464.9	0	0
Lincoln	5,938	798.0	0	0	6,736.0	0	0
Lowndes	15,785	425.3	0	0	16,210.3	0	0
Madison	32,031	506.6	0	0	32,537.6	0	0
Marion	10,235	719.8	0	0	10,954.8	0	0
Marshall	32,292	508.0	0	0	32,800.0	0	0
Monroe	28,453	783.3	0	0	29,236.3	0	0
Montgomery	8,002	263.9	0	0	8,265.9	0	0
Neshoba	15,194	1,004.8	0	0	16,198.8	0	0
Newton	9,353	800.9	0	0	10,153.9	0	0
Noxubee	15,795	208.3	0	0	16,003.3	0	0
Oktibbeha	4,638	282.5	0	0	4,920.5	0	0
Panola	37,566	456.2	0	0	38,022.2	0	0
Pearl River	362	97.8	0	0	459.8	0	0
Perry	1,931	333.6	0	0	2,264.6	0	0
Pike	6,119	653.3	0	0	6,772.3	0	0
Pontotoc	19,516	833.0	0	0	20,349.0	0	0

MISSISSIPPI—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Prentiss	16,846	652.6	0	0	17,498.6	0	0
Quitman	55,679	108.4	0	0	55,787.4	0	0
Rankin	9,766	490.2	0	0	10,256.2	0	0
Scott	11,180	556.1	0	0	11,736.1	0	0
Sharkey	25,733	57.8	0	0	25,790.8	0	0
Simpson	13,151	636.5	0	0	13,787.5	0	0
Smith	10,428	653.8	0	0	11,081.8	0	0
Stone	162	63.2	0	0	225.2	0	0
Sunflower	113,277	51.4	0	0	113,328.4	0	0
Tallahatchie	54,640	250.5	0	0	54,890.5	0	0
Tate	22,571	301.4	0	0	22,872.4	0	0
Tippah	15,862	675.2	0	0	16,537.2	0	0
Tishomingo	9,567	620.3	0	0	10,187.3	0	0
Tunica	45,292	44.9	0	0	45,336.9	0	0
Union	17,486	655.0	0	0	18,141.0	0	0
Walthall	12,936	614.3	0	0	13,550.3	0	0
Warren	6,190	114.5	0	0	6,304.5	0	0
Washington	78,149	178.1	0	0	78,327.1	0	0
Wayne	6,597	470.0	0	0	7,067.0	0	0
Webster	8,262	373.0	0	0	8,685.0	0	0
Wilkinson	4,264	169.4	0	0	4,433.4	0	0
Winston	12,843	677.7	0	0	13,520.7	0	0
Yalobusha	11,321	278.3	0	0	11,599.3	0	0
Yazoo	40,203	172.0	0	0	40,375.0	0	0
a. State total	1,543,192	33,012.0	0	0	1,576,204.0	0	0

b. State reserve available for new farms, for late and reconstituted farms and correction of errors 50

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 1,576,254

MISSOURI

Bollinger	155	24.8	0	0	179.8	0	0
Butler	18,017	854.6	0	0	18,871.6	0	0
Cape Girardeau	116	0	0	0	116.0	0	0
Carter	13	0	0	0	13.0	0	0
Dunklin	76,569	422.4	0	0	76,991.4	0	2,549.5
Howell	38	25.6	0	0	63.6	0	0
Jefferson	5	2.2	0	0	7.2	0	0
Mississippi	25,623	73.1	0	0	25,696.1	0	0
New Madrid	85,389	129.2	0	0	85,518.2	0	0
Oregon	101	44.9	0	0	145.9	0	0
Ozark	29	8.5	0	0	37.5	0	0
Pemiscot	88,661	162.5	0	0	88,823.5	0	0
Ripley	2,113	259.2	0	0	2,372.2	0	0
Scott	15,928	117.9	0	0	16,045.9	0	248.6
Stoddard	38,421	625.7	0	0	39,046.7	0	673.9
Vernon	4	1.1	0	0	5.1	0	0
Wayne	11	3.3	0	0	14.3	0	0
a. State total	351,193	2,755.0	0	0	353,948.0	0	3,472.0

b. State reserve available for late and reconstituted farms and correction of errors 75

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 357,495

NEVADA

Clark	49	21	11	0	81	0	0
Nye	2,269	979	14	0	3,262	0	0
a. State total	2,318	1,000	25	0	3,343	0	0

b. State reserve available for late and reconstituted farms and correction of errors 0

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 3,343

NEW MEXICO

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Bernalillo	3	2.0	0	0	5.0	0	0
Chaves	29,861	66.5	0	0	29,927.5	0	252.8
Curry	1,412	15.2	0	0	1,427.2	0	58.7
De Baca	450	40.6	0	0	490.6	0	24.8
Dona Ana	37,347	248.8	0	0	37,595.8	0	191.8
Eddy	25,308	59.2	0	0	25,367.2	0	630.7
Grant	65	10.3	0	0	75.3	0	8.0
Guadalupe	17	.7	0	0	17.7	0	1.4
Hidalgo	5,702	19.5	0	0	5,721.5	0	466.5
Lea	24,959	38.1	0	0	24,997.1	0	1,329.6
Luna	12,331	15.6	0	0	12,346.6	0	631.8
Otero	1,463	20.7	0	0	1,483.7	0	68.8
Quay	2,638	31.6	0	0	2,669.6	0	57.0
Roosevelt	18,206	171.4	0	0	18,377.4	0	217.7
Sierra	2,310	50.1	0	0	2,360.1	0	143.9
Socorro	1,773	98.7	0	0	1,871.7	0	119.5
Valencia	26	0	0	0	26.0	0	0
a. State total	163,871	889.0	0	0	164,760.0	0	4,203.0

b. State reserve available for late and reconstituted farms and correction of errors 50

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 169,013

NORTH CAROLINA

Alamance	78	24.3	0	0	102.3	0	0
Alexander	837	192.0	0	0	1,029.0	0	0
Anson	13,789	618.3	0	0	14,407.3	0	21.9
Beaufort	1,246	412.6	0	0	1,658.6	0	0
Bertie	6,250	630.3	0	0	6,880.3	0	58.4
Bladen	3,894	619.2	0	0	4,513.2	0	0
Brunswick	305	113.1	0	0	418.1	0	0
Burke	84	36.7	0	0	120.7	0	0
Cabarrus	4,460	379.4	0	0	4,839.4	0	96.3
Caldwell	37	8.6	0	0	45.6	0	0
Camden	357	56.6	0	0	413.6	0	0
Carteret	70	12.1	0	0	82.1	0	0
Catawba	2,699	518.8	0	0	3,217.8	0	0
Chatham	602	131.8	0	0	733.8	0	0
Chowan	2,271	250.3	0	0	2,521.3	0	0
Cleveland	31,380	1,456.7	0	0	32,836.7	0	278.4
Columbus	2,690	521.2	0	0	3,211.2	0	0
Craven	454	129.4	0	0	583.4	0	0
Cumberland	12,930	966.2	0	0	13,896.2	0	147.3
Currituck	339	53.4	0	0	392.4	0	0
Davidson	968	225.2	0	0	1,193.2	0	0
Davie	1,911	454.2	0	0	2,365.2	0	0
Duplin	3,887	644.2	0	0	4,531.2	0	114.5
Durham	132	49.5	0	0	181.5	0	3.8
Edgecombe	11,632	401.0	0	0	12,033.0	0	0
Forsyth	141	45.2	0	0	186.2	0	0
Franklin	9,066	1,305.0	0	0	10,371.0	0	0
Gaston	3,192	479.9	0	0	3,671.9	0	0
Gates	2,077	355.3	0	0	2,432.3	0	0
Granville	339	79.6	0	0	418.6	0	0
Greene	4,076	331.5	0	0	4,407.5	0	13.3
Guilford	82	25.9	0	0	107.9	0	0
Halifax	20,851	1,024.0	0	0	21,875.0	0	11.7
Harnett	14,381	1,113.6	0	0	15,494.6	0	36.8
Hertford	4,307	398.9	0	0	4,705.9	0	0
Hoke	14,125	231.9	0	0	14,356.9	0	0
Hyde	223	65.4	0	0	288.4	0	0
Iredell	9,292	1,396.2	0	0	10,688.2	0	0
Johnston	20,153	2,137.7	0	0	22,290.7	0	0
Jones	323	68.6	0	0	391.6	0	0
Lee	1,185	233.2	0	0	1,418.2	0	0
Lenoir	2,318	250.9	0	0	2,568.9	0	0

columns (5), (6), and (7), and item b) 3,343

NORTH CAROLINA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Lincoln	7,770	600.3	0	0	8,370.3	0	0
Martin	2,581	286.6	0	0	2,867.6	0	40.3
Mecklenburg	7,218	436.3	0	0	7,654.3	0	113.4
Montgomery	1,860	86.0	0	0	1,946.0	0	18.5
Moore	2,569	217.0	0	0	2,786.0	0	30.9
Nash	12,650	983.2	0	0	13,633.2	0	48.3
New Hanover	16	8.2	0	0	24.2	0	0
Northampton	18,555	819.0	0	0	19,374.0	0	0
Onslow	382	52.6	0	0	434.6	0	10.7
Orange	94	32.1	0	0	126.1	0	0
Pamlico	225	43.2	0	0	268.2	0	0
Pasquotank	280	82.6	0	0	362.6	0	0
Pender	382	91.7	0	0	473.7	0	0
Perquimans	1,405	246.2	0	0	1,651.2	0	0
Person	3	.8	0	0	3.8	0	0
Pitt	7,506	758.4	0	0	8,264.4	0	0
Polk	1,441	220.7	0	0	1,661.7	0	0
Randolph	65	21.2	0	0	86.2	0	0
Richmond	6,821	386.6	0	0	7,207.6	0	111.8
Robeson	43,656	1,415.7	0	0	45,071.7	0	483.3
Rockingham	1	0	0	0	1.0	0	0
Rowan	5,959	1,026.7	0	0	6,985.7	0	0
Rutherford	8,906	1,495.6	0	0	10,401.6	0	0
Sampson	23,551	1,716.4	0	0	25,267.4	0	56.6
Scotland	18,314	170.7	0	0	18,484.7	0	0
Stanly	2,111	319.1	0	0	2,430.1	0	0
Tyrrell	267	62.9	0	0	329.9	0	0
Union	16,128	1,409.9	0	0	17,537.9	0	0
Vance	2,900	455.0	0	0	3,355.0	0	0
Wake	5,413	938.0	0	0	6,351.0	0	0
Warren	7,291	893.6	0	0	8,184.6	0	0
Washington	648	120.2	0	0	768.2	0	0
Wayne	11,425	916.3	0	0	12,341.3	0	16.3
Wilkes	86	24.6	0	0	110.6	0	0
Wilson	8,794	757.3	0	0	9,551.3	0	0
Yadkin	46	20.4	0	0	66.4	0	0
a. State total	436,752	35,563.0	0	0	472,315.0	0	1,712.5

b. State reserve available for late and reconstituted farms and correction of errors 687.5

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 474,715

OKLAHOMA

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Adair	77	32.5	0	0	109.5	0	0
Atoka	1,875	361.4	0	0	2,236.4	0	46.0
Beaver	15	35.6	0	0	50.6	0	11.0
Beckham	58,944	120.7	0	0	59,064.7	0	0
Blaine	12,610	306.4	0	0	12,916.4	0	0
Bryan	16,284	754.9	0	0	17,038.9	0	65.0
Caddo	45,169	790.7	0	0	45,959.7	0	0
Canadian	13,391	349.3	0	0	13,740.3	0	0
Carter	1,403	199.0	0	0	1,602.0	0	38.0
Cherokee	86	38.4	0	0	124.4	0	1.3
Choctaw	4,046	348.2	0	0	4,394.2	0	96.0
Cleveland	1,726	100.8	0	0	1,826.8	0	8.0
Coal	3,086	167.1	0	0	3,253.1	0	28.0
Comanche	12,843	365.8	0	0	13,208.8	0	0
Cotton	18,480	202.8	0	0	18,682.8	0	0
Craig	86	36.7	0	0	122.7	0	0
Creek	2,333	255.5	0	0	2,588.5	0	37.0
Custer	23,869	211.9	0	0	24,080.9	0	0
Dewey	8,172	387.5	0	0	8,559.5	0	44.0
Ellis	744	65.1	0	0	809.1	0	9.0
Garfield	80	16.3	0	0	96.3	0	0.5
Garvin	5,287	335.2	0	0	5,622.2	0	0
Grady	16,908	424.0	0	0	17,332.0	0	0

OKLAHOMA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Grant	32	6.0	0	0	38.0	0	1.3
Greer	38,890	79.2	0	0	38,969.2	0	0
Harmon	46,280	33.7	0	0	46,313.7	0	0
Harper	14	0	0	0	14.0	0	2.0
Haskell	3,233	294.4	0	0	3,527.4	0	62.0
Hughes	4,963	572.5	0	0	5,535.5	0	18.6
Jackson	54,857	79.8	0	0	54,936.8	0	0
Jefferson	17,153	140.9	0	0	17,293.9	0	0
Johnston	3,262	224.3	0	0	3,486.3	0	57.0
Kay	330	58.4	0	0	388.4	0	11.0
Kingfisher	1,781	232.6	0	0	2,013.6	0	59.0
Kiowa	53,271	226.4	0	0	53,497.4	0	0
Latimer	268	98.6	0	0	366.6	0	12.5
LeFlore	2,942	376.9	0	0	3,318.9	0	270.0
Lincoln	1,485	285.4	0	0	1,770.4	0	35.0
Logan	2,913	198.4	0	0	3,111.4	0	0
Love	8,114	168.6	0	0	8,282.6	0	0
McClain	8,307	314.3	0	0	8,621.3	0	0
McCurtain	7,062	163.3	0	0	7,225.3	0	0
McIntosh	12,224	655.3	0	0	12,879.3	0	0
Major	2,314	259.8	0	0	2,573.8	0	7.0
Marshall	4,309	94.9	0	0	4,403.9	0	15.0
Mayes	737	47.6	0	0	784.6	0	23.4
Murray	372	33.1	0	0	405.1	0	6.0
Muskogee	17,731	561.2	0	0	18,292.2	0	0
Noble	958	157.0	0	0	1,115.0	0	45.0
Nowata	859	50.7	0	0	909.7	0	35.0
Okfuskee	5,912	447.3	0	0	6,359.3	0	0
Oklahoma	434	24.4	0	0	458.4	0	14.0
Okmulgee	10,195	569.9	0	0	10,764.9	0	0
Osage	3,105	88.1	0	0	3,193.1	0	14.0
Pawnee	3,151	330.4	0	0	3,481.4	0	53.0
Payne	2,460	370.4	0	0	2,830.4	0	72.0
Pittsburg	5,799	337.5	0	0	6,136.5	0	0
Pontotoc	1,104	146.2	0	0	1,250.2	0	34.0
Pottawatomie	844	173.8	0	0	1,017.8	0	50.6
Pushmataha	589	310.5	0	0	899.5	0	0
Roger Mills	20,603	154.5	0	0	20,757.5	0	0
Rogers	897	112.9	0	0	1,009.9	0	18.7
Seminole	1,653	307.8	0	0	1,960.8	0	35.2
Sequoyah	1,452	148.2	0	0	1,600.2	0	182.7
Stephens	5,837	256.8	0	0	6,093.8	0	0
Texas	11	18.5	0	0	29.5	0	0
Tillman	67,644	80.8	0	0	67,724.8	0	0
Tulsa	1,681	56.2	0	0	1,737.2	0	27.0
Wagoner	9,148	505.6	0	0	9,653.6	0	0
Washington	29	12.8	0	0	41.8	0	0
Washita	71,658	241.7	0	0	71,899.7	0	0
Woodward	764	67.6	0	0	831.6	0	30.2
a. State total	757,145	16,081.0	0	0	773,226.0	0	1,575.0

b. State reserve available for late and reconstituted farms and correction of errors 425

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 775,226

SOUTH CAROLINA

Abbeville	7,516	372.6	0	0	7,888.6	0	49.0
Aiken	18,944	591.4	0	0	19,535.4	0	0
Allendale	8,907	184.4	0	0	9,091.4	0	0
Anderson	25,378	894.2	0	0	26,272.2	0	179.8
Bamberg	11,697	304.1	0	0	12,001.1	0	0
Barnwell	13,387	147.4	0	0	13,534.4	0	0
Beaufort	1,118	419.2	0	0	1,537.2	0	0
Berkeley	8,542	777.3	0	0	9,319.3	0	79.2
Calhoun	14,248	240.6	0	0	14,488.6	0	0
Charleston	1,313	382.6	0	0	1,695.6	0	0

SOUTH CAROLINA—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Cherokee	11,651	577.8	0	0	12,228.8	0	173.0
Chester	9,651	375.3	0	0	10,026.3	0	0
Chesterfield	29,430	1,056.0	0	0	30,486.0	0	167.6
Clarendon	30,350	933.6	0	0	31,283.6	0	299.5
Colleton	8,981	904.6	0	0	9,885.6	0	186.8
Darlington	27,786	731.6	0	0	28,517.6	0	286.3
Dillon	20,069	356.6	0	0	20,425.6	0	357.8
Dorchester	8,908	635.6	0	0	9,543.6	0	113.7
Edgefield	9,015	301.4	0	0	9,316.4	0	30.9
Fairfield	4,518	319.0	0	0	4,837.0	0	38.7
Florence	29,130	1,261.9	0	0	30,391.9	0	0
Georgetown	2,678	511.2	0	0	3,189.2	0	0
Greenville	13,944	997.5	0	0	14,941.5	0	232.2
Greenwood	3,818	267.3	0	0	4,085.3	0	25.7
Hampton	7,551	379.6	0	0	7,930.6	0	91.3
Horry	9,412	1,693.3	0	0	11,105.3	0	0
Jasper	2,554	434.4	0	0	2,988.4	0	0
Kershaw	18,049	702.2	0	0	18,751.2	0	240.1
Lancaster	7,746	450.5	0	0	8,196.5	0	87.2
Laurens	16,157	515.5	0	0	16,672.5	0	0
Lee	31,735	392.3	0	0	32,127.3	0	63.9
Lexington	10,540	663.3	0	0	11,203.3	0	108.5
McCormick	3,346	169.1	0	0	3,515.1	0	26.4
Marion	10,638	471.1	0	0	11,109.1	0	59.5
Marlboro	35,922	242.1	0	0	36,164.1	0	541.0
Newberry	7,194	427.0	0	0	7,621.0	0	0
Oconee	7,172	771.5	0	0	7,943.5	0	0
Orangeburg	52,992	1,406.5	0	0	54,398.5	0	200.9
Pickens	5,906	728.9	0	0	6,634.9	0	0
Richland	6,068	597.1	0	0	6,665.1	0	266.9
Saluda	7,466	367.1	0	0	7,833.1	0	0
Spartanburg	21,210	1,173.7	0	0	22,383.7	0	25.5
Sumter	36,192	893.5	0	0	37,085.5	0	291.7
Union	5,244	191.0	0	0	5,435.0	0	51.8
Williamsburg	30,020	1,258.0	0	0	31,278.0	0	116.7
York	14,538	507.1	0	0	15,045.1	0	108.4
a. State total	668,631	27,978.0	0	0	696,609.0	0	4,500.0

b. State reserve available for late and reconstituted farms and correction of errors 500

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 701,609

TENNESSEE

Bedford	1,460	328.2	0	0	1,788.2	0	0
Benton	2,467	481.0	0	0	2,948.0	0	0
Bradley	958	245.3	0	0	1,203.3	0	0
Cannon	29	19.6	0	0	48.6	0	0
Carroll	18,340	1,228.4	0	0	19,568.4	0	0
Chester	10,296	551.8	0	0	10,847.8	0	0
Coffee	1,483	298.9	0	0	1,781.9	0	0
Crockett	29,552	523.3	0	0	30,075.3	0	0
Cumberland	2	2.2	0	0	4.2	0	0
Davidson	12	4.9	0	0	16.9	0	0
Decatur	3,419	404.7	0	0	3,823.7	0	0
De Kalb	34	16.1	0	0	50.1	0	0
Dyer	29,649	715.1	0	0	30,364.1	0	0
Fayette	39,172	577.0	0	0	39,749.0	0	0
Franklin	5,304	576.8	0	0	5,880.8	0	0
Gibson	41,448	2,000.1	0	0	43,448.1	0	0
Giles	8,434	978.8	0	0	9,412.8	0	0
Grundy	159	46.3	0	0	205.3	0	0
Hamilton	604	155.9	0	0	759.9	0	0
Hardeman	19,868	666.3	0	0	20,534.3	0	0
Hardin	8,610	600.2	0	0	9,210.2	0	0
Haywood	39,143	515.9	0	0	39,658.9	0	0
Henderson	16,534	789.1	0	0	17,323.1	0	0

TENNESSEE—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Henry	4,729	890.8	0	0	5,619.8	0	0
Hickman	19	10.9	0	0	29.9	0	0
Humphreys	15	6.7	0	0	21.7	0	0
Lake	19,244	29.2	0	0	19,273.2	0	0
Lauderdale	32,467	630.5	0	0	33,097.5	0	0
Lawrence	18,904	1,428.5	0	0	20,332.5	0	0
Lewis	320	85.7	0	0	405.7	0	0
Lincoln	12,140	857.1	0	0	12,997.1	0	0
Loudon	6	2.9	0	0	8.9	0	0
McMinn	649	232.1	0	0	881.1	0	0
McNairy	18,206	1,059.8	0	0	19,265.8	0	0
Madison	30,213	972.8	0	0	31,185.8	0	0
Marion	306	36.2	0	0	342.2	0	0
Marshall	354	102.7	0	0	456.7	0	0
Maury	202	78.6	0	0	280.6	0	0
Meigs	576	180.6	0	0	756.6	0	0
Monroe	219	108.5	0	0	327.5	0	0
Moore	78	28.6	0	0	106.6	0	0
Obion	9,459	682.3	0	0	10,141.3	0	0
Perry	167	41.8	0	0	208.8	0	0
Polk	772	89.4	0	0	861.4	0	0
Rhea	18	8.5	0	0	26.5	0	0
Roane	3	0	0	0	3.0	0	0
Robertson	1	.2	0	0	1.2	0	0
Rutherford	4,437	727.3	0	0	5,164.3	0	0
Shelby	39,885	1,027.0	0	0	40,912.0	0	0
Tipton	42,352	736.8	0	0	43,088.8	0	0
Van Buren	35	17.2	0	0	52.2	0	0
Warren	539	208.0	0	0	747.0	0	0
Wayne	2,859	516.2	0	0	3,375.2	0	0
Weakley	9,798	1,572.2	0	0	11,370.2	0	0
White	61	26.0	0	0	87.0	0	0
Williamson	119	46.2	0	0	165.2	0	0
Wilson	77	21.8	0	0	98.8	0	0
a. State total	526,206	24,189.0	0	0	550,395.0	0	0

b. State reserve available for new farms, late and reconstituted farms and correction of errors 350

c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b) 550,745

TEXAS

Anderson	12,604	1,571.3	0	0	14,175.3	0	0
Andrews	3,458	1.4	0	0	3,459.4	0	0
Angelina	3,551	319.6	0	0	3,870.6	0	0
Aransas	1,046	.6	0	0	1,046.6	0	0
Archer	1,959	20.8	0	0	1,979.8	0	.2
Armstrong	1,793	51.8	0	0	1,844.8	0	42.2
Atascosa	10,317	352.0	0	0	10,669.0	0	0
Austin	18,192	496.6	0	0	18,688.6	0	0
Bailey	92,190	47.2	0	0	92,237.2	0	1,448.9
Bandera	4	6.6	0	0	10.6	0	0
Bastrop	11,860	339.8	0	0	12,199.8	0	0
Baylor	17,794	46.5	0	0	17,840.5	0	0
Bee	13,847	114.9	0	0	13,961.9	0	0
Bell	67,433	149.4	0	0	67,582.4	0	0
Bexar	4,039	223.8	0	0	4,262.8	0	0
Blanco	110	18.7	0	0	128.7	0	8.3
Borden	17,444	1.2	0	0	17,445.2	0	0
Bosque	11,446	201.2	0	0	11,647.2	0	0
Bowie	11,004	476.5	0	0	11,480.5	0	0
Brazoria	10,861	186.2	0	0	11,047.2	0	0
Brazos	17,834	54.1	0	0	17,888.1	0	0
Brewster	168	0	0	0	168.0	0	26.0
Briscoe	24,781	18.0	0	0	24,799.0	0	0
Brooks	2,982	105.5	0	0	3,087.5	0	49.5
Brown	7,381	377.8	0	0	7,758.8	0	0

TEXAS—Continued

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Burleson	26,212	310.7	0	0	26,522.7	0	0
Burnet	4,814	60.1	0	0	4,874.1	0	0
Caldwell	20,587	71.9	0	0	20,658.9	0	0
Calhoun	16,705	18.7	0	0	16,723.7	0	0
Callahan	8,304	183.7	0	0	8,487.7	0	0
Cameron	151,486	1,875.2	0	0	153,361.2	0	0
Camp	2,268	452.9	0	0	2,720.9	0	184.1
Carson	660	382.1	0	0	1,042.1	0	0
Cass	9,036	1,147.8	0	0	10,183.8	0	0
Castro	50,974	40.0	0	0	51,014.0	0	746.0
Chambers	93	3.5	0	0	96.5	0	0
Cherokee	13,294	1,677.9	0	0	14,971.9	0	0
Childress	51,053	33.0	0	0	51,086.0	0	0
Clay	10,081	68.6	0	0	10,149.6	0	0
Cochran	70,123	3.6	0	0	70,126.6	0	1,779.5
Coke	6,904	10.5	0	23	6,937.5	0	0
Coleman	31,589	72.3	0	0	31,661.3	0	0
Collin	78,817	517.3	0	0	79,334.3	0	0
Collingsworth	62,965	19.1	0	0	62,984.1	0	0
Colorado	9,761	346.2	0	0	10,107.2	0	0
Comal	335	37.3	0	0	372.3	0	26.7
Commanche	9,946	833.6	0	0	10,781.6	0	0
Concho	24,470	6.0	0	0	24,476.0	0	0
Cooke	7,040	331.9	0	0	7,371.9	0	0
Coryell	19,183	261.6	0	0	19,444.6	0	0
Cottle	51,682	11.4	0	0	51,693.4	0	0
Crockett	63	0	0	0	63.0	0	0
Crosby	112,199	11.7	0	0	112,210.7	0	0
Culberson	4,206	.7	0	0	4,206.7	0	0
Dallam	30	.3	0	0	30.3	0	19.7
Dallas	34,163	231.1	0	0	34,394.1	0	0
Dawson	187,426	32.5	0	0	187,458.5	0	0
Deaf Smith	10,115	216.1	0	0	10,331.1	0	0
Delta	35,504	74.1	0	0	35,578.1	0	0
Denton	20,988	253.1	0	0	21,241.1	0	0
DeWitt	17,503	429.8	0	0	17,932.8	0	0
Dickens	50,384	13.3	0	0	50,397.3	0	0
Dimmit	2,036	10.1	0	0	2,046.1	0	19.9
Donley	27,984	29.1	0	0	28,013.1	0	0
Duval	13,315	288.8	0	0	13,603.8	0	259.2
Eastland	5,677	601.9	0	0	6,278.9	0	0
Ector	204	0	0	0	204.0	0	0
Ellis	125,532	122.9	0	0	125,654.9	0	0
El Paso	24,350	247.4	0	0	24,597.4	0	0
Erath	9,113	821.7	0	0	9,934.7	0	0
Falls	75,790	272.5	0	0	76,062.5	0	0
Fannin	65,824	617.2	0	0	66,441.2	0	0
Fayette	28,384	1,168.2	0	0	29,552.2	0	0
Fisher	78,069	29.2	0	0	78,098.2	0	0
Floyd	90,965	38.3	0	0	91,003.3	0	96.7
Foard	12,216	20.0	0	0	12,236.0	0	0
Fort Bend	56,601	265.4	0	0	56,866.4	0	0
Franklin	3,865	202.3	0	0	4,067.3	0	0
Freestone	20,383	879.4	0	0	21,262.4	0	0
Frio	4,680	96.5	0	0	4,776.5	0	0
Gaines	72,132	14.7	0	0	72,146.7	0	607.4
Galveston	27	29.4	0	0	56.4	0	9.6
Garza	37,559	7.1	0	0	37,566.1	0	0
Gillespie	1,214	95.9	0	66	1,375.9	0	0
Glasscock	9,409	0	0	0	9,409.0	0	0
Goliad	4,678	104.5	0	0	4,782.5	0	0
Gonzales	14,811	340.0	0	0	15,151.0	0	0
Gray	3,533	83.3	0	0	3,616.3	0	0
Grayson	32,951	448.0	0	0	33,399.0	0	0
Greer	1,438	251.3	0	0	1,689.3	0	0
Grimes	15,128	424.1	0	0	15,552.1	0	0
Guadalupe	19,910	290.6	0	0	20,200.6	0	0
Hale	152,830	43.8	0	0	152,873.8	0	392.2
Hall	89,554	21.4	0	0	89,575.4	0	0
Hamilton	10,251	440.6	0	0	10,691.6	0	0

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Hansford	573	146.3	0	0	719.3	0	186.7
Hardeman	32,641	26.4	0	0	32,667.4	0	0
Hardin	44	8.6	0	0	52.6	0	33.4
Harris	4,111	82.3	0	0	4,193.3	0	0
Harrison	11,951	1,109.9	0	0	13,060.9	0	0
Hartley	47	35.5	0	0	82.5	0	47.5
Haskell	114,167	76.0	0	0	114,243.0	0	0
Hays	7,593	26.6	0	0	7,619.6	0	0
Hemphill	1,603	22.4	0	0	1,625.4	0	0
Henderson	10,083	798.3	0	0	10,881.3	0	0
Hidalgo	178,843	3,454.5	0	0	182,297.5	0	0
Hill	113,327	162.4	0	0	113,489.4	0	0
Hockley	173,394	23.9	0	0	173,417.9	0	0
Hood	3,636	275.2	0	0	3,911.2	0	38.8
Hopkins	26,428	699.9	0	0	27,127.9	0	0
Houston	25,504	548.0	0	0	26,052.0	0	0
Howard	69,736	4.9	0	0	69,740.9	0	0
Hudspeth	15,995	2.0	0	0	15,997.0	0	0
Hunt	86,609	281.3	0	0	86,890.3	0	0
Irion	558	12.2	0	99	669.2	0	0
Jack	1,963	49.4	0	0	2,012.4	0	0
Jackson	17,177	104.6	0	0	17,281.6	0	0
Jasper	564	362.3	0	0	926.3	0	78.7
Jeff Davis	403	.3	0	0	403.3	0	0
Jefferson	16	5.0	0	0	21.0	0	11.0
Jim Hogg	1,402	15.7	0	0	1,417.7	0	160.3
Jim Wells	22,390	111.7	0	0	22,501.7	0	0
Johnson	34,618	89.1	0	0	34,707.1	0	0
Jones	104,537	62.0	0	0	104,599.0	0	0
Karnes	31,371	158.3	0	0	31,529.3	0	0
Kaufman	55,695	295.2	0	0	55,990.2	0	0
Kendall	33	8.2	0	0	41.2	0	7.8
Kent	19,488	2.2	0	0	19,490.2	0	0
Kerr	69	0	0	0	69.0	0	32.0
Kimble	162	31.1	0	0	193.1	0	44.9
King	8,914	.2	0	0	8,914.2	0	0
Kinney	451	0	0	0	451.0	0	1.0
Kleberg	8,455	32.2	0	0	8,487.2	0	0
Knox	55,692	22.1	0	0	55,714.1	0	0
Lamar	55,359	214.8	0	0	55,573.8	0	0
Lamb	180,677	61.7	0	0	180,738.7	0	0
Lampasas	2,364	116.4	0	0	2,480.4	0	0
LaSalle	3,070	26.8	0	0	3,096.8	0	0
Lavaca	34,242	827.3	0	0	35,069.3	0	0
Lee	9,908	623.1	0	0	10,531.1	0	0
Leon	11,528	450.7	0	0	11,978.7	0	0
Liberty	2,996	148.7	0	0	3,144.7	0	19.3
Limestone	68,120	284.9	0	0	68,404.9	0	0
Live Oak	18,282	74.6	0	0	18,356.6	0	0
Llano	445	21.5	0	0	466.5	0	1.5
Loving	364	0	0	26	390.0	0	15.0
Lubbock	209,394	95.3	0	0	209,489.3	0	0
Lynn	171,321	12.1	0	0	171,333.1	0	0
McCulloch	16,767	37.7	0	0	16,804.7	0	0
McLennan	84,068	238.7	0	0	84,306.7	0	0
McMullen	1,256	12.5	0	0	1,268.5	0	0
Madison	7,038	323.3	0	0	7,361.3	0	0
Marion	2,127	443.6	0	0	2,570.6	0	403.4
Martin	84,538	11.2	0	0	84,549.2	0	0
Mason	1,885	153.0	0	47	2,085.0	0	0
Matagorda	16,895	104.3	0	0	16,999.8	0	0
Maverick	6,502	53.4	0	0	6,555.4	0	0
Medina	1,588	208.1	0	0	1,796.1	0	49.9
Menard	884	38.0	0	0	922.0	0	24.0
Midland	24,391	9.9	0	0	24,400.9	0	907.2
Milam	49,970	147.5	0	0	50,117.5	0	0
Mills	2,824	98.9	0	0	2,922.9	0	0
Mitchell	65,661	11.4	0	0	65,672.4	0	0
Montague	3,881	207.1	0	0	4,088.1	0	0
Montgomery	1,347	208.6	0	0	1,555.6	0	1.4

TEXAS—Continued

[Acres]

County	Computed county allotment (1)	Allocation from State's share of national reserve (2)	Adjustment from State reserve for— Trends (3)	Adjustment from State reserve for— Abnormal conditions (4)	County Allotment sum of column (1), (2), (3) and (4) (5)	Allocations from State reserve for— Small farms (6)	Allocations from State reserve for— Inequity and hardship cases (7)
Moore	258	63.7	0	0	321.7	0	34.3
Morris	1,938	258.5	0	0	2,196.5	0	0
Motley	32,898	14.3	0	0	32,912.3	0	0
Nacogdoches	6,378	661.4	0	0	7,039.4	0	0
Navarro	104,833	219.8	0	0	105,052.8	0	0
Newton	627	405.9	0	0	1,032.9	0	28.1
Nolan	41,135	27.1	0	0	41,162.1	0	0
Nueces	94,846	99.0	0	0	94,945.0	0	0
Ochiltree	183	28.2	0	0	211.2	0	207.8
Oldham	55	43.9	0	0	98.9	0	27.1
Palo Pinto	3,249	88.5	0	0	3,337.5	0	0
Panola	8,760	978.7	0	0	9,738.7	0	0
Parker	3,781	277.9	0	0	4,058.9	0	0
Parmer	41,220	160.0	0	0	41,380.0	0	1,160.0
Pecos	19,684	33.0	0	0	19,717.0	0	566.0
Polk	4,667	188.9	0	0	4,855.9	0	0
Potter	91	17.9	0	0	108.9	0	22.1
Presidio	2,853	52.6	0	0	2,905.6	0	0
Rains	8,200	224.3	0	0	8,424.3	0	0
Randall	1,397	499.1	0	0	1,896.1	0	75.9
Reagan	950	3.1	0	0	953.1	0	22.9
Real	13	0	0	0	13.0	0	7.0
Red River	26,369	244.7	0	0	26,613.7	0	0
Reeves	48,035	13.7	0	0	48,048.7	0	19.3
Refugio	12,384	28.7	0	0	12,412.7	0	0
Roberts	131	37.3	0	0	168.3	0	49.7
Robertson	25,184	114.6	0	0	25,298.6	0	0
Rockwall	19,084	47.0	0	0	19,131.0	0	0
Runnels	81,755	34.0	0	0	81,789.0	0	0
Rusk	12,880	1,420.6	0	0	14,300.6	0	0
Sabine	2,587	235.3	0	0	2,822.3	0	83.
San Augustine	6,481	393.4	0	0	6,874.4	0	0
San Jacinto	4,164	274.0	0	0	4,438.0	0	0
San Patricio	76,495	52.6	0	0	76,547.6	0	0
San Saba	7,217	214.0	0	0	7,431.0	0	0
Schleicher	8,647	1.5	0	0	8,648.5	0	0
Scurry	64,426	18.0	0	0	64,444.0	0	0
Shackelford	3,748	33.6	0	0	3,781.6	0	0
Shelby	8,575	1,174.1	0	0	9,749.1	0	0
Smith	8,626	1,387.5	0	0	10,013.5	0	0
Somervell	1,479	71.6	0	0	1,550.6	0	0
Starr	22,836	644.5	0	1,817	25,297.5	0	0
Stephens	1,329	82.3	0	0	1,411.3	0	0
Sterling	352	6.4	0	73	431.4	0	0
Stonewall	25,871	8.6	0	0	25,879.6	0	0
Sutton	15	0	0	0	15.0	0	1.0
Swisher	49,416	55.0	0	0	49,471.0	0	590.0
Tarrant	9,493	38.3	0	0	9,531.3	0	0
Taylor	33,823	66.0	0	0	33,889.0	0	0
Terrell	10	0	0	0	10.0	0	11.0
Terry	136,238	24.9	0	0	136,262.9	0	0
Throckmorton	11,525	23.4	0	0	11,548.4	0	0
Titus	3,351	505.4	0	0	3,856.4	0	131.6
Tom Green	52,583	14.0	0	0	52,597.0	0	0
Travis	35,174	52.8	0	0	35,226.8	0	0
Trinity	4,980	411.4	0	0	5,391.4	0	0
Tyler	479	101.1	0	0	580.1	0	7.9
Upshur	3,113	761.5	0	0	3,874.5	0	78.5
Upton	2	4.4	0	0	6.4	0	0
Uvalde	1,096	30.8	0	0	1,126.8	0	32.2
Val Verde	111	0	0	0	111.0	0	16.0
Van Zandt	22,384	793.0	0	0	23,177.0	0	0
Victoria	23,672	103.2	0	0	23,775.2	0	0
Walker	6,190	444.9	0	0	6,634.9	0	0
Waller	4,942	136.8	0	0	5,078.8	0	0
Ward	8,055	21.5	0	829	8,905.5	0	319.5
Washington	22,444	787.0	0	0	23,831.0	0	0
Webb	1,627	7.8	0	0	1,634.8	0	144.2
Wharton	66,942	238.5	0	0	67,180.5	0	0
Wheeler	26,777	64.3	0	0	26,841.3	0	0
Wichita	5,988	68.8	0	0	6,056.8	0	0
Wilbarger	48,390	46.6	0	0	48,436.6	0	0
Willacy	84,737	145.4	0	0	84,882.4	0	0
Williamson	103,950	131.8	0	0	104,081.8	0	0
Wilson	6,246	399.3	0	0	6,645.3	0	0
Winkler	8	7.7	0	0	15.7	0	3.3
Wise	2,727	324.8	0	0	3,051.8	0	0
Wood	3,983	1,155.8	0	0	5,138.8	0	295.2
Yoakum	31,296	6.5	0	0	31,302.5	0	745.6
Young	11,747	93.1	0	0	11,840.1	0	0
Zapata	2,113	59.8	0	0	2,172.8	0	55.2
Zavala	8,269	15.1	0	0	8,284.1	0	0
a. State total	6,745,976	55,965.0	0	2,980	6,804,921.0	0	12,515.0
b. State reserve available for late and reconstituted farms and correction of errors							41
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b)							6,817,477

VIRGINIA

Accomack	14	0.1	0	0	14.1	0.2	0.2
Appomattox	1	.8	0	0	1.8	0	0
Brunswick	1,807	289.6	0	0	2,096.6	27.1	27.1
Caroline	3	1.2	0	0	4.2	0	0
Charlotte	11	6.6	0	0	17.6	.2	.2
Chesterfield	2	.8	0	0	2.8	0	0
Cumberland	4	3.7	0	0	7.7	0	0
Dinwiddie	207	44.9	0	0	251.9	3.1	3.1
Franklin	18	4.2	0	0	22.2	.3	.3
Greensville	3,884	549.8	0	0	4,433.8	58.2	58.2
Halifax	1	1.9	0	0	2.9	0	0
Isle of Wight	240	67.2	0	0	307.2	3.6	3.6
Lunenburg	204	28.8	0	0	232.8	3.1	3.1
Mecklenburg	1,659	262.3	0	0	1,921.3	24.8	24.8
Nansemond	1,364	309.1	0	0	1,673.1	20.4	20.4
Norfolk	25	7.0	0	0	32.0	.4	.4
Patrick	1	1.1	0	0	2.1	0	0
Prince Edward	6	2.4	0	0	8.4	.1	.1
Prince George	56	15.1	0	0	71.1	.8	.8
Princess Anne	5	5.3	0	0	10.3	.1	.1
Southampton	4,053	593.8	0	0	4,646.8	60.7	60.7
Surry	10	2.2	0	0	12.2	.2	.2
Sussex	1,449	249.1	0	0	1,698.1	21.7	21.7
a. State total	15,024	2,447.0	0	0	17,471.0	225.0	225.0
b. State reserve available for late and reconstituted farms and correction of errors							15
c. Total allotment available from national allotment and national reserve for distribution in State (sum of columns (5), (6), and (7), and item b)							17,93 6

2. Section 722.317(c)(1) is amended to read as follows:

(1) *Indicated allotments for old cotton farms in counties where the county allotment less reserve is equal to or less than minimum farm requirements.* If the county allotment less the county reserve is equal to or smaller than the total acreage required to establish an allotment of the smaller of 10.0 acres or the 1958 allotment for each old cotton farm in the county for which a 1958 allotment was established, the indicated allotment for each old cotton farm in the county for which a 1958 allotment was established shall be the smaller of 10.0 acres or the 1958 allotment. The allotment, if any, required in excess of the county allotment, less the county reserve, shall be in addition to the county, State, and

national acreage allotments and shall not be taken into account in establishing future State, county, or farm allotments. The indicated allotment for each old cotton farm in the county which was a new cotton farm for 1959 shall be zero, however, reserve acreage, to the extent available, shall be used to adjust such allotment to not less than the 1959 farm allotment in accordance with paragraph (d) (1), (2), and (4) of this section.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 344; 63 Stat. 670, as amended; sec. 377; 70 Stat. 206, as amended; 7 U.S.C. 1344, 1377)

Done at Washington, D.C., this 25th day of November 1959.

TRUE D. MORSE,
Acting Secretary,

[F.R. Doc. 59-10074; Filed, Nov. 25, 1959; 1:45 p.m.]

[Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Extra Long Staple Cotton

COUNTY ALLOTMENT; ALLOCATIONS TO COUNTIES FROM STATE RESERVE; AND REMAINDER OF THE STATE RESERVE

Basis and purpose. The purpose of this amendment is to establish county allotments showing components thereof (computed county allotment; adjustments from State reserve for trends and abnormal conditions); allocations to counties from State reserve for small farms, and to correct inequities and prevent hardship; and to establish the remainder of State reserve which is available for allocation to counties for new farms, late and reconstituted farms and correction of errors. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) including amendments under Public Law 86-172 (73 Stat. 393, approved August 18, 1959) and Public Law 86-341 (73 Stat. 611, approved September 21, 1959). Notice of the proposed issuance of acreage allotment regulations for the 1960 crop of extra long staple cotton was published in the FEDERAL REGISTER on October 1, 1959 (24 F.R. 7900) in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) prior to issuance of such regulations.

Farmers engaged in the production of extra long staple cotton in 1959 will determine in a referendum to be held on December 15, 1959, whether marketing quotas will be in effect for the 1960 crop extra long staple cotton. In order that farm allotments may be established as early as possible and notices of individual farm allotments may be mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.366(g)(1) of the regulations pertaining to acreage allotments for the 1960 crop of extra long staple cotton (24 F.R. 8481) is amended to read as follows:

(1) *County allotment showing components thereof; allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and remainder of the State reserve.* There are set forth below the county allotments showing components thereof (computed county allotments, adjustments from State reserve for trends and abnormal conditions); allocations to counties from State reserve for small farms and to correct inequities and prevent hardship; and the remainder of the State reserve which is available for allocation to counties for new farms, late and reconstituted farms and correction of errors. The State reserve for Arizona, California, Florida, Georgia, New Mexico, Texas, and Puerto Rico does not include a reserve for new farms.

ARIZONA

[Acres]

County	Computed county allotment (1)	Adjustment from State reserve for— Trends (2)	Adjustment from State reserve for— Abnormal conditions (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocations from State reserve for— Small farms (5)	Allocations from State reserve for— Inequity and hardship cases (6)
Cochise	109	41	0	150	0	0
Graham	7,309	0	0	7,309	0	0
Maricopa	11,501	0	0	11,501	0	0
Pima	2,105	2	0	2,107	0	0
Pinal	5,936	0	0	5,936	0	0
Santa Cruz	18	0	0	18	0	0
Yuma	248	27	0	275	0	0
a. State total	27,226	70	0	27,296	0	0
b. State reserve available for late and reconstituted farms and correction of errors						3
c. Total allotment available from national allotment for distribution in State (sum of columns (4), (5) and (6), and item b)						27,325

CALIFORNIA

Imperial	68	0	0	68	5	0
Riverside	335	0	0	335	16	0
a. State total	403	0	0	403	21	0
b. State reserve available for late and reconstituted farms and correction of errors						0
c. Total allotment available from national allotment for distribution in State (sum of columns (4), (5), and (6), and item b)						424

FLORIDA

Alachua	80	0	0	80	0	0
Bradford	11	0	0	11	0	0
Hamilton	3	0	0	3	0	0
Jefferson	1	0	0	1	0	0
Lake	76	0	0	76	0	0
Madison	34	0	0	34	0	0
Marion	115	0	0	115	0	0
Putnam	14	0	0	14	0	0
Seminole	11	0	0	11	0	0
Sumter	77	0	0	77	0	0
Suwannee	2	0	0	2	0	0
Union	54	0	0	54	0	0
Volusia	21	0	0	21	0	0
a. State total	499	0	0	499	0	0
b. State reserve available for late and reconstituted farms and correction of errors						55
c. Total allotment available from national allotment for distribution in State (sum of columns (4), (5), and (6), and item b)						554

GEORGIA

Berrien	101	0	0	101	0	4
Cook	24	0	0	24	0	1
Lanier	2	0	0	2	0	0
a. State total	127	0	0	127	0	5
b. State reserve available for late and reconstituted farms and correction of errors						0
c. Total allotment available from national allotment for distribution in State (sum of columns (4), (5), and (6), and item b)						132

NEW MEXICO

County	Computed county allotment (1)	Adjustment from State reserve for— Trends (2)	Adjustment from State reserve for— Abnormal conditions (3)	County allotment, sum of columns (1), (2), and (3) (4)	Allocations from State reserve for— Small farms (5)	Allocations from State reserve for— Inequity and hardship cases (6)
Dona Ana	11,956	0	0	11,956	0	227
Eddy	93	0	0	93	0	0
Luna	27	0	0	27	0	5
Otero	18	0	0	18	0	0
Sierra	134	0	0	134	0	4
a. State total	12,228	0	0	12,228	0	236

b. State reserve available for late and reconstituted farms and correction of errors 14
c. Total allotment available from national allotment for distribution in State (sum of colums (4), (5), and (6), and item b) 12,478

TEXAS

Brewster	46	0	0	46	0	0
Culberson	178	0	0	178	0	0
El Paso	15,028	0	0	15,028	0	0
Hudspeth	1,842	0	0	1,842	0	96
Jeff Davis	0	0	0	0	0	1
Loving	10	0	0	10	0	0
Pecos	317	0	14	331	0	0
Presidio	78	0	0	78	0	0
Reeves	4,122	0	0	4,122	0	0
Ward	441	0	68	509	0	0
a. State total	22,062	0	82	22,144	0	97

b. State reserve available for late and reconstituted farms and correction of errors 2
c. Total allotment available from national allotment for distribution in State (sum of columns (4), (5), and (6), and item b) 22,243

PUERTO RICO

North	1,281	0	0	1,281	71.2	4.0
South	257	0	0	257	0	0.9
a. Total	1,538	0	0	1,538	71.2	4.9

b. State reserve available for late and reconstituted farms and correction of errors 4.9
c. Total allotment available from national allotment for distribution in State (sum of columns (4), (5), and (6), and item b) 1,619.0

(Sec. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375. Interprets or applies secs. 344, 347; 63 Stat. 670, as amended, 675, as amended; sec. 377, 70 Stat. 206, as amended; 7 U.S.C. 1344, 1347, 1377)

Done at Washington, D.C., this 25th day of November 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-10073; Filed, Nov. 25, 1959; 1:44 p.m.]

PART 730—RICE

Subpart—1960-61 Marketing Year

PROCLAMATION AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS FOR 1960 CROP, AND STATE AND COUNTY RESERVE ACREAGES AND COUNTY ACREAGE ALLOTMENTS FOR 1960 CROP

Sec.
730.1102 Marketing quotas on 1960 crop rice.
730.1106 State reserve acreages.
730.1107 County acreage allotments and county reserve acreages.

AUTHORITY: §§ 730.1102 to 730.1107 issued under sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply secs. 301, 353, 354, 52 Stat. 38, 60, 61, as amended; 7 U.S.C. 1301, 1353, 1354.

Basis and purpose. (a) Section 730.1102 is issued under and in accordance with sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1959, and to proclaim that marketing quotas will be applicable to the 1960 crop of rice. Sections 730.1106 and 730.1107 are issued under and in accordance with section 353 of the Agricultural Adjustment Act of 1938, as amended, to announce: (1) State reserve acreages for new farms or new producers in each of the applicable rice-producing States; (2) State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the producer States of Arizona, California, Florida, North Carolina, Tennessee, Texas, and the "producer administrative area" in Louisiana; and (3) county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the farm States of Arkansas, Illinois, Mississippi, Missouri, Oklahoma, South Carolina, and the "farm administrative area" in Louisiana. Since farm acreage allotments for 1960 crop rice in the producer States, including the "producer administrative area" of Louisiana, will be established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1960 State acreage allotments of rice for those States will be apportioned directly to farms, and county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments will not be determined for such States.

(b) The findings and determinations made in §§ 730.1102, 730.1106, and 730.1107 have been made on the basis of the latest available statistics of the Federal Government. The findings in § 730.1102 show that marketing quotas are required for the 1960 crop of rice. The determinations made in §§ 730.1106 and 730.1107 indicate the amount of State reserve acreages for new farms or new producers in each of the applicable rice-producing States, the amount of State reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "producer States"; and the amount of county acreage allotments and county reserve acreages for appeals and corrections, missed farms, and adjustments in factored allotments in the "farm States".

(c) The State and county reserve acreages in §§ 730.1106 and 730.1107 were established on the basis of the needs therefor as recommended by the State and county committees.

(d) The county acreage allotments in § 730.1107 were established by apportioning the State acreage allotment minus the State acreage reserve for new farms, among the counties in the State in the same proportion that they shared in the total acreage allotted in 1956, as provided by section 353(c)(1) and section 353(c)(6) of the Agricultural Adjustment Act of 1938, as amended. No adjustments in county acreage allotments were made under the proviso in section 353(c)(1) of the act.

(e) Prior to taking action herein, public notice (24 F.R. 8186) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003) that the Secretary was preparing to determine whether marketing quotas are required for the 1960 crop of rice, and to announce State and county reserve acreages and county acreage allotment for 1960 crop rice. No data, views, or recommendations pertaining thereto were submitted pursuant to such notice.

(f) The Agricultural Adjustment Act of 1938, as amended, requires that the Secretary's proclamation with respect to marketing quotas for the 1960 crop of rice be issued not later than December 31, 1959; that the referendum to determine whether farmers are in favor of or opposed to such quotas be held within 30 days after the issuance of the proclamation; and that insofar as practicable operators of farms be notified of their farm rice acreage allotments prior to the holding of the referendum. Therefore, it is necessary to waive the 30-day effective date provision of section 4 of the Administrative Procedure Act and such provision is hereby waived. Accordingly, the regulations in §§ 730.1102, 730.1106 and 730.1107, inclusive, shall become effective upon the date of their publication in the FEDERAL REGISTER.

§ 730.1102 Marketing quotas on the 1960 crop of rice.

The total supply of rice in the United States for the marketing year beginning

August 1, 1959, is determined to be 68,969 thousand hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 60,369 thousand hundredweight. Since the total supply of rice for the 1959–60 marketing year exceeds the normal supply for such marketing year by more than 10 per centum, marketing quotas shall be in effect on the 1960 crop of rice.

§ 730.1106 State reserve acreages.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc. in producer States [1]
Arizona	0	0
Arkansas	30	
California	1,000	1,500
Florida	21	0
Illinois	0	
Louisiana:		
Farm administrative area	50	
Producer Administrative area	5	0
Mississippi	200	
Missouri	25	
North Carolina	0	0
Oklahoma	0	
South Carolina	30	
Tennessee	0	0
Texas	850	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "producer administrative area" in Louisiana.

§ 730.1107 County acreage allotments and county reserve acreages.

ARKANSAS

County	County acreage allotment	County reserve acreage [1]
Arkansas	69,483	10.0
Ashley	5,963	3.1
Chicot	8,813	4.0
Clark	507	0
Clay	7,071	16.0
Conway	10	0
Craighead	15,872	11.3
Crittenden	5,864	3.0
Cross	33,059	12.9
Dallas	65	0
Desha	12,808	3.1
Drew	4,377	2.0
Faulkner	420	0
Grant	31	0
Greene	5,102	2.2
Hot Spring	433	0
Independence	790	5.0
Jackson	18,333	2.4
Jefferson	15,812	7.0
Lafayette	802	1.0
Lawrence	7,714	1.2
Lee	7,794	9.0
Lincoln	8,579	2.8
Little River	373	0
Lonoke	35,690	14.6
Miller	686	0
Mississippi	1,402	1.0
Monroe	13,445	4.7
Perry	909	.1
Phillips	4,704	7.4
Polnsett	35,080	12.5
Prairie	36,631	16.0
Pulaski	4,721	1.1
Randolph	2,063	1.0
St. Francis	16,984	7.0
White	1,050	2.0
Woodruff	18,542	5.9
State total	398,982	169.3

ILLINOIS

Adams	20	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

LOUISIANA

FARM ADMINISTRATIVE AREA

County	County acreage allotment	County reserve acreage [1]
Acadia	85,142	50.5
Allen	22,038	15.0
Avoyelles	2,536	126.0
Beauregard	4,561	0
Bossier	00	0
Calcasieu	60,190	60.0
Cameron	12,339	5.0
Evangeline	40,937	15.9
Grant	168	0
Iberia	5,751	15.0
Jefferson Davis	88,222	10.0
Lafayette	8,663	4.0
Rapides	522	0
St. Landry	15,577	9.8
St. Martin	3,766	2.0
St. Mary	2,912	0
Vermilion	104,623	115.0
Farm administrative area total	458,007	428.2

MISSISSIPPI

Bolivar	19,459	0
Coahoma	1,507	0
De Soto	1,347	0
Hancock	166	0
Humphreys	1,934	96
Issaquena	96	0
Leflore	3,509	0
Panola	72	0
Quitman	1,275	0
Sharkey	656	0
Sunflower	3,944	0
Tallahatchie	462	0
Tate	109	0
Tunica	2,907	0
Washington	9,031	0
State total	46,474	96

MISSOURI

Butler	1,429	0
Dunklin	47	0
Holt	2	0
Lewis	8	0
Lincoln	34	0
Marion	306	0
Mississippi	86	0
New Madrid	201	0
Pemiscot	544	0
Ripley	466	0
St. Charles	35	0
Scott	241	1.0
Stoddard	1,343	0
State total	4,742	1.0

OKLAHOMA

McCurtain	149	0

SOUTH CAROLINA

Berkeley	143	0
Charleston	468	0
Colleton	705	0
Georgetown	40	0
Horry	207	0
Jasper	1,253	0
State total	2,816	0

Issued at Washington, D.C., this 30th day of November 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59–10221; Filed, Dec. 3, 1959; 8:47 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813 (Rescission)]

PART 813—ALLOTMENT OF SUGAR QUOTAS

Domestic Beet Sugar Area, 1959

Basis and purpose. This revision is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of rescinding Sugar Regulation 813, as amended (24 F.R. 5113, 5329, 7438), which established allotments of the 1959 Domestic Beet Sugar Area quota.

The Domestic Beet Sugar Area quota was initially allotted to individual processors when that quota was 1,998,717 short tons, raw value. The quota has since been increased by 268,948 tons to 2,267,665 tons. Deficits in offshore domestic areas reallotted to the Beet Sugar Area accounted for 224,185 tons of the increase in the total quota.

Based in part on preliminary reports, marketings by beet sugar processors through November 21, 1959, totaled 1,873,000 short tons, raw value, leaving a quota balance of 395,000 tons available for marketings during the remainder of 1959. This is more than 50,000 tons greater than total marketings in the comparable period of any previous year.

Recently all beet sugar processors were asked to estimate the quantity of sugar which they expected to market during the balance of the year. Although the harvest and processing of this year's crop is still in progress it was sufficiently advanced at the time of the inquiry so that each processor was in position to fairly evaluate his supply situation.

Replies of the processors, together with information on the quota balance, indicate that the quantity of beet sugar to be marketed in 1959 will not exceed the present quota for the Domestic Beet Sugar Area. Thus, it is found to be unnecessary to continue in effect the allotments of such quota and Part 813 of this chapter (Sugar Regulation 813) is hereby rescinded.

In view of the order contained herein rescinding allotments, the issues and procedures presented at the hearing held in Washington, D.C., on November 23, 1959, become moot and are disposed of by virtue of the foregoing rescission.

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

of Part 813 of this chapter (Sugar Regulation 813) made herein shall become effective upon publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 30th day of November 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-10246; Filed, Dec. 3, 1959; 8:48 a.m.]

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

PART 833—MAINLAND CANE SUGAR AREA

1959 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 833.6 Sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" means:

(i) In Florida, 96.0 percent of gross weight, and

(ii) In Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(b) *Recoverable sugar.* For the 1959 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, from an acreage not in excess of the proportionate share for the farm, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane as follows:

(1) *For farms in Louisiana.*

Percentage of sucrose in normal juice: [1]	*Rates of recoverable sugar (cwt.) per ton of sugarcane*
8.0	0.939
9.0	1.108
10.0	1.280
11.0	1.454
12.0	1.625
13.0	1.797
14.0	1.972
15.0	2.147
16.0	2.322
17.0	2.496
18.0	2.672

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

(2) *For farms in Florida.*

Percentage of sucrose in normal juice: [1]	*Rates of recoverable sugar (cwt.) per ton of sugarcane*
8.0	0.935
9.0	1.132
10.0	1.315
11.0	1.492
12.0	1.665
13.0	1.837
14.0	2.010
15.0	2.180
16.0	2.354
17.0	2.528
18.0	2.701

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

STATEMENT OF BASES AND CONSIDERATIONS

Determinations of amounts of sugar commercially recoverable from sugar beets and sugarcane are required under section 302(a) of the act to establish the amounts of sugar upon which payments are to be made pursuant to the act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this determination, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. In instances where the data for Florida were reported in terms of gross weight, adjustments were made to reflect "net weight" of sugarcane as defined in this determination. The calculation made use of data representing averages in each State for the crop years 1954, 1955, 1956, 1957 and 1958 of each of the factors of normal juice extraction (the quantity of normal juice extraction per ton of sugarcane), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or retention factor which correlates purity of normal juice with sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Factor=(1.4−40/P) in which P is purity of normal juice. For the purposes of this determination, the computed purity at each of the various normal juice sucrose levels for the crop years 1954, 1955, 1956, 1957 and 1958 was used.

In calculating sugar, commercially recoverable, the data are used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

$$\text{CRS., RV.} = \frac{\text{N.J.E.} \times \text{B.H.E.} \times 2{,}000 \times \text{N.J.S.} \times \text{P.R.} \times \text{R.V.C.F.}}{(\text{Pol. of sugar}) \times (\text{net sugarcane, \% gross sugarcane})}$$

Except for the use of an additional year in computing the purity factor, and the appropriate changes in the moving five-year averages, the aforestated calculation is the same as that used for the 1958 crop.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 302, 303, 304; 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Issued this 30th day of November 1959.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-10248; Filed, Dec. 3, 1959; 8:49 a.m.]

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 845.2, Amdt. 2]

PART 845—MAINLAND CANE SUGAR AREA

1958 and Subsequent Crops

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, paragraph (c) (4) (i) of § 845.2 (23 F.R. 9255; 24 F.R. 5363), is revised to read as follows:

(4) *Local producing areas*—(i) *Florida.* Beginning with the 1959 crop, all of Florida shall constitute one local producing area.

STATEMENT OF BASES AND CONSIDERATIONS

The original determination, as issued in November of 1958, established two local producing areas in Florida for use in determining eligibility of sugarcane farms with respect to acreage abandonment or crop deficiency payments pursuant to the Sugar Act. At that time, sugarcane was produced for sugar on 15 farms (as defined in accordance with the act) near Lake Okeechobee and on nine farms in Indian River County, a county which is located to the northeast and at some distance from the lake. In view of this situation, the determination provided that Indian River County would constitute one local producing area and the Counties of Glades, Hendry and Palm Beach would constitute another local producing area.

For the 1959 crop season, all of the sugarcane-producing land in Indian River County became part of a relatively large farm having headquarters in Palm Beach County. The production record of the sugarcane land in Indian River County will be combined with the record of the headquarters land in determining a normal yield for the combined

farm for possible use in computing abandonment or deficiency payments. Eligibility for such payments involves consideration of cropping conditions in the local producing area. Since only part of one sugarcane farm presently is located in Indian River County, it is inappropriate to continue the designation of that county as a separate local producing area. Therefore, this amendment provides that beginning with the 1959 crop all of Florida shall constitute one local producing area.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies Secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Issued this 30th day of November 1959.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-10249; Filed, Dec. 3, 1959; 8:49 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.99, Amdt. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1959 Crop

Pursuant to the provision of section 302 of the Sugar Act of 1948, as amended, § 850.99 (23 F.R. 7799; 24 F.R. 84) is hereby amended as follows:

The following sentence is inserted at the end of paragraph (f): "If the total acreage requested in any State by the closing date is less than the State acreage allocation, the shares for both old and new producers in the State may be established by the State Committee so as to coincide with the requested acreages without proceeding as provided under paragraphs (g), (h), (i) and (j) of this section."

Paragraph (j) is revised to read:

(j) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new-producer farms from the State acreage allocation pursuant to paragraph (g) of this section and other unused acreage that the State Committee determines should be used for new producers, proportionate shares shall be established in an equitable manner for farms which are to be operated by new producers during the 1959 crop year. The acreage available for new-producer shares for any allotment area may be prorated to counties within the area by the State Committee. The State Committee shall determine the minimum acreage which is economically feasible to plant as a new-producer farm proportionate share. In determining whether a farm for which a request is filed for a new-producer proportionate share may qualify for such a share, and to assist in establishing new-producer proportionate shares which are fair and equitable as to relative size among qualified farms, the State Committee shall take into consideration availability and suitability of land, availability of irrigation water (where irrigation is used), adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities. In the consideration of the availability of such facilities, the combined costs of the producer and the processor for transporting beets from the farm to the nearest beet sugar factory, within broad rate limits, may be taken into account. In recognition of the production experience of operators, preference may be given in establishing shares, which are not necessarily limited to the minimum acreage, for farms the operators of which have had significant previous sugar beet production experience and which are well-qualified under the other aforestated considerations. If in any allotment area or county there is insufficient acreage to establish minimum new-producer proportionate shares in all cases well-qualified under the aforestated considerations, preference shall be given by establishing shares for farms whose operators have had significant previous sugar beet production experience, and minimum new-producer proportionate shares shall be established to the extent of the acreage available among the balance of the well-qualified applicants, through selection by lot: *Provided, however,* That the selection of farms for new-producer shares may be made in one or more specified allotment areas or counties on the basis of total highest ratings under the aforestated considerations rather than by lot where there is insufficient acreage for such areas or counties to establish minimum new-producer shares in all well-qualified cases: *And provided further,* That the foregoing provisions of this sentence shall not preclude the State Committee from establishing new producer proportionate shares at other than minimum acreages. The entire acreage set aside for new producers shall be allotted to new producers, if requested, unless the State Committee finds that new-producer farms would then be allotted shares out of proportion to the shares established for old-producer farms and such committee obtains the approval of the Director to allot a lesser acreage. Any acreage set aside for new producers and not requested and any acreage allotted to new producers and remaining unused, shall be available for distribution to other farms.

STATEMENT OF BASES AND CONSIDERATIONS

The bases and procedures for establishing 1959-crop farm proportionate shares in several States, as submitted by the respective Agricultural Stabilization and Conservation State Committees for approval and publications in the FEDERAL REGISTER, vary in minor respects from the requirements of the original determination of the Secretary. The variations in procedure were designed to meet special local conditions, and with one exception, they relate to the establishment of new-producer shares. Since such variations represent practicable alternatives to presently prescribed procedures, this amendment to the determination adds such alternative procedures, as indicated below.

A sentence is added to paragraph (f), which provides that if the total acreage requested in any State by the closing date is less than the State acreage allocation, the shares for both old and new producers in the State may be established by the State Committee in one action so as to coincide with the requested acreages without taking several detailed steps, which, under such circumstances, serve no purpose.

Paragraph (j) is rewritten without deletions, but with various additions, which authorize the use of the following procedures by Agricultural Stabilization and Conservation State Committees: The acreage available for new-producer shares for any allotment area may be prorated to counties within the area for the establishment of new producer proportionate shares for farms within such counties; preference may be given generally in establishing new-producer proportionate shares for farms the operators of which have had significant previous sugar beet production experience and which are well-qualified under the other specified considerations; where there is insufficient acreage available in areas or counties to establish minimum new-producer shares in all well-qualified cases, the selection of farms for new-producer shares may be made on the basis of total highest ratings under the specified considerations as an alternative to selection by lot; and new producer proportionate shares may be established at other than minimum acreages.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Issued this 30th day of November 1959.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 59-10247; Filed, Dec. 3, 1959; 8:48 a.m.]

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

PART 909—ALMONDS GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

REDETERMINATION REPORTS

Notice was published in the FEDERAL REGISTER of November 18, 1959 (24 F.R. 9308), that consideration was being given to a proposed amendment of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 24 F.R. 5626) pertaining to operations under Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulat-

ing the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674). The notice afforded interested persons an opportunity to file data, views, and arguments concerning the proposed rules and regulations and none were received.

The amendment is pursuant to § 909.73 of said amended agreement and order and is based on a recommendation of the Almond Control Board and other information. It is for the purpose of clarifying reporting requirements to insure uniformity of reports filed by handlers.

After consideration of all relevant matters presented, including the proposal in said notice, it is hereby found that amendment, as hereinafter set forth, of Subpart—Administrative Rules and Regulations will tend to effectuate the declared policy of the act.

Therefore, the introductory paragraph and paragraph (f) of § 909.473 of Subpart—Administrative Rules and Regulations (§§ 909.450 to 909.481; 24 F.R. 5626) are hereby amended to read as follows:

§ 909.473 Redetermination reports.

Each handler shall furnish for use by the Board in redetermination of the kernel weight of almonds received for his own account and marketing policy considerations the information listed and described in this section. Such information shall be reported within the applicable times specified in § 909.73 on forms provided by the Board.

* * * * *

(f) *Undelivered sales.* A report of all undelivered salable almonds sold in normal domestic trade channels for delivery prior to September 1 of the following crop year, showing the weight of such almonds, the variety, and whether they are shelled or unshelled.

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

Dated: December 1, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–10240; Filed, Dec. 3, 1959; 8:48 a.m.]

[Lemon Reg. 822]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.929 Lemon Regulation 822.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 24, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., December 6, 1959, and ending at 12:01 a.m., P.s.t., October 30, 1960, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

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

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

Dated: December 1, 1959.

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

[F.R. Doc. 59–10242; Filed, Dec. 3, 1959; 8:48 a.m.]

[1015.303, Amdt. 3]

PART 1015—CUCUMBERS GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) regulating the handling of cucumbers grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Cucumber Committee, established pursuant to said Marketing Agreement and Order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) 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, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the shipments of cucumbers in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of cucumbers grown in the production area.

Order, as amended. In § 1015.303 (24 F.R. 7863, 8089, 8542), the introductory paragraph and paragraph (a) are hereby amended to read as follows:

§ 1015.303 Limitation of shipments.

During the period from December 2, 1959, through July 31, 1960, no person shall handle any lot of cucumbers unless such cucumbers meet the requirements

of paragraph (a), (b), (c) and (d) of this section or unless such cucumbers are handled in accordance with paragraphs (e), (f) and (g) of this section.

(a) *Minimum grade requirements.*

(1) U.S. Fancy.
(2) U.S. Extra No. 1.
(3) U.S. No. 1.
(4) U.S. No. 1 Small.
(5) U.S. No. 1 Large.
(6) U.S. No. 2.

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

Dated: December 1, 1959 to become effective December 2, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59–10241; Filed, Dec. 3, 1959; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

PART 364—TRADE FAIRS IN THE UNITED STATES

On September 11, 1959, notice of proposed rule making regarding regulations relating to designation of trade fairs pursuant to the Trade Fair Act of 1959, Public Law 86–14, was published in the FEDERAL REGISTER (24 F.R. 7336). No objections have been received, and comments submitted do not require a revision of the proposal.

The proposed regulations are hereby adopted without change other than the addition of the number of the application form.

Dated: November 27, 1959.

PHILIP A. RAY,
Under Secretary of Commerce.

Designation of Trade Fairs

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rule pertaining to applications by operators of trade fairs in the United States for designation of a fair by the Secretary of Commerce for the purpose of obtaining the privileges provided by the Trade Fair Act of 1959, Public Law 86–14, relating to importation of articles under the customs laws.

Persons interested may submit to the Director of the Bureau of Foreign Commerce, Department of Commerce Building, 14th and E Streets NW., Washington 25, D.C., written data, views, or arguments, in duplicate, relative to the proposed rule. Data, views and arguments may not be presented orally in any manner. All relevant material received within 30 days following the publication of this proposed regulation in the FEDERAL REGISTER will be considered.

Dated: September 3, 1959.

[SEAL] FREDERICK H. MUELLER,
Secretary of Commerce.

Sec.
364.1 Definitions.
364.2 Who may apply for designation of a fair.
364.3 How to apply for designation of a fair.
364.4 Extending closing date of a fair.
364.5 Application for designation of a fair.

AUTHORITY: §§ 364.1 to 364.5 issued under 73 Stat. 18, Public Law 86–14.

§ 364.1 Definitions.

For the purpose of the regulations in this part:

(a) The term "Act" means the Trade Fair Act of 1959.

(b) The term "fair" includes a trade fair, trade show, industrial exhibition, agricultural fair, state or county fair, world's fair or exposition, or exhibition or exposition of a cultural, scientific or educational nature.

(c) The term "operator" means the person, firm or corporation conducting the fair and who will be responsible for entry and disposition of all articles entered under the Act at a designated fair.

§ 364.2 Who may apply for designation of a fair.

Any operator of a fair in the United States may apply to the Secretary of Commerce to have a fair designated as being in the public interest in promoting trade and therefore eligible for the privileges of duty free entry provided by the Act for articles to be exhibited at a fair or for use in constructing, installing or maintaining foreign exhibits at a fair.

§ 364.3 How to apply for designation of a fair.

(a) An operator of a fair to be held in the United States shall make application to the Bureau of Foreign Commerce, Washington 25, D.C. Such application shall be on Form FC–32 in accordance with instructions set forth on the form, and in this part.[1]

(b) Application forms may be obtained from the Bureau of Foreign Commerce or any of the following Department of Commerce Field Offices:

Albuquerque, N. Mex., 321 Post Office Bldg.
Atlanta 3, Ga., 604 Volunteer Bldg., 66 Luckie St., NW.
Boston 9, Mass., U.S. Post Office and Courthouse Bldg.
Buffalo 3, N.Y., 504 Federal Bldg., 117 Ellicott St.
Charleston 4, S.C., Area 2 Sergeant Jasper Bldg., West End Broad St.
Cheyenne, Wyo., 207 Majestic Bldg., 16th St. and Capitol Ave.
Chicago 6, Ill., Room 1302, 226 W. Jackson Blvd.
Cincinnati 2, Ohio, 915 Fifth Third Bank Bldg., 36 E. Fourth St.
Cleveland 1, Ohio, Federal Reserve Bank Bldg., E. Sixth St. and Superior Ave.
Dallas 1, Tex., Room 3–104, Merchandise Mart
Denver 2, Colo., 142 New Customhouse.
Detroit 26, Mich., 438 Federal Bldg.
Greensboro, N.C., 407 U.S. Post Office Bldg.
Houston 2, Tex., 610 Scanlan Bldg., 405 Main Street
Jacksonville 1, Fla., 425 Federal Bldg.
Kansas City 6, Mo., Room 2011, 911 Walnut St.
Los Angeles 15, Calif., Room 450, 1031 S. Broadway
Memphis 3, Tenn., 212 Falls Bldg.
Miami 32, Fla., 316 U.S. Post Office Bldg.
Minneapolis 1, Minn., 319 Metropolitan Bldg.
New Orleans 12, La., 333 St. Charles Ave.
New York 1, N.Y., Empire State Bldg.
Philadelphia 7, Pa., Jefferson Bldg., 1015 Chestnut St.
Phoenix, Ariz., 137 N. Second Ave.
Pittsburgh 22, Pa., 107 Sixth St.
Portland 4, Oreg., 217 Old U.S. Courthouse Bldg.
Reno, Nev., 1479 Wells Ave.
Richmond 19, Va., Room 309, Parcel Post Bldg.
St. Louis 1, Mo., 910 New Federal Bldg.
Salt Lake City 1, Utah, 222 SW. Temple St.
San Francisco 11, Calif., Room 419, Customhouse
Savannah, Ga., 235 U.S. Courthouse and P.O. Bldg.
Seatle 4, Wash., 809 Federal Office Bldg., 909 First Ave.

(c) Applications for designation of a fair may be filed at any time. However, where possible, the application should be filed a minimum of 90 days before the opening date of the fair.

(d) The Bureau of Foreign Commerce may request additional data from any applicant if it is deemed necessary in establishing the fair's eligibility.

(e) The Bureau of Foreign Commerce will notify each applicant in writing of the action taken on his application.

§ 364.4 Extending closing date of a fair.

When it shall become necessary to extend the closing date of a fair the operator shall notify the Bureau of Foreign Commerce as early as possible of the new closing date and of the reasons why the fair is to be extended.

§ 364.5 Application for designation of a fair.

An operator intending to operate a trade fair who desires to obtain the privileges of the Act with respect to articles to be imported for the purpose of exhibition at a fair or for use in constructing, installing, or maintaining foreign exhibits at a fair shall file an application with the Director, Bureau of Foreign Commerce, on Form FC–32, in duplicate, to have such fair designated. The operator shall furnish the name of the fair, the place where the fair will be held, the dates when the fair will open and close, and the name of the operator of the fair. In addition, the operator shall give the names of its officers, partners or owners; state how the fair will be financed and by whom; give the names of all organizations supporting or sponsoring the fair; state the purpose of the fair; list the kinds of products to be exhibited at the fair or the nature of the different exhibits if not of products; give the size of the exhibit space and state whether a particular area has been set aside for exhibitors of foreign products; and furnish data on how much of the exhibit space has been contracted for at the time of application separately for domestic and foreign exhibits. The fair operator shall also furnish copies of literature, brochures, etc., being distributed which explain or advertise the fair.

[1] Copies of Form FC–32 have been filed with the office of the Federal Register.

[F.R. Doc. 59–10200; Filed, Dec. [illegible] 59; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATION

[Amdt. 48]

Miscellaneous Amendments

The following miscellaneous amendments have been made to this subchapter:

PART 1—GENERAL PROVISIONS

Subpart A—Introduction

Section 1.112 has been revised to clarify the relationship of the recently issued Federal Procurement Regulations, published under Chapter I of Title 41, and the General Services Administration Regulations, to the regulations published under this subchapter. Section 1.112, as revised, now reads as follows:

§1.112 Federal procurement regulations and General Services Administration regulations relating to procurement of supplies and services.

All policy and procedural matter of Federal Procurement Regulations (See Chapter I of Title 41) and General Services Administration regulations which are to be made applicable to the Department of Defense and are within the scope of this subchapter will be codified herein prior to compliance therewith by the Military Departments. The applicable Department of Defense Directives covering the assignments of responsibility for the purchasing of specific supplies under Interagency Purchase Assignment will be incorporated by reference in this subchapter. For Department of Defense implementation of Federal Supply Schedules, see § 5.103.

Subpart C—General Provisions

1. Section 1.302–3(e) has been revised to read as follows:

§ 1.302–3 Production and research and development pools.

* * * * *

(e) *Responsibility of pool member.* Where a member of a production pool has submitted a bid or proposal in its own name and not on behalf of a pool, the pool agreement shall be a factor to be considered in determining its responsibility, pursuant to Subpart I of this part.

2. Section 1.305–6 (b) and (c), relating to purchase descriptions, has been revised to set forth a clause for situations where a "brand name or equal" purchase description is to be used.

§ 1.305–6 Purchase descriptions.

* * * * *

(b) Generally, the minimum acceptable purchase description is the identification of a requirement by use of brand name followed by the words "or equal." This technique should be used only as a last resort when an adequate specification or more detailed description cannot feasibly be made available in time for the procurement under consideration. Where feasible, more than one brand name should be indicated. However, the words "or equal" should not be added when it has been determined in accordance with paragraph (a) of this section that only a particular product meets the essential requirements of the Government, as, for example, (1) where the required supplies can be obtained only from one source; (2) procurements negotiated under § 3.207 of this subchapter for specified medicines or medical supplies where it has been determined that only a particular brand name will meet the essential requirements of the Government; or (3) procurements negotiated under § 3.208 of this subchapter for supplies for resale where it has been determined by a selling activity that only a particular brand name will meet the desires or preferences of its patrons.

(c)(1) Where a "brand name or equal" purchase description is used, prospective contractors must be given the opportunity to offer supplies other than those specifically named by brand if such other supplies will meet the needs of the Government in essentially the same manner as those specified by brand. The "brand name or equal" description should specifically set forth those salient characteristics of the named supplies which are essential to the needs of the Government. For example, where interchangeability of parts is required, such requirement should be specified. Where a "brand name or equal" description refers to items, names, and numbers published in manufacturers' catalogs, the invitation for bids or requests for proposals shall clearly identify the supplies called for. Such identification should include, for example, complete item names, identification of catalogs, and applicable catalog numbers with the corresponding catalog descriptions. The contracting officer will insure that a copy of any catalogs referenced (except parts catalogs) is available on request for review by bidders at the purchasing office.

(2) Invitations which solicit bids on a "brand name or equal" basis shall include the following provision:

BRAND NAME OR EQUAL

As used in this clause, the term "brand name" includes identification of supplies by make and model.

Certain supplies called for by this Invitation for Bids are identified in the schedule by a brand name "or equal" description. This identification is descriptive rather than restrictive. Bids offering "or equal" supplies will be considered for award if such supplies are clearly identified in the bids and are determined by the Government to be equal to the brand named supplies in all material respects.

Bidders must clearly indicate whether their bids are based on a brand name item or on an "equal" item by furnishing the information required below. If the bidder does not identify the brand name or describe in full the "or equal" item which is offered, as provided in (1) and (2) below, the bid will be rejected.

(1) If the bidder proposes to furnish a brand name item specified in this Invitation for Bids, the item should be identified by brand name in the following space. Brand Name: _____.

(2) If the bidder proposes to furnish an "or equal" item, the following descriptive data must be furnished:

Brand name of the item proposed to be furnished, if any, and full description thereof, including pertinent physical, mechanical, electrical, and chemical details and a statement explaining the differences between the item being offered and any one of the corresponding brand name items called for by this Invitation for Bids. (This information may be supplied by separate attachments to the bid.) _____.

In negotiated procurements the foregoing provision may be suitably modified for use in requests for proposals. If such a provision is not used, prospective contractors shall be informed that proposals offering supplies differing from those identified by brand name will be considered if the contracting officer determines that such offered supplies are equal in all material respects to the supplies identified by brand name. But the requirements of this paragraph are not mandatory for small purchases made pursuant to Subpart F, Part 3 of this subchapter.

(3) Bids or proposals offering supplies which differ from the brand name supplies shall be considered for award where the contracting officer determines that the offered supplies conform to all characteristics specified in the invitation for bids or request for proposals and otherwise meet the needs of the Government in essentially the same manner as the brand name supplies. Bids or proposals shall not be rejected because of minor differences in design, construction, or features which do not affect the suitability of the supplies.

(4) Award documents shall identify, or incorporate by reference an identification of, the specific supplies (including any brand name and descriptive data specified in the bid) which the contractor is to furnish.

Subpart G—Small Business Concerns

Section 1.707–5(a) has been deleted, eliminating the requirement that the Departments submit summary compilations based on DD Form 1140 to the Assistant Secretary of Defense (Supply and Logistics). Section 1.707–5(b), pertaining to class set-asides, has been relocated and renumbered § 1.706–9. Section 1.706–9 now reads as follows:

§ 1.706–9 Maintenance of records.

Records pertaining to the initiation of individual procurements under each class set-aside shall be maintained by individual purchasing activities. Such records shall include: IFB or RFP Number and Date; Item or Service; Unilateral or Joint Class Set-Aside and Number; Estimated Amount of Procurement; and Estimated Amount of Set-Aside. A copy of each such record shall be made available by each purchasing activity to SBA, upon request.

A new Subpart K has been added to this part to provide for greatly expanded coverage on qualified products. Included therein are more detailed procedures to insure adequate publicity sufficiently in advance of the issuance of an invitation for bids or request for proposals to permit interested manufacturers to arrange for qualification testing. An appropriate change has also been made in § 14.101(b), and, pending a revision to Part 2, the

cross reference to § 2.505–2 in § 2.201 (c)(6) should be corrected to read § 1.1105–1. These changes are responsive to the recommendations contained in Comptroller General Decision No. B–136488, dated November 17, 1958. New Subpart K reads as follows:

Subpart K—Qualified Products

§ 1.1101 General.

(a) Where it is necessary to test products in advance of their procurement in order to obtain products of requisite quality, each Department may subject such products to qualification tests to determine if they are qualified for use. The results of such testing and approval may be set forth in a qualified products list. To establish a qualified products list, a specification must exist which requires qualification and specifies qualification testing. (Each Department publishes a "Military Index of Specifications and Standards," indicating those military specifications which require qualification. These indexes may be obtained by the public from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.) Once established, a qualified products list shall be used for the purpose and in the manner set forth in this subpart.

(b) The entire process by which products are solicited from manufacturers, examined and tested, and then identified on a qualified products list is known as qualification. Qualification testing is performed independently of any specific procurement action. Qualification of specific products is required prior to opening bids or award of negotiated contracts. Further information regarding qualified products lists may be found in the "Military Manual for Qualified Products Lists" (Standardization Manual M204) copies of which may be obtained from the Superintendent of Documents, Washington 25, D. C.

§ 1.1102 Justification for establishment of a qualified products list.

A qualified products list may be established for a product only when one or more of the following conditions exists:

(a) The time required for testing after award would unduly delay delivery of the supplies being purchased;

(b) The cost of repetitive testing would be excessive;

(c) The tests would require expensive or complicated testing apparatus not commonly available;

(d) The interest of the Government requires assurance, prior to award, that the product is satisfactory for its intended use; or

(e) The determination of acceptability would require performance data to supplement technical requirements contained in the specifications.

§ 1.1103 Qualification of products.

§ 1.1103–1 Opportunity to qualify.

(a) Upon determination that a product is to be covered by a qualified products list, manufacturers shall be urged to submit their products for qualification and generally shall be given sufficient time to arrange for qualification testing prior to issuance of the initial invitation for bids or request for proposals for the product as a qualified product. Appropriate notice of such determination shall be furnished to the U.S. Department of Commerce, 433 West Van Buren Street, Chicago 7, Illinois, for publication in the daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards." The publicity given to the requirement for qualification testing shall include the following:

(1) An intention to establish a qualified products list for a product;

(2) The specification number and nomenclature of the product, and the name and address of the office to which the request for qualification should be submitted; and

(3) Notice that in making future awards consideration shall be given only to such products as have been accepted for inclusion in a qualified products list.

(b) Contact shall be made with companies known to be interested in submitting products for qualification testing under the applicable specifications. Where appropriate, trade associations in a particular industry shall be notified.

(c) Where practicable, notices in the following form should be sent to commercial journals and trade magazines of the industry concerned through established channels for news releases:

> The (bureau, service or command), Department of the (Army, Navy or Air Force), has announced the intention to establish a Qualified Products List for (item) under specification (symbol). Companies which have a product meeting the requirements of this specification are urged to contact (name and address of activity) for an opportunity to have their products tested, since in making future awards, consideration may be given only to such products as have been tested and accepted for inclusion in the Qualified Products List.

The above notice may also be sent to all firms or individuals on the appropriate bidders' mailing list.

§ 1.1103–2 Testing of product.

The manner and extent of testing shall be in accordance with the applicable specification. Whether a product should be placed on a qualified products list will be determined by the results of the tests made to determine conformance to the specification requirements.

§ 1.1103–3 Notification to manufacturer.

The Department responsible for qualification shall notify the manufacturer of the results of the testing and whether the product has met the qualification requirements of the applicable specification. When the product qualifies for inclusion on the qualified products list, notification thereof shall be given to the manufacturer together with the following statements in regard thereto: (a) That such listing does not guarantee acceptance of the product in any purchase; (b) that such listing does not constitute a waiver of the requirements of the specification as to acceptance, inspection, testing, or other provisions of any contract involving such product; (c) that such listing, the letter Notification of Qualification, the results of tests or other information relating to qualification shall not be circulated, referred to, or otherwise used for publicity or advertising purposes, or for sales other than those leading to ultimate use of the product by an agency of the Federal Government, and that if so used, such qualification is subject to cancellation by the Department concerned. If the product does not qualify for inclusion on the qualified products list, notice thereof shall be given to the manufacturer with a report covering the results obtained by the test. Whether or not a product qualifies, it will be returned after testing to the manufacturer "as is," unless destroyed or consumed in testing, or disposed of as authorized by the manufacturer.

§ 1.1104 Qualified products lists.

§ 1.1104–1 General.

Products qualified by qualification tests, as described by § 1.1103, shall be listed for reference by the Departments. Lists of qualified products are for the convenience of the Departments, their contractors, and subcontractors in the performance of procurement functions. The reproduction of lists or any reference to lists, in whole or in part, for advertising or publicity purposes is prohibited. A list may be made available to prospective bidders or suppliers who require the list in furnishing supplies or services to the Government or its contractors.

§ 1.1104–2 Military lists.

Where qualification is in accordance with tests prescribed by specifications, the compilation, preparation, form, maintenance, and administration of qualified products lists shall be in accordance with the procedures prescribed by the Assistant Secretary of Defense (Supply & Logistics). See "Military Manual for Qualified Products Lists" (Standardization Manual M204).

§ 1.1104–3 Department lists.

Where qualification is in accordance with tests prescribed by a Department, qualified products lists shall be compiled, prepared, maintained, and administered in accordance with procedures prescribed by that Department.

§ 1.1104–4 Distribution of list, notice of qualification, and other information.

(a) Each Department shall furnish copies of its list (including changes thereto) to each of the other Departments. Except as provided in § 1.1104–1 and paragraph (b) of this section, qualified products lists, letter notices of qualification, or other qualification information shall not be distributed outside the Departments.

(b) The Department responsible for qualification after appropriate determination that such action is in the best interest of the Government and in accordance with current security policy may:

(1) Release qualified products lists and other qualification information to other activities of the Federal Government;

(2) Release such lists and information to friendly foreign governments purchasing, operating or maintaining sup-

plies, which involve products covered by specifications requiring qualification, on the condition that the information shall be used only in connection with furnishing supplies or services to that government; and

(3) Authorize the supplier or prospective supplier to furnish qualification information applicable to military specifications in the case of sales to friendly foreign governments which are purchasing, operating or maintaining supplies that involve products covered by specifications requiring qualification, after clearance with appropriate intelligence authority in each instance of procurement.

§ 1.1104–5 Publicity purposes.

No Department shall authorize the reproduction of lists or any reference to lists, in whole or in part, for advertising or publicity purposes.

§ 1.1104–6 Requirement that lists be kept open.

The lists shall always be open for inclusion of products from additional manufacturers as their products are submitted for qualification and become qualified.

§ 1.1104–7 Withdrawal of qualification and removal from list.

The qualification of a product may be withdrawn by the Department concerned if it is determined that the product does not meet requirements. Before such withdrawal the manufacturer shall be notified that its product is being considered for withdrawal from the qualified products list, and the reasons therefor, and shall be given an opportunity to comment. If it is determined that the product no longer qualifies, the product shall be withdrawn from the qualified products list and the Department concerned shall notify the manufacturer of the withdrawal. A product may be removed from a list at the request of its manufacturer.

§ 1.1104–8 Effect of debarment or suspension.

Notwithstanding any other provision of this subpart, the inclusion of a product on the qualified products lists may be denied, and the qualification of a listed product may be withdrawn, by the Department concerned, without notification to the manufacturer, if the name of the manufacturer appears on the lists of debarred or ineligible bidders which are maintained pursuant to Subpart F of this part. With reference to Type B listings (see § 1.608), the provisions of this section shall be applicable only if the qualified product is in the category prescribed by the Secretary of Labor (see § 1.603–3).

§ 1.1105 Procurement of qualified products.

§ 1.1105–1 General.

(a) Whenever procurement of qualified products is made, only bids or proposals offering products which have been qualified prior to the opening of bids or the award of negotiated contracts shall be considered in making an award. Manufacturers having products not listed but which have been qualified should be given consideration and an opportunity to offer evidence of such qualifications in the time interval before final award must be made.

(b) To encourage manufacturers to make timely arrangements for qualification tests of their products, contracting officers shall be governed by subparagraphs (1), (2), and (3) of this paragraph.

(1) *Synopsis of proposed procurement.* The purchasing activity shall publicize the proposed procurement in the Synopsis, in accordance with § 2.206, promptly upon receipt of the purchase requisition.

(2) *Solicitation period.* To the extent consistent with timely accomplishment of the procurement the period between issuance of the invitation for bids, or the request for proposals, and the opening of bids or the award of negotiated contracts should be the maximum time feasible. However, contracting officers shall insure that the solicitation period allows at least a minimum of 30 calendar days between the issuance and opening dates. Openings of less than 30 days may be set in cases of urgency: *Provided,* The justification for a shorter opening be in writing and made part of the procurement file. In appropriate cases, advance notice of procurements of qualified products may be given suppliers through the use of pre-invitation notices. Such notices shall identify specification requiring qualification and shall specify the time within which such qualification must be accomplished.

(3) *Distribution.* In procuring qualified products through formal advertisement, invitations for bid will not be restricted to manufacturers whose product has been qualified but will be invited from bidders in the same manner as if a qualified product were not involved.

§ 1.1105–2 Notice.

In procurements involving qualified products, the following provision shall be inserted in invitation for bids:

With respect to products requiring qualification, awards will be made only for such products that have, prior to time set for opening of bids, been tested and qualify for inclusion in the qualified products list identified below, whether or not such products have actually been included in the list by that date. Manufacturers are urged to communicate with the office designated below and arrange to have the products that they propose to offer tested for qualification. Manufacturers having products not yet listed, but which have been qualified, are requested to submit evidence of such qualification with their bids or offers, so that they may be given consideration.

(Identify the Qualified Products List involved and give the name and address of the office with which manufacturers should communicate.)

The above provision shall be appropriately modified and used in negotiated procurements. Contracting officers shall forward requests for qualification tests received from prospective contractors to the appropriate testing laboratory listed in the specification concerned. An interim reply shall be made to such prospective contractors advising them of the disposition of their request.

PART 3—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

Section 3.106–4 has been revised as follows, and §§ 3.107 to 3.107–2 have been deleted:

§ 3.106–4 Publicizing award information.

Except with respect to procurements not in excess of $10,000 and procurements negotiated with a foreign supplier where only foreign sources of supplies or services have been solicited, the information contained in the notice to unsuccessful offerors prescribed by § 3.106–3 (a) (1) shall:

(a) Be posted in a public place at the purchasing activity for at least seven days; and

(b) Be included in all press releases or public announcements of negotiated awards.

§ 3.107 [Reserved]

Subpart H—Price Negotiation Policies and Techniques

1. Paragraphs (b) and (c) have been deleted from § 3.802–3. Section 3.802–3, as revised, now reads as follows:

§ 3.802–3 Requests for proposals.

Requests for proposals shall contain the information necessary to enable a prospective offeror to prepare a proposal properly. The request for proposals shall be as complete as possible with respect to (a) item description or statement of work; (b) specifications; (c) Government-furnished property, if any; (d) required delivery schedule; and (e) contract clauses. If a price breakdown is required, the request for proposals shall so state. Requests for proposals, including requests for revised proposals, shall specify a date for their submission. Any extension of time granted to one prospective offeror shall be granted uniformly to all. Each request for proposals shall be issued to prospective offerors at the same time and no prospective offeror shall be given the advantage of advance knowledge that proposals are to be requested. Generally, requests for proposals shall be in writing. However, in appropriate cases, such as the procurement of perishable subsistence, proposals may be solicited orally.

2. Section 3.804 has been revised as follows:

§ 3.804 Conduct of negotiations.

§ 3.804–1 General.

Evaluation of offerors' or contractors' proposals, including price revision proposals, by all personnel concerned with the procurement, as well as subsequent negotiations with the offeror or contractor, shall be completed expeditiously. Complete agreement of the parties on all basic issues shall be the objective of the contract negotiations. Oral discussions or written communications shall be conducted with offerors to the extent necessary to resolve uncertainties relating to the purchase or the price to be paid. Basic questions should not be left for later agreement during price revi-

sions or other supplemental proceedings. Cost and profit figures of one offeror or contractor shall not be revealed to other offerors or contractors.

§ 3.804–2 Late proposals.

(a) Written requests for proposals shall contain a provision substantially as follows:

Late proposals. The Government reserves the right to consider proposals or modifications thereof received after the date indicated for such purpose, but before award is made, should such action be in the interest of the Government.

(b) While it is important and desirable that the Government should not be precluded from gaining the benefit of late proposals, careful consideration of such situations is required to prevent excessive resolicitations and other abuses. Where failure of any proposal to arrive on time is due solely to a delay for which the offeror was not responsible, or where only one proposal is received, the contracting officer may consider the proposal without utilizing the resolicitation procedure prescribed below. Proposals, or modifications thereof, received after the latest date specified for receipt by the contracting officer should be considered if there is a probability of a significant reduction in price or cost to the Government, or technical improvement, as compared with proposals previously received. The following procedure shall apply, except that it need not be followed for small purchases:

(1) Where a late low proposal, or a late proposal otherwise worthy of consideration, is received from a qualified firm, the contracting officer shall document a recommendation that the proposal, either should or should not be considered, and send it for decision to such other authority as may be prescribed by the Department concerned.

(2) When it is determined by such other authority that it is in the best interest of the Government to consider the late proposal, the contracting officer shall, consistent with § 3.805(a)(2), resolicit all firms (including the late offeror) which have submitted proposals and have been determined to be capable of meeting requirements. Such resolicitation shall specify a date for submission of new or revised proposals. In appropriate cases, such as where further delay in making award will jeopardize meeting the Government's requirement, a resolicitation may provide that late proposals shall not be considered, notwithstanding the Government's reservation of a right to consider such proposals (as stated in the Late Proposals provision required by § 3.802–3(b)).

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

PART 6—FOREIGN PURCHASES

A new subpart G has been added to this Part 6 exempting offshore procurement contracts financed with Mutual Defense Assistance funds from the examination of records requirement of 10 U.S.C. 2313(b). Appropriate cross references have been made in §§ 6.000, 7.104–15 and 7.203–7.

Section 6.000, as revised, reads as follows:

§ 6.000 Scope of Part.

This part deals with (a) restrictions upon the procurement, or the use in construction, of supplies originating in foreign countries, (b) purchases from Soviet-controlled countries or areas, (c) purchases from Canadian sources, (d) duty and customs, and (e) certain Mutual Security Act procurements.

Subpart G—Mutual Security Act Procurements

§ 6.701 Exemption from examination of records requirement.

§ 6.701–1 General.

Executive Order 10784, dated 1 October 1958, issued pursuant to the Mutual Security Act of 1954, exempts contracts made under that Act with foreign contractors which are to be performed outside the United States from the Examination of Records requirement of 10 U.S.C. 2313(b).

§ 6.701–2 Contracts with foreign governments.

(a) *Fixed-price contracts.* The Examination of Records clause set forth in § 7.104–15 shall be omitted from government-to-government contracts within the scope of § 6.701–1.

(b) *Cost-reimbursement type contracts.* In government-to-government contracts within the scope of § 6.701–1, the Records clause set forth in § 7.203–7(a) shall be modified as follows. Subparagraph (3) of the clause shall be deleted; the references in subparagraphs (4) and (5) to "documentary evidence delivered pursuant to subparagraph (3) above" shall be deleted; the references to "the Comptroller General" and "his authorized representatives" shall be deleted from subparagraphs (2), (4), (5), and paragraph (b), and the word "Department" shall be inserted in lieu of the reference to Comptroller General in the proviso in subparagraph (4). In such cases, where the Records clause required by § 7.203–7 is to be modified as provided in § 7.203–7(b), subparagraphs (4) and (5) as set forth therein shall be modified to correspond with the modifications prescribed above.

§ 6.701–3 Contracts with other foreign contractors.

In any particular contract within the scope of § 6.701–1 which is made with a foreign contractor other than a foreign government, the Examination of Records clause set forth in § 7.104–15 may be omitted (in the case of a fixed-price contract) and the Records clause set forth in § 7.203–7 may be modified as indicated in § 6.701–2(b) (in the case of a cost-reimbursement type contract) if such omission or modification is approved by the contracting activity concerned in accordance with Departmental procedures, following a determination that such omission or modification will further the purposes of the Mutual Security Act of 1954.

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

PART 7—CONTRACT CLAUSES

Subpart A—Clauses for Fixed-Price Supply Contracts

1. In § 7.104–10, the caption heading has been changed from *Aircraft in the open* to *Ground and flight risk*. Section 7.104–10 now reads as follows:

§ 7.104–10 Ground and flight risk.

In all negotiated fixed-price typed contracts for production or modification of aircraft (or missiles having the general characteristics of aircraft), insert the clause set forth in § 10.404 of this subchapter.

2. Section 7.104–12, concerning the distribution of the Security Requirements Check List (DD Form 254) has been revised to achieve consistency with the requirements of the Armed Forces Industrial Security Regulation, Paragraph 2–109e. The revised portion of § 7.104–12 reads as follows:

§ 7.104–12 Military security requirements.

Insert the following clause in all contracts which are classified by a Department as "Confidential," including "Confidential—Modified Handling Authorized," or higher and in any other contracts the performance of which will require access to such classified information or material, except that this clause shall not be used in contracts performed outside the United States, its Territories, its possessions, and Puerto Rico. In those cases where the situation so warrants because of the nature of the item, or conditions under which it is to be produced, the contract shall provide and establish by a separate contract provision such additional security safeguards as may be required for the protection of that item. When the "Military Security Requirements" clause is inserted in any contract, the contracting officer or his authorized representative shall prepare and transmit to the contractor, material inspector, security office of the cognizant Military Department of the facility receiving the prime contract, and such other agencies as may be determined by the Departments, a Security Requirements Check List (DD Form 254) in accordance with § 16.811 of this subchapter. The Security Requirements Check List will also be furnished by the contracting Military Department to the cognizant security office when a classified subcontract is placed under a prime contract which contains the "Military Security Requirements" clause. However, if the procurement is for a research contract, consultant service, or graphic arts service, in which there is no requirement for a breakdown by classification of the various elements of the contract, or subcontract, a letter or other written notice of classification for the entire contract may be used in lieu of the Security Requirements Check List.

* * * * *

3. The first sentence of § 7.104–15 is amended as follows:

§ 7.104–15 Examination of records.

Pursuant to 10 U.S.C. 2313(b), the following clause will be inserted in all

negotiated fixed-price supply contracts in excess of $2,500, except as provided in § 6.701 of this subchapter.

* * * * *

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

The first sentence of § 7.203–7(a) is amended as follows:

§ 7.203–7 Records.

(a) Except as provided in (b) of this section, and in § 6.701, insert the following clause.

* * * * *

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

PART 8—TERMINATION OF CONTRACTS

Subpart E—Disposition of Termination Inventory

Section 8.507–6 has been added to paragraph on sale or other disposition of termination inventory to prevent diversion, transshipment or reexport of contractor inventory located in foreign countries to Sino-Soviet bloc countries. The new § 8.507–6 reads as follows:

§ 8.507–6 Foreign contractor inventory.

(a) To prevent diversion, transshipment or reexport of contractor inventory located in foreign countries to Sino-Soviet bloc countries and the use of such inventory adversely to the interests of the United States, the sale or other disposition of such inventory shall be made in accordance with property disposal regulations in oversea commands including security trade control regulations over foreign excess sales and regulations dealing with integrity and reliability checks. Such regulations apply to the sale of contractor inventory located in foreign countries except (1) sales to friendly foreign governments and (2) inventory located in Canada.

(b) Sales contracts or other documents for passing title to foreign contractor inventory shall include a special warranty appropriately providing that (1) the property will be used in the country in which sold or will be exported only for use and to a destination acceptable to the United States, and (2) the buyer will notify in writing subsequent purchasers or receivers of the property of export destination restrictions.

(c) Before authorizing or approving sales or other disposition of foreign contractor inventory, contracting officers shall communicate with the United States diplomatic mission in the country concerned to initiate integrity and reliability checks and to obtain the necessary suggestions, recommendations, and approvals relative to the disposition and use of foreign contractor inventory.

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

PART 11—FEDERAL, STATE AND LOCAL TAXES

Subparts A and B of Part 11 have been revised to achieve conformity with the Excise Tax Technical Changes Act of 1958 (P.L. 85–859) and the Tax Rate Extension Act of 1959 (P.L. 86–75) which make various technical changes to the Federal excise tax provisions. An appropriate change has also been made in § 16.804. Section 11.000 and Subparts A and B, as revised, read as follows:

§ 11.000 Scope of part.

This part deals with Federal taxes imposed by the Internal Revenue Code upon certain supplies and services procured by any Department; exemptions from such Federal taxes; policy for obtaining exemption from State and local taxes; and contract clauses required or authorized for insertion in contracts. Except as otherwise indicated references are to the Internal Revenue Code of 1954 (26 U.S.C.). Subparts A and B of this part are only for general information of Government personnel. Reference should be made to the Internal Revenue Code and the applicable tax regulations, which may be amended from time to time, for guidance before taking action on any question involving taxes.

Subpart A—Federal Excise Taxes

11.101	Retailers excise taxes.
11.101–1	General.
11.101–2	Jewelry and related items.
11.101–3	Furs.
11.101–4	Toilet preparations.
11.101–5	Luggage and handbags.
11.101–6	Special fuels.
11.102	Manufacturers excise taxes.
11.102–1	General.
11.102–2	Motor vehicles.
11.102–3	Tires and tubes.
11.102–4	Gasoline.
11.102–5	Lubricating oils.
11.102–6	Household type equipment.
11.102–7	Radio and television receiving sets, phonographs and records.
11.102–8	Musical instruments.
11.102–9	Sporting goods.
11.102–10	Photographic equipment.
11.102–11	Firearms, shells, and cartridges.
11.102–12	Business machines.
11.102–13	Pens, mechanical pencils, and lighters.
11.102–14	Matches.
11.103	Excise taxes on facilities and services.
11.104	Use tax on highway motor vehicles.

AUTHORITY: §§ 11.101 to 11.104 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202.

§ 11.101 Retailers excise taxes.

§ 11.101–1 General.

Chapter 31 of the Internal Revenue Code imposes retailers excise taxes upon various types of articles, sold at retail. The tax is not imposed on sales for resale. The sale of taxable articles to the Government for use or consumption is a taxable retail sale. A lease of supplies is treated as a sale for the purpose of these taxes. In general, the tax attaches when title passes from the seller. The amount of tax is based on the sale price or the amount of rental payment. The sale price or rental payment for the purpose of computing the tax excludes:

(a) Whether or not separately stated, the retailers excise tax;

(b) If separately stated, any retail sales tax imposed by any State, Territory, or political subdivision thereof, or the District of Columbia, whether liability for such tax is imposed on the vendor or vendee; and

(c) All other service charges such as for transportation, delivery, insurance, and installation;

But includes any charges for packaging or packaging materials. If, after the tax has been paid, the sale price is adjusted for any reason, such as by discount, rebate, allowance, or return of containers, the amount of the tax applicable to such sale price also shall be adjusted by credit or refund. The retailer, in turn, is entitled to a refund or credit from the Internal Revenue Service for such tax adjustment.

§ 11.101–2 Jewelry and related items.

A tax of 10 percent of the sales price is imposed upon the following articles sold at retail: all articles commonly or commercially known as jewelry, whether real or imitation; certain specifically listed stones, whether real or synthetic; articles made of, ornamented, mounted, or fitted with precious metals or imitations thereof; watches, clocks, cases and movements therefor; gold, goldplated, silver, or sterling flatware or hollowware and silver-plate hollowware (which excludes silver-plated flatware); opera glasses, lorgnettes; and marine glasses, field glasses, and binoculars except those which, because of their size or weight, are ordinarily mounted on tripods or other bases. This tax does not apply to (a) articles used for religious purposes; (b) surgical and dental instruments; (c) frames or mountings for eyeglasses; (d) fountain pens, mechanical pencils, or smokers' pipes if the only parts of such articles which consist of precious metals are essential parts not used for ornamentation; (e) watches designed especially for the blind; (f) watches, clocks, cases and movements previously subjected to manufacturers tax or constituting a part of a nontaxable control or regulatory device; (g) or to buttons, insignia, and any other devices prescribed for use with the uniforms of the Armed Forces. Where the manufacturers excise tax has been imposed on a pen, mechanical pencil, or cigarette lighter, which is further processed so as to make it subject to the retailers excise tax on jewelry, the retailer, in computing the retailers excise tax due on the sale, is entitled to a credit or refund in the amount of the manufacturers excise tax paid on the article.

§ 11.101–3 Furs.

A tax of 10 percent of the sales price is imposed upon the following articles sold at retail: articles made of fur on the hide or pelt, and articles of which such fur is the component of chief value, i.e., its value is more than three times that of the next most valuable component material. The tax is not imposed upon the sale of raw fur. If the fur on the hide or pelt is supplied to a dresser or dyer of fur skins or a manufacturer or repairer of fur articles, who produces a taxable article for the use of the supplier of the fur, the transaction is deemed to be a sale at retail and is subject to the tax.

§ 11.101–4 Toilet preparations.

A tax of 10 percent of the sales price is imposed upon toilet preparations sold at retail and any other similar substance, article, or preparation by whatsoever name known which is used or applied, or intended to be used or applied for toilet purposes, but not including any article intended to be used or applied only in the care of babies, or to sales for use in barber shops and beauty parlors.

§ 11.101–5 Luggage and handbags.

A tax of 10 percent of the sales price is imposed upon certain specifically listed articles (including fittings or accessories sold therewith) sold at retail such as: luggage, handbags, cases, kits and similar items for use in carrying toilet articles or wearing apparel.

§ 11.101–6 Special fuels.

(a) *Diesel fuel.* A tax at the indicated rates is imposed upon diesel fuel, other than that taxable as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–4), which is (*a*) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or (*b*) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid pursuant to (*a*) above, as follows:

(1) At 3 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle:

(i) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway; or

(2) At 2 cents per gallon, if sold for use or if used as fuel in a diesel-powered highway vehicle:

(i) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(3) At an additional 1 cent per gallon, if fuel on which a tax of 2 cents was paid pursuant to (2) above, is used as fuel in a diesel-powered highway vehicle:

(i) Which, at the time of such use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway.

No tax is imposed on diesel fuel sold for use or used as fuel in a nonhighway vehicle, such as certain military vehicles, construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms.

(b) *Special motor fuels.* A tax at the rates indicated below is imposed upon benzol, benzene, naphtha, liquefied petroleum gas, or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable as diesel fuel under paragraph (a) of this section, or as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–4)), which is (*a*) sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion thereof, or (*b*) used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane, unless there was a taxable sale of such liquid pursuant to (*a*) above, as follows:

(1) At 3 cents per gallon, if such liquid is sold for use or is used as a fuel for a highway vehicle:

(i) Which, at the time of such sale or use, is registered, or is required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is used on the highway, or

(2) At 2 cents per gallon, if such liquid is sold for use or is used as a fuel for the propulsion of a motorboat or airplane, or a motor vehicle:

(i) Which, at the time of such sale or use, is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States, is not used on the highway; and

(3) At an additional 1 cent per gallon, if such liquid on which a tax of 2 cents was paid pursuant to (2) above, is used as fuel in a highway vehicle:

(i) Which, at the time of such use, is registered, or required to be registered, for highway use under the laws of any State or foreign country; or

(ii) Which, if owned by the United States is used on the highway.

(c) *Refunds and credits.* (1) A retailer, who has paid a tax on diesel fuel or special motor fuel, is entitled to a refund or credit of the tax paid, if such retailer has not included the tax in the sales price or otherwise collected the tax from the purchaser, has repaid the tax to the purchaser, or has the purchaser's written consent to take the refund or credit, as follows:

(i) A refund or credit of 3 cents or 2 cents per gallon, as appropriate, if a liquid upon which a tax of either 3 cents or 2 cents per gallon has been paid, is not used as fuel in a diesel-powered highway vehicle or to propel a motor vehicle, motorboat, or airplane;

(ii) A refund or credit of 1 cent per gallon, if diesel fuel, upon which a tax of 3 cents per gallon has been paid pursuant to paragraph (a) (1) of this section, is used as a fuel for a diesel-powered highway vehicle:

(*a*) Which, at the time of such use is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is not used on the highway; or

(iii) A refund of 1 cent per gallon, if special motor fuel, upon which a tax of 3 cents per gallon has been paid pursuant to paragraph (b) (1) of this section, is used to propel a motorboat or airplane, or motor vehicle:

(*a*) Which, at the time of such use is not registered, and is not required to be registered, for highway use under the laws of any State or foreign country; or

(*b*) Which, if owned by the United States, is not used on the highway.

These refunds or credits shall be utilized, in accordance with Departmental procedures, by adjustment of the contract price whenever it is economically advantageous to do so.

(2) If the manufacturers excise tax on gasoline (see § 11.102–4) has been paid on any material used in the production of a special motor fuel taxable under paragraph (b) of this section, the manufacturer of the gasoline is entitled to a refund or credit of such tax, subject to the conditions similar to those stated in the opening lines of subparagraph (1) of this paragraph. The contract price for special motor fuels purchased by any Department shall not include an amount for manufacturers excise tax on gasoline used in the production of such special motor fuel.

§ 11.102 Manufacturers excise taxes.

§ 11.102–1 General.

Chapter 32 of the Internal Revenue Code imposes manufacturers excise taxes upon various types of supplies sold by a manufacturer, producer, or importer. In general, the tax attaches when title passes from the manufacturer. The amount of the tax is based on the amount of the sale price. A lease of supplies is treated as a sale for the purpose of these taxes, in which event the tax is measured by the rental payments until such payments equal the price or fair value of the article (but see § 11.102–12 with respect to lease of business machines by the Government). The sale price or rental payment excludes the tax itself and all service charges connected with the sale, such as transportation, delivery, insurance, or installation charges. However, charges for packaging materials are included. If, after the tax has been paid, the sale price is adjusted for any reason, such as by discount, rebate, allowance, or return of containers, the amount of the tax applicable to such sale price also should be adjusted. The manufacturer, in turn, is entitled to a refund or credit from the Internal Revenue Service for such tax adjustment. Articles subject to the retailers excise tax on jewelry (see § 11.101–2) are not subject to manufacturers excise taxes, except any clock or watch, or any case or movement for a clock or watch, sold as a part or accessory, or sold on or in connection with or with the sale of any article. Supplies of native Indian handicraft manufactured or produced by Indians on Indian reservations, or in Indian schools, or by Indians under the jurisdiction of the United States Government in Alaska are not subject to manufacturers excise taxes.

§ 11.102–2 Motor vehicles.

A tax at the rates indicated below is imposed upon the following articles (including parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Chassis and bodies of trucks, buses, truck and bus trailers and semitrailers, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer—

10 percent; except that this tax does not apply to equipment designed for off-the-road use, such as certain military vehicles, construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms;

(b) Chassis and bodies of automobiles, and of trailers and semitrailers (other than house trailers) suitable for use with passenger automobiles—10 percent through June 30, 1960, and 7 percent thereafter; and

(c) Parts or accessories—when sold separately from an automobile, truck, or other item taxable as indicated in paragraphs (a) and (b) of this section—8 percent through June 30, 1960 and 5 percent thereafter. Parts or accessories are defined to include any article—

(1) The primary use of which is to improve, repair, replace or serve as a component part of a motor vehicle;

(2) Designed to be attached to or used in connection with a motor vehicle or to add to its utility or ornamentation; or

(3) The primary use of which is in connection with a motor vehicle whether or not essential to its operation or use.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, a taxable motor vehicle are treated as parts or accessories whether or not primarily adapted for such use. However, the term "parts or accessories" does not include tires, inner tubes, or automobile radio and television receivers. The tax on parts or accessories does not apply to any article sold for use (or for a single resale for use) as material in the manufacture of, or as a component part of any article whether or not such article is subject to a manufacturers excise tax. The contract price of supplies purchased by any Department shall not include an amount for the manufacturers excise tax on automotive parts or accessories purchased for use in the manufacture of any article.

§ 11.102–3 Tires and tubes.

(a) A tax at the rates indicated below is imposed on the following supplies, made wholly or in part of rubber, including synthetic and substitute rubber, sold by a manufacturer, producer, or importer:

(1) Tires of the type used on highway vehicles, which includes motor vehicles which are highway vehicles, and vehicles of the type used with motor vehicles which are highway vehicles—8 cents per pound;

(2) Other tires, which include pneumatic and solid tires, casings, hoops, strips, and bands of all kinds which are designed to fit the wheel of any type of vehicle that is capable of transporting a person or burden—5 cents per pound;

(3) Inner tubes, which include any type of air container for pneumatic tires—9 cents per pound on total weight, including air valves and stem; and

(4) Tread rubber, which includes any material commonly or commercially known as tread rubber or camelback of a type used in retreading or recapping tires—3 cents per pound. An exemption exists for the sale of tread rubber or camelback by a manufacturer to a purchaser for use by that purchaser other than for recapping or retreading tires of the type used on highway vehicles. In addition, if tread rubber, upon which the tax has been paid, is sold for use or is used other than for recapping or retreading tires of the type used on highway vehicles, the manufacturer is entitled to a refund or credit of the tax: *Provided*, That the credit under (b) below is not available. The contract price for supplies purchased by any Department will not include an amount for the manufacturers excise tax on tread rubber to the extent that this exemption or refund or credit is available to the manufacturer. In determining weight of taxable tires under subparagraphs (1) and (2) of this paragraph, metal rims or rim bases are excluded, but any other material or fastening device that forms a part of the tire is included. The tax imposed under subparagraph (1) and (2) of this paragraph, does not apply to tires which are not more than 20 inches in diameter, and not more than 1¾ inches in cross section, if such tires are of all-rubber construction without fabric or metal reinforcement, nor does it apply to tires of extruded tiring with an internal wire fastening agent.

(b) The exemption for sales for further manufacture does not apply to taxable tires and tubes (see § 11.203). However, if tax-paid tires and tubes normally sold in connection with the sale by a manufacturer of a taxable motor vehicle are sold therewith, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturers purchase price on the tires and tubes. The contract price for supplies purchased by any Department should not include an amount for manufacturers excise tax on tires and tubes to the extent that this credit is available to the manufacturer.

§ 11.102–4 Gasoline.

(a) A tax of 3 cents per gallon is imposed on gasoline sold by a producer or importer. Gasoline means all products commonly or commercially known as gasoline, including casinghead and natural gasoline, but excluding kerosene, gas oil, or fuel oil, and also excluding any product taxable as a special motor fuel under section 4041 of the Internal Revenue Code (see § 11.101–6). The tax does not apply to the sale of gasoline to a producer, which is defined to include a refiner, compounder, blender, or dealer who sells gasoline exclusively to producers of gasoline.

(b) The ultimate purchaser of gasoline is entitled to a refund of 1 cent per gallon for gasoline used otherwise than as fuel in a highway vehicle; for example, gasoline used in stationary engines, in cleaning tools, in motorboats, aircraft, fork lift trucks, bulldozers and earth movers. Refunds will also be made on gasoline used as fuel in a highway vehicle:

(1) Which, at the time of such use is not registered, nor required to be registered, for highway use under the laws of any State or foreign country; or

(2) Which, if owned by the United States is not used on the highway. In accordance with Departmental procedures, necessary data shall be compiled, to the extent economically advantageous, to support a direct application to the Internal Revenue Service for refund. Such application shall be in accord with pertinent requirements of the Internal Revenue Service.

§ 11.102–5 Lubricating oils.

(a) A tax at the indicated rates is imposed upon the following classes of lubricating oils sold, other than to another manufacturer or producer for resale, by a manufacturer or producer (but not upon oil sold by an importer):

(1) Cutting oils, which means oils sold for use in cutting and machining operations, including forging, drawings, rolling, shearing, punching, and stamping on metals—3 cents per gallon; and

(2) Other lubricating oils, which means all oils, regardless of origin, which are sold as lubricating oil or are suitable for use as a lubricant, not including products commonly known as grease—6 cents per gallon. Certain products, other than those commonly known as grease, are not considered to be lubricating oils, and accordingly are not subject to the tax. These include petrolatum, and fatty oils of vegetable, animal, fish, and marine origin which in their natural state are not sold as lubricating oils.

(b) An exemption is available for lubricating oils sold by a manufacturer directly to a purchaser who uses the oil for nonlubricating purposes. In applying this exemption, oils can be grouped into two classes:

(1) Oils which are exempted if the manufacturer obtains an exemption certificate from the purchaser in the form prescribed by the Treasury Regulations; and

(2) Oils which are exempted without an exemption certificate. Oils of the second class include crude neatsfoot oil; electrical transformer insulating oil; white oil; and lubricating oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes.

With the exception of oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes, oils of neither class may be sold tax-free to dealers for resale even though it is known that the oil will be used for nonlubricating purposes. If, however, oil upon which a tax has been paid is used for nonlubricating purposes, the manufacturer is entitled to a refund or credit, irrespective of whether the oil was sold directly to the consumer by the manufacturer or was sold through a dealer. A refund or credit is also allowed when lubricating oil, upon which the 6 cent per gallon tax has been paid, is used as a cutting oil taxable at 3 cents per gallon. When it is economically advantageous to do so, the exemption or refund or credit for oil sold for use or used for nonlubricating purposes, and the refund or credit for lubricating oil used as a cutting oil, shall be utilized in accordance with Departmental procedures by a tax exclusive purchase or by adjustment of the contract price.

§ 11.102–6 Household type equipment.

A tax at the rates indicated below is imposed upon the following supplies (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Household type refrigerators, which include units not exceeding 14 cubic feet net storage space for single or multiple cabinet installations having, or designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline; household type units for the quick freezing or frozen storage of foods operated by electricity, gas, kerosene, or gasoline—5 percent.

(b) Self-contained air-conditioning units—10 percent.

(c) Electric, gas and oil appliances—5 percent.

(d) Electric light bulbs and tubes, not subject to any other manufacturers tax—10 percent.

§ 11.102–7 Radio and television receiving sets, phonographs and records.

A tax of 10 percent is imposed upon the following articles (including parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Radio and television receiving sets, automobile radio and television receiving sets, phonographs, and combinations of any of the foregoing, unless such articles are communication, detection or navigation equipment of the type used in commercial, military or marine installations. The contract price of any of these articles to be used for communication, detection or navigational purposes delivered to any Department shall not include any amount for the manufacturers excise tax, irrespective of the date of the contract, if the contract price is subject to adjustment for changes in the contractor's Federal excise tax burden. The exemption of sales for further manufacture does not apply to automobile radio and television receivers (see § 11.203); however, if tax-paid receivers are sold in connection with the sale by a manufacturer of a taxable motor vehicle, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturer's purchase price on the receiver; and

(b) Radio and television components, which means chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the built-in-type, phonograph mechanism and phonograph record players unless such articles are suitable for use only on or in connection with, or as a component part of, any communication, detection or navigation equipment. Exemption from the tax is available as to taxable components—which are sold for use, or are actually used as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturer's excise tax. The contract price for articles purchased by any Department shall not include an amount for the manufacturers excise tax on radio and television components if this exemption is available to the manufacturer.

§ 11.102–8 Musical instruments.

A tax of 10 percent is imposed upon musical instruments sold by a manufacturer, producer, or importer. The tax does not apply to musical instruments sold to a religious institution for exclusively religious purposes.

§ 11.102–9 Sporting goods.

A tax of 10 percent is imposed upon certain types of sporting equipment (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer.

§ 11.102–10 Photographic equipment.

A tax at the rates indicated below is imposed upon the following articles (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Cameras, not including X-ray cameras or cameras weighing more than four pounds exclusive of lens and accessories—10 percent;

(b) Camera lenses, not including still camera lenses having a focal length of more than 120 millimeters or motion picture lenses having a focal length of more than 30 millimeters—10 percent. Exemption from the tax is available as to camera lenses which are sold for use or are actually used as material in the manufacture of, or as a component part of any article, whether or not such article is subject to a manufacturers excise tax. The contract price for supplies purchased by any Military Department shall not include an amount for the manufacturers excise tax on camera lenses if this exemption is available to the manufacturer;

(c) Unexposed photographic film in rolls, including motion picture film—10 percent. This tax does not apply to X-ray film; unperforated microfilm; film more than 150 feet in length; or film more than 25 feet in length and more than 30 millimeters in width. A person who acquires unexposed film in a form not subject to tax and thereafter sells such unexposed film in form and dimensions subject to tax is treated as a manufacturer of the film so sold by him. The manufacturer of unexposed motion picture films is entitled to a credit or refund (but not an exemption) for film used or resold for use in making newsreel motion picture films covering current news events for immediate release for public exhibition; and

(d) Electric motion or still picture projectors of the household type—5 percent.

§ 11.102–11 Firearms, shells, and cartridges.

Although a tax is imposed upon pistols and revolvers at the rate of 10 percent, and other firearms, shells, and cartridges at the rate of 11 percent, sold by a manufacturer, producer, or importer, it does not attach to the sale or transfer of such articles purchased with funds appropriated for the Military Departments. In addition to this manufacturers excise tax, Chapter 53A of the Internal Revenue Code imposes a transfer tax and a tax on the manufacture of machine guns and certain other firearms, except that transfer to, or manufacture for, the United States is specifically exempted from these taxes.

§ 11.102–12 Business machines.

A tax of 10 percent is imposed upon a wide variety of business machines (including parts or accessories sold therewith), not including cash registers of the type used in registering over-the-counter retail sales or stencil cutting machines of the type used in shipping departments in making cutout stencils for marking freight shipments, sold by a manufacturer, producer, or importer. However, the Secretary of the Treasury has authorized an exemption effective 1 January 1959 on any payment made under leases of business machines directly to the United States for its exclusive use: *Provided*, That there is included in the lease agreement a statement to the effect that this "agreement is a lease of business machines directly to the United States for its exclusive use and qualifies for exemption under the order of the Secretary of the Treasury dated April 20, 1959, authorized by section 4293 of the Internal Revenue Code of 1954." To qualify for the exemption the lease agreement must be entered into by an officer or employee of the United States who is authorized to execute contracts for and on behalf of the United States.

§ 11.102–13 Pens, mechanical pencils, and lighters.

A tax of 10 percent is imposed upon fountain and ball point pens, mechanical pencils, and mechanical lighters for cigarettes, cigars, and pipes, sold by a manufacturer, producer, or importer; except that this tax does not apply if the article also is subject to the retailers excise tax on jewelry imposed by section 4001 of the Internal Revenue Code. If the manufacturers excise tax has been paid, but the article is further processed so as to subject it to the retailers excise tax, the retailer (but not the manufacturer who originally paid the tax) is entitled to a credit to the extent of the manufacturers excise tax paid on the article (see § 11.101–2).

§ 11.102–14 Matches.

A tax of 2 cents per 1,000, not to exceed 10 percent of the price for which sold, is imposed upon matches sold by a manufacturer, producer, or importer, except that the rate is 5½ cents per 1,000 for fancy wooden matches or matches having a stained, dyed, or colored stick or stem, whether packed in boxes or in bulk.

§ 11.103 Excise taxes on facilities and services.

Chapter 33 of the Internal Revenue Code imposes excise taxes on certain facilities and service, including admissions, dues, communications, transportation and safe deposit boxes. In general, the tax is based on the amount paid for the service, and is imposed upon the person paying for the service.

§ 11.104 Use tax on highway motor vehicles.

(a) A tax of $1.50 a year for each 1,000 pounds of taxable gross weight, or

fraction thereof, is imposed upon the use of any highway motor vehicle which, together with semitrailers and trailers customarily used in connection with a vehicle of this type, has a taxable gross weight in excess of 26,000 pounds. The full tax is due for any vehicle which is used on the public highways of the United States at any time during the month of July, irrespective whether the vehicle is later removed from highway use. If the first use of a taxable vehicle occurs after the end of July, the tax is computed proportionately from the first day of the month in which the vehicle is first used, through the end of the following June. For example, if a vehicle is placed in use during August, 11/12 of the total tax is payable. No tax applies to vehicles, even though of a highway type, which are never used on the public highways during the taxable year.

(b) Taxable gross weight is the sum of:

(1) The actual unloaded weight of the vehicle and any semitrailers and trailers customarily used with such a vehicle, all units fully equipped for service; and

(2) The weight of the maximum load customarily carried by all units of a vehicle of this type.

(c) The tax is payable by the person in whose name the vehicle is, or is required to be, registered under the law of any State, or if owned by the United States, by the agency or instrumentality of the United States operating such vehicle. If a tax has been paid for a particular vehicle, no further liability can be incurred in the same taxable year, even though there is a change of ownership of the vehicle.

(d) The Secretary of the Treasury has authorized an exemption for vehicles used by the United States whether or not they are Government owned.

Subpart B—Exemptions From Federal Excise Taxes

AUTHORITY: §§ 11.201 to 11.205 issued under R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202

§ 11.201 Retailers excise taxes.

No retailers excise tax is imposed on the sale of any article:

(a) For the exclusive use of any State, Territory of the United States, of any political subdivision of the foregoing, or the District of Columbia, or

(b) For export, or for shipment to a possession of the United States, and in due course so exported or shipped. This exemption shall be utilized, in accordance with Departmental procedures, by purchasing on a tax-exclusive basis and furnishing the required proof of exportation or shipment to a possession (which includes the Panama Canal Zone, the Virgin Islands, Guam, Puerto Rico, American Samoa, Wake and the Midway Islands) if:

(1) The purchase is substantial; and

(2) Exportation or shipment to a possession is intended to follow not more than 6 months after title passes to the Government.

(c) Upon sale to retailers for resale. Sales by the United States, or any agency or instrumentality thereof, are not exempt unless specifically made exempt by statute. However, the tax on special motor fuels imposed by section 4041(b) of the Internal Revenue Code (see § 11.101–6) does not apply to sales of supplies for use as sea stores, fuel supplies, ships' stores, or legitimate equipment necessary for the navigation, propulsion, and upkeep of vessels of war or military aircraft, including guided missiles and pilotless aircraft, owned or chartered by the United States. If supplies upon which a tax has been paid are sold for any of the exempt uses enumerated above, a credit or refund of the tax paid is due. When it is economically advantageous to do so, this exemption, credit, or refund shall be utilized, by purchase on a tax-exclusive basis and execution of the required exemption certificate, in accordance with Departmental procedures.

§ 11.202 Manufacturers excise taxes.

No manufacturers excise tax is imposed on the sale of any article:

(a) For use by the purchaser for further manufacture or for resale to a second purchaser for use by such second purchaser in further manufacture. (An article shall be treated as sold for use in further manufacture if sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another taxable article to be manufactured or produced. In the case of automobile parts and accessories, radio or television components, or camera lens, it is not necessary that the produced article be a taxable article. This exemption does not apply to tires, inner tubes, or automobile radio or television receiving sets.);

(b) For export, or for resale to a second purchaser for export. This exemption shall be obtained only when the purchase is substantial and exportation or shipment to a possession is intended to follow not more than 6 months after title passes to the Government. (This exemption is limited to sales by a manufacturer, and is not applicable to sales for export or shipment to a possession from the stock of a dealer who was not the manufacturer, producer, or importer.);

(c) For use by the purchaser as supplies for vessels or aircraft, that is, on sales of supplies for use as sea stores, fuel supplies, ships' stores, or legitimate equipment necessary for the navigation, propulsion, or upkeep of vessels of war or military aircraft, including guided missiles and pilotless aircraft, owned or chartered by the United States. (If supplies upon which a tax has been paid are sold for any of the exempt uses enumerated above, the manufacturer is entitled to a credit or refund of the tax paid, irrespective of whether the supplies are sold directly to the consumer by the manufacturer or are sold through a dealer. When it is economically advantageous to do so, this exemption, credit, or refund shall be utilized, by purchase on a tax-exclusive basis and execution of the required exemption certificate, in accordance with Departmental procedures.);

(d) Or the Exclusive use of a State or local government; or

(e) To a nonprofit educational organization.

§ 11.203 Supplies and services for the exclusive use of the United States.

By virtue of action taken by the Secretary of the Treasury, pursuant to section 4293 of the Internal Revenue Code, exemption is available, and shall be obtained, to the extent indicated, from the following Federal excise taxes:

(a) Tax on communication services and facilities furnished directly to the United States (as distinguished from being furnished to a Government contractor) and paid for directly by the Government (Such exemption is obtained without any exemption certificate.);

(b) Tax on transportation of persons for transportation furnished the United States upon a Government transportation request (Such exemption is obtainable by use of such transportation request.); and

(c) Tax on rental of business machines (see § 11.102–12).

§ 11.204 Exemptions from other federal taxes.

Any department that purchases supplies or services subject to a Federal excise tax, other than those outlined in Subpart A of this part, shall prescribe rules to govern the utilization of any exemptions from such tax.

§ 11.205 Tax exemption forms.

Standard Government exemption forms acceptable to the Internal Revenue Service shall be used in accordance with Departmental procedures (see §16.804 of this subchapter).

PART 12—LABOR

Subpart D—Labor Standards in Construction Contracts

Section 12.403–2 has been revised, implementing General Services Administration Regulation No. 13, revised, dated January 29, 1959. This regulation prescribed standard forms for construction contracts and introduced Standard Form 19, "Invitation, Bid, and Award (Construction, Alteration, or Repair)", and Standard Form 19A, "Labor Standards Provisions-Applicable to Contracts in Excess of $2,000." Use of these forms within the Department of Defense will be mandatory October 1, 1959; however, they may be used on an optional basis prior to that date, if available.

Section 12.403–2, as revised, reads as follows:

§ 12.403–2 Contracts for $2,000 or less.

Except as provided in § 12.403–4, every construction contract for $2,000 or less for work within the United States or its Territories, shall include the following clauses:

(1) *Eight-hour laws—overtime compensation.*

Eight-Hour Laws—Overtime Compensation

The Eight-Hour Laws (40 U.S.C. 321–326) are applicable to this contract. (In substance they provide that laborers and mechanics employed by the Contractor or his subcontractors shall be paid not less than time and a half for work in excess of 8 hours a day. Contractors or subcontractors violating these laws are punishable under the provisions of 40 U.S.C. 322–324.)

(2) *Nonrebate of wages.*

Nonrebate of Wages

The Regulations issued by the Secretary of Labor (29 CFR, Part 3) pursuant to the Anti-Kickback Act, as amended (40 U.S.C. 276(c), 18 U.S.C. 874), are applicable to this contract. (In substance they provide that contractors and subcontractors shall (i) make no deductions from wages except those required by law or permitted by the Regulations; (ii) preserve, for 3 years after completion of the work, payrolls which contain the following data for each employee: name, address, correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid; and (iii) submit weekly a statement of compliance, in the form set out in the Regulation.)

(3) *Subcontractors—termination.*

Subcontractors—Termination

The Contractor agrees to insert the clauses hereof entitled "Eight-Hour Laws—Overtime Compensation" and "Nonrebate of Wages" in all subcontracts under this contract. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor. Breach of the requirements of these clauses may be grounds for the termination of this contract.

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

PART 14—INSPECTION AND ACCEPTANCE

Subpart A—Inspection

1. Sections 14.100 to 14.100–2 have been amended as follows:

§ 14.100 Definitions.

§ 14.100–1 Inspection.

Inspection means the examination (including testing) of supplies and services (including, when appropriate, raw materials, components, and intermediate assemblies) to determine whether the supplies and services conform to contract requirements, which include all applicable drawings, specifications, and purchase descriptions.

§ 14.100–2 Testing.

Testing is an element of inspection and generally denotes the determination by technical means of the physical and chemical properties or elements of materials, supplies, or components thereof, involving not so much the element of personal judgment as the application of established scientific principles and procedures.

2. Section 14.101(b) has been amended as follows:

§ 14.101 General.

* * * * *

(b) The type and extent of inspection which shall be performed are dependent on the particular needs of the procurement. For example, on items which would involve small losses in the event of defects and which would probably be replaced by suppliers without contest, inspection may consist only of checks for identity, quantity, and shipping damage.

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

PART 16—PROCUREMENT FORMS

Subpart D—Construction Contract Forms

Sections 14.401, 14.401–1, and 14.401–2 have been revised, and new §§ 14.401–3 and 14.401–4 have been added to the subpart, implementing General Services Administration Regulation No. 13, revised, dated January 29, 1959. This regulation prescribes standard forms for construction contracts and introduces Standard Form 19, "Invitation, Bid and Award (Construction, Alteration, or Repair)" and Standard Form 19A, "Labor Standards Provisions–Applicable to Contracts in Excess of $2,000". Use of these forms within the Department of Defense will be mandatory October 1, 1959; however, they may be used on an optional basis prior to that date, if available. The sections read as follows:

§ 16.401 Standard Forms 19, 19A, 20, 21, 22, 23, and 23A.

§ 16.401–1 General.

The following forms are prescribed for use in formally advertised construction contracts where the work is to be performed in the United States, its Territories and possessions:

(a) Standard Form 19—Invitation, Bid and Award (Construction, Alteration, or Repair).

(b) Standard Form 19A—Labor Standards Provisions — Applicable to Contracts in Excess of $2,000.

(c) Standard Form 20—Invitation for Bids (Construction Contract).

(d) Standard Form 21—Bid Form (Construction Contract).

(e) Standard Form 22—Instructions to Bidders (Construction Contract).

(f) Standard Form 23—Construction Contract.

(g) Standard Form 23A—General Provisions (Construction Contract).

(h) Continuation Sheet. There is no prescribed form of Continuation Sheet for construction contracts. A blank sheet, incorporating (A) the contract or invitation number, as appropriate, (B) page number and number of pages, and (C) name of bidder or contractor may be used for this purpose. Standard Form 36, Continuation Sheet (Supply Contract) shall not be used for construction contracts.

§ 16.401–2 Use of forms for negotiated construction contracts.

Use of the forms prescribed in § 16.401–1 is optional for negotiated construction contracts. When used for negotiated contracts, the forms shall be adapted by lining out or obliterating the words "sealed" and "publicly opened" and adding language to (1) indicate the authority for negotiation, and (2) provide that wherever the words "invitation" and "bid" occur they shall be deemed to refer to "solicitation" and "offer," respectively.

§ 16.401–3 Conditions for use.

(a) *Contracts estimated not to exceed $2,000.* Standard Form 19 shall be used for construction contracts not in excess of $2,000 executed as a result of formal advertising. Standard Form 22 also may be used. When the contract may exceed $2,000, the following language shall be inserted in the space provided in the bid portion of Standard Form 19 prior to the issuance of the invitation:

If this bid exceeds $2,000, the bidder shall furnish with its bid a bid bond in an amount equal to ------ % of its bid; failure to submit the bond on time is cause for rejection of the bid. The undersigned further agrees, if this bid exceeds $2,000 (i) to comply with the Labor Standards Provisions Applicable to Contracts in Excess of $2,000 (Standard Form 19A) in lieu of Provision 10 hereof; (ii) to pay not less than the minimum hourly rates of wages set forth in the specifications; and (iii) to furnish a performance bond in an amount equal to ------ % and a payment bond in an amount equal to 50% of the contract price with surety or sureties acceptable to the Government.

(b) *Contracts estimated to exceed $2,000 but not to exceed $10,000.* Standard Forms 19 and 19A shall be used for these construction contracts executed as a result of formal advertising. Standard Form 22 also may be used. The additional language set forth in paragraph (a) of this section shall be inserted in the bid portion of Standard Form 19 prior to issuance of the invitation.

(c) *Contracts estimated to exceed $10,000.* Standard Forms 20, 21, 22, 23, and 23A shall be used for these construction contracts executed as a result of formal advertising.

§ 16.401–4 Terms, conditions and provisions.

(a) The use of additional contract provisions consistent with those contained in the above forms is authorized, and, where required elsewhere in this subchapter, the use of such additional provisions is mandatory.

(b) Changes or additional provisions inconsistent with those contained in the standard forms shall be incorporated when required by this subchapter, and may be incorporated when authorized by this subchapter, or when approved pursuant to § 1.109 of this subchapter. A copy of any such approval pursuant to § 1.109–2 shall be forwarded by the approving authority to the General Services Administration.

(c) The provisions of paragraphs (a) and (b) of this section shall not be construed to authorize the reinstatement in Standard Form 19 of clauses which appear in Standard Form 23A and which have either been condensed or omitted in the development of Standard Form 19 in the interests of simplification and uniformity. Where such reinstatement is deemed essential, the matter shall be handled as a deviation as provided in § 1.109–3 of this subchapter.

(d) Clause 3 of Standard Form 19 entitled "Disputes" may be altered by in-

serting in the schedule or in the specifications, the following:

Alterations. As used in Clause 3 of the general provisions "head of the Federal agency" means the "Secretary" of the (insert name of Military Department).

(e) During a period of national emergency, Clause 5(c) of Standard Form 23A may be changed by deleting the word "unforeseeable" and inserting the phrase "other than normal weather" after the word "causes" where it first appears in the first sentence.

(f) Deletion or modification of provisions in the above forms shall be accomplished in the "Alterations" paragraph of Standard Form 23, or in an "Alterations" paragraph added in the schedule of Standard Form 19, or in the specifications, as may be appropriate.

(g) Whenever Standard Forms 19 and 19A are used for formally advertised contracts the Covenant Against Contingent Fees need not be included.

(h) Pending revision of Standard Form 23A, in order to reflect the amendment of the Copeland (Anti-Kickback) Act, the word "statements" shall be substituted for the word "affidavits" in Clause 24, line 9, of that form.

Subpart H—Miscellaneous Forms

1. Sections 16.804 to 16.804–2 have been revised to read as follows:

§ 16.804 U.S. Government tax exemption certificate (Standard Form 1094—Revised).

§ 16.804–1 Conditions for use.

Except when a different form is required by a cognizant state or local tax jurisdiction, Standard For 1094—Revised is prescribed for use as a certificate of exemption from State and local taxes when exemption is authorized by contract provisions and Departmental procedures. The form shall not be used as a certificate of exemption from Federal taxes.

§ 16.804–2 Supply of forms.

Supplies of Standard Form 1094—Revised will be obtained in accordance with Departmental procedures.

2. Section 16.807 has been revised to read as follows:

§ 16.807 Individual procurement action report (DD Form 350).

DD Form 350 is designed to provide essential procurement records and statistics through a single uniform reporting program as a basis for required recuring and special reports to the President, the Congress, the Office of Civil and Defense Mobilization, the General Accounting Office, the Renegotiation Board, the Small Business Administration, and other Federal agencies. Some of these requirements are referred to in §§ 1.302–2, 3.103, 3.211–4 and 3.216–4 of this subchapter. It also provides the Departments with a wide variety of significant data for procurement policy and management control purposes, and provides the Department of Labor with data required in connection with the administration of the Walsh-Healey Public Contracts Act.

3. Section 16.811, concerning the distribution of the Security Requirements Check List (DD Form 254), has been revised to achieve consistency with the requirements of the Armed Forces Industrial Security Regulation, paragraph 2–109e. Section 16.811, as revised, reads as follows:

§ 16.811 Security requirements check list (DD Form 254).

The "Military Security Requirements" clause (§§ 7.104–12 and 7.204–12 of this subchapter) is included in all contracts which are classified "Confidential" including "Confidential—Modified Handling Authorized" or higher and in any other contracts the performance of which will require access to such classified information or material. Except where a letter or other written notice of classification is authorized by § 7.104–12, contracting officers shall inform contractors of the security classifications assigned to the various documents, materials, tasks, subcontracts, and components of classified contracts by using DD Form 254. Instructions for preparation are included in the form. The contracting officer is responsible for preparation of the form and shall insure that it is physically attached to the copies of the contract forwarded to the contractor, the material inspector, the security office of the cognizant Military Department of the facility receiving the prime contract or a subcontract thereunder, and such other interested agencies as may be determined by the Military Departments.

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATION

Sections 30.2 and 30.3 have been extensively revised to include standardized procedures for administering Government property in the possession of contractors, and to codify pertinent portions of "Guidelines for Interchange of Property Administration Among Military Field Contract Administration Activities" (which were previously distributed through Departmental channels and have been in effect since March 31, 1959). Amended portions of §§ 30.2 and 30.3 now read as follows:

§ 30.2 Appendix B—Manual for control of Government property in possession of contractors.

PART I—INTRODUCTION

* * * * *

103 *Definitions.* As used in this Manual, the following terms have the meanings shown:

103.1 "Contract administrator" means the individual duly designated by appropriate authority in the Military Departments to administer the contract. In the case of the Army and Air Force, usually this is a contracting officer, and in the Navy, usually this is the authorized representative of the contracting officer having administrative cognizance over the contract.

103.2 "Property administrator" means the Government representative responsible to the contract administrator for:

(i) Reviewing and approving the contractor's property control procedures;

(ii) Examining the records maintained by the contractor of Government property;

(iii) Making usage analyses of Government property; and

(iv) The maintenance of such Government property records as are required by this Manual.

* * * * *

103.15 "Material" means property which may be incorporated into or attached to an end item to be delivered under a contract or which may be consumed or expended in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, and small tools and supplies which may be consumed in normal use in the performance of the contract.

* * * * *

PART II—GENERAL PROVISIONS

* * * * *

202 *Designation of property administrator.*

(a) A property administrator shall be designated for each Government contract involving Government property. In appropriate cases the contract administrator may be assigned the additional duty of property administrator. An assistant property administrator may be appointed for specific contracts. The property administrator will not be required to post a bond by virtue of the duty as property administrator.

(b) It is the policy of the Department of Defense that a single property administrator shall be designated for all Department of Defense contracts performed at one location by a contractor. Within each Military Department, responsibility for the direction, administration, and review of the property administration interchange program shall be assigned to a single office at the Department level. This office, designated to direct and administer the program, shall have the following responsibilities:

(1) Implementation of pertinent Department of Defense directives, instructions, and regulations.

(2) Review of field contract administration activities for compliance with Department of Defense and Departmental directives pertinent to the property administration interchange program.

(3) Resolution of intra-departmental interchange problems.

(4) Resolution of inter-departmental interchange problems.

(c) Property administration interchange agreements shall be negotiated only by those offices administering current contracts or orders with the contractors. Property administration interchange agreements shall be effected at the field level between representatives of the procuring activities having contract administration responsibility. In formulating such agreements, the following factors, among others, shall be considered:

(1) Comparative value and types of Government property in the possession of the contractor and the Government property yet to be provided under Government contracts.

(2) Existence of a resident property administrator or accessibility of an itinerant property administrator.

(3) Other contract administration functions which may have a bearing on property administration such as quality control, industrial mobilization planning and audit cognizance.

(d) Based on the above factors, when two or more offices are equally concerned with property administration at a contractor's location, that office which has contracts or orders that indicate the greatest continuous duration of future interest in Government property shall be given primary consideration for property administration cognizance. When all contracts or orders of the Depart-

ment designated to perform property administration have been completed at a contractor's location, that Department shall cease to have cognizance at that location unless all military contracts providing for Government property are scheduled to expire within a succeeding three-month period. When all contracts or orders of the Department designated to perform property administration have been completed at a contractor's location where other Departments continue to perform contracts or orders which are not scheduled to expire within a succeeding three-month period, property administration cognizance shall be determined by negotiation between those Departments which continue to perform contracts or orders providing for Government property with the suppliers. When a Department that previously had no contracts at a contractor's location at the time the existing property administration interchange agreement was made acquires a contract providing for Government property of greater continuous duration of future interest than those involved in the existing agreement, the cognizance agreement shall be reviewed and either confirmed or revised by a new agreement.

(e) When the Departments are unable to reach property administration interchange agreements, those unresolved property administration assignments shall be referred to the Assistant Secretary of Defense (Supply and Logistics) for resolution.

(f) Property administration functions required by the Armed Services Procurement Regulation will be performed by the designated property administrator who will generally follow his current operating procedures in performing property administration. Each Department will provide the designated property administrator with manuals, instructions, and directives pertaining to reports and documentation required by contractual provisions. Documents and records required by this Appendix B for property administration of current contracts, subcontracts, and purchase orders involving Government property will be provided to the designated property administrator prior to the effective date of an agreement. Copies of such contracts, subcontracts, and purchase orders and amendments thereto or extracts of property provisions thereof will accompany the transmittal. The name of the individual designated as property administrator for such contracts will be furnished to the procuring activity performing contract administration. New contracts, subcontracts, purchase orders and amendments thereto or extracts of property provisions thereof where Government property is involved will be transmitted to the designated property administrator. Contracts containing the Special Tooling clause (§ 13.504) will likewise be transmitted to the designated property administrator for necessary surveillance.

(g) The designated property administrator may correspond directly with the contractor and appropriate Department of Defense personnel on matters pertaining to Government property. The contract administrator will keep the property administrator informed as to all communications, correspondence, and actions affecting property matters under the assigned contract.

(h) Property administration interchange agreements shall be in the general format shown below. Where required, appendices shall be added thereto.

1. Purpose: This is a local interchange agreement providing for property administration at the designated contractor's location by (Department-procurement office) in accordance with ASPR B–202.

2. Effective date: This agreement becomes effective on ----------

3. Contractor's location:
(Identify specific location covered by this agreement)

(Signatures of authorized representatives of Departments concerned)

203 *Duties and responsibilities of the property administrator.*

(a) The property administrator shall familiarize himself with the provisions of this Manual and the contract provisions pertaining to Government property.

(b) He shall, as the authorized representative of the contract administrator or administrators, insure compliance with the contract requirements relative to Government property and insure fulfillment of all obligations imposed by this Manual. He shall at the inception of the contract review and approve in writing the contractor's property control records and procedures.

(c) He shall be responsible for property management data required by contractual provisions and, when acting as property administrator under a property administration interchange agreement, shall also provide the procuring activities concerned with such management data and with information, documents, records, and assistance required by the latter for conformance with the provisions of this Appendix B and/or Departmental procedures, including, but not limited to, those for the following purposes:

(1) Public vouchers.

(2) Fulfilling managerial and financial requirements for property report cards.

(3) Marking and identification of property under Departmental procedures.

(4) Disposition of excess.

(5) Approval of the contractor's property control procedures and records.

(6) Relief from responsibility for property loss, damage, unauthorized use, or unreasonable consumption.

(7) Final property clearance.

(d) He shall examine the documents, including but not limited to consumption or usage reports, adjustment reports, reports of spoilage or shrinkage, sales, shipments, transfers, etc., recorded by the contractor in the property account, to the extent necessary to establish the correctness and completeness of such records.

(e) It shall be his responsibility to determine whether the contractor is using Government property for the purposes authorized by the contract, and whether the contractor is exercising the degree of care in the handling of Government property prescribed in the contract.

(f) He shall make usage analyses to determine the reasonableness of the consumption and expenditure of Government property. Control records shall be utilized in the performance of the usage survey and, to the extent necessary, selective physical inspections of Government property shall be made in the appropriate states of production.

(g) He shall periodically examine all property records to determine whether such records reflect the status of Government property and indicate compliance with the provisions of the contract and applicable directives. He shall report promptly in writing to the contract administrator any noncompliance by the contractor with the contract provisions and applicable directives.

(h) He shall advise the contract administrator on all property matters.

* * * * *

207.1 *Before termination or completion.* It shall be the responsibility of the property administrator to review and approve the type and frequency of physical inventories to be taken. In this respect, he may accept and approve in writing the contractor's established procedures if he determines that they adequately protect the interests of the Government and are in conformity with applicable regulations.

207.2 *Upon termination or completion.* Upon termination or completion of a contract, a physical inventory adequate for disposal purposes shall be required of all Government property applicable to the contract in the custody, control or possession of the contractor.

207.3 *Joint physical inventories or selective checks under 207.1 and 207.2.*

(a) The property administrator may, at his discretion, require physical inventories to be taken jointly by his designated representatives and the contractor.

(b) In lieu of a joint physical inventory, selective checks of the inventory being taken by the contractor may be made when the property administrator determines that such procedure is more economical and will adequately protect the interests of the Government. When selective checks are used they must embrace a representative number of items in the account and must adequately cover, by class and price range, all Government property involved.

207.4 *Quantitative and monetary control.* As directed or required by proper authority, the contractor's physical inventories shall be prepared on both a quantitative and monetary basis and classified by categories such as material, special tooling, plant equipment, etc.

207.5 *Discrepancies.* Any discrepancies disclosed as a result of inventorying will be adjusted in accordance with the provisions of Part III and Part IV of this § 30.2.

PART III—RECORDS TO BE MAINTAINED

301 *General.*

* * * * *

(b) The contractor's property control records and procedures shall be reviewed and approved in writing by the property administrator at the inception of the contract. Any necessary corrective action will be required of the contractor prior to approval. Such corrective action will normally be effected by the property administrator through mediation with the contractor. Where corrective action would involve substantial increased costs or where agreement as to the corrective action is not reached through mediation, the differences will be referred to the contract administrator.

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303.1 *Records of specific contracts where property is involved.*

* * * * *

(c) The contractor shall be required to furnish written receipts for all, or specific classes of Government provided property only in those instances where such action is determined by the property administrator to be essential for maintenance of minimum acceptable property controls. In these instances the property administrator shall maintain for each contract a file of such documents or property record cards. Where such evidence of receipt is required, it shall be provided by the contractor not later than the time he submits his application for payment (public voucher). Otherwise, the property administrator shall utilize the contractor's file of documents evidencing receipt and not establish a duplicate file.

* * * * *

304 *Records to be maintained by the contractor.* It is the contractor's responsibility (i) to maintain adequate control records in accordance with the requirements of this Manual of all Government property provided under a contract, including property provided under such contract as may be in the possession or control of a subcontractor, and to establish separate property accounts to be located at the subcontractor's plant and at

the contractor's secondary site when so requested by the property administrator.

304–1 *Records of Material.*

* * * * *

(d) *Use of receipt and issue documents.* Based on a determination of the property administrator in accordance with paragraph 301(b), the contractor may maintain in lieu of "stock records" a file of appropriately cross-referenced documents representing receipt, issue, and adjustments of Government-provided material in performance of a Government contract. Such determination shall be consistent with generally accepted accounting practices and a low frequency of receipt and issue of the items of material specified (i.e. usually issued directly upon receipt). Accordingly:

(i) The property administrator may authorize this method of property control for Government-provided material, including but not limited to items used in manufacturing or maintenance, office supplies, etc.; and

(ii) This method of property control may be used for research and development contracts.

* * * * *

304.3 *Records of plant equipment.* Plant equipment shall be accounted for by individual item except as provided in subparagraphs (a), (b), and (c) below. The form of property records to be maintained for plant equipment will include as a minimum the information prescribed by Exhibit A.

304.5 *Records of scrap.* The contractor shall maintain separate or consolidated records of all scrap or salvage generated. These records may be in accordance with the contractor's system of scrap or salvage control, if approved in writing by the property administrator, who shall take into consideration the need for protecting the Government's interest in the proration, disposition and allocation of proceeds resulting therefrom.

PART IV—MISCELLANEOUS PROVISIONS

402.2 *Contractor's liability.*

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(a) The property administrator will require the contractor to report to him all cases of loss, damage, or destruction of Government property in its possession, as soon as such fact becomes known. The property administrator will forward such report to the contract administrator, together with his own report of the facts of the case and his recommendations thereon. If the contract administrator is the contracting officer, or a designated representative of the contracting officer for that purpose, he will thereupon determine the contractor's liability; otherwise he will forward the papers to the contracting officer, who will make such determination. In making any such determination, consideration will be given to the reports and recommendations submitted and to any additional facts which the contractor may submit. The contractor and the property administrator shall be furnished with a written copy of such determination. A copy shall be held in the files of the contract administrator.

* * * * *

402.3 *Shipment and receipt of Government-furnished property.* In the case of Government property shipped to a contractor's plant from a military installation or from another contractor's plant, the contractor becomes responsible therefor upon delivery of the property to his plant. The shipping activity shall furnish the property administrator, who is responsible for the receiving contractor's property account, with copies of the documents necessary to permit the property account to reflect the transaction. On receipt of the property the contractor, where required, shall furnish the property administrator with documented evidence of such receipt. The property administrator shall take the action necessary to insure that his records of these transactions are complete. (See pars. 203 and 204.)

* * * * *

403.3 *Approval of scrap procedure by the property administrator.* The property administrator shall review and approve the contractor's procedures relating to the physical control of scrap and records relating thereto. The property administrator shall periodically assure by actual inspection and selective examinations that the approved procedures are effectively carried out. If the property administrator determines that corrective measures are necessary to protect the Government's interests, he shall so advise the contractor and the contractor shall take necessary corrective action. Where corrective action would involve substantial increased costs or where agreement as to the corrective action is not reached through mediation, the differences will be referred to the contractor administrator.

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

§ 30.3 Appendix C—Manual for control of Government property in possession of nonprofit research and development contractors.

PART I—INTRODUCTION

100 *Scope of manual.* This Manual sets forth basic requirements to be observed by the Departments of the Army, Navy and Air Force, for establishing and maintaining control over Government property furnished to or acquired by contractors in the case of research and development contracts with educational or other nonprofit organizations, provided such contracts are executed on a nonprofit basis.

101 *Reserved.*

102 *Applicability of manual.* Subject to paragraph 100 above, this Manual applies to all types of contracts, leases, and bailments, pursuant to which Government property is furnished to or acquired by a contractor.

103 *Definitions.* As used in this Manual, the following terms have the meanings shown:

103.1 "Educational or other nonprofit organization" means any corporation, foundation, trust, or institution operated for scientific or educational purposes, not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual.

103.2 "Contract administrator" means the individual duly designated by appropriate authority in the Military Departments to administer the contract. In the case of the Army and Air Force, this is a contracting officer, and in the Navy, the authorized representative of the contracting officer having administrative cognizance over the contract.

103.3 "Government property" means all property owned by or leased to the Government, or acquired by the Government under the terms of a contract, except that property to which the Government has acquired a lien or title solely as a result of partial, advance or progress payments shall not for the purpose of this Manual be classified as Government property. With this exception, Government property includes both Government-furnished property and contractor-acquired property, as defined below:

(a) "Government-furnished property" is property in the possession of or acquired directly by the Government and subsequently delivered or otherwise made available to the contractor; and

(b) "Contractor-acquired property" is property procured or otherwise provided by the contractor for the performance of a contract, pursuant to the terms of which title is vested in the Government.

The term "provide" as used in the context of such phrases as "Government property provided to the contractor" and "Government-provided property" is intended to include both Government-furnished property and contractor-acquired property.

103.4 *Classification of Government property.* The terms "classify" and "classification" as used herein with reference to Government property refer to the grouping of property into different categories having different incidents. For purposes of this Manual, Government property shall be classified in five categories, defined as follows:

(a) "Real property" means lands, buildings, structures, improvements and appurtenances thereto. It does not include plant equipment as defined in subparagraph (b) below.

(b) "Plant equipment" means personal property of a capital nature (consisting of machinery, equipment, furniture, vehicles, machine tools, and accessory and auxiliary items, but excluding special tooling) used or capable of use in the manufacture of supplies or in the performance of services or for any administrative or general plant purpose.

(c) "Minor plant equipment" means an item of plant equipment having a unit value of less than $100.00 and other plant equipment, regardless of cost, when so designated by the Government.

(d) "Material" means property which may be incorporated into or attached to, an end item to be delivered under a contract or which may be consumed or expended in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, and small tools and supplies which may be consumed in normal use in the performance of the contract.

(e) "Special tooling" means all jigs, dies, fixtures, molds, patterns, special taps, special gauges, special test equipment, other special equipment and manufacturing aids, and replacements thereof, acquired or manufactured by the contractor for use in the performance of a contract, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the production of such supplies or parts thereof, or the performance of such services, as are peculiar to the needs of the Government. The term does not include (i) items of tooling or equipment acquired by the contractor prior to the contract, or replacements thereof, whether or not altered or adapted for use in the performance of the contract, (ii) consumable small tools, or (iii) general or special machine tools, or similar capital items.

103.5 "Property administrator" means the Government representative responsible to the contract administrator for reviewing and approving the contractor's property control procedures, for examining the records maintained by the contractor of Government property, for making usage analyses of Government property, and for the maintenance of such Government property records as are required by this Manual.

103.6 "Property account" means the official records of the Government property provided to a contractor by a Department, which are established and maintained under the provisions of this Manual. Separate property accounts will be maintained either on an individual contract basis or contractor basis.

103.7 "Stock record" means a perpetual inventory form of record which shows by nomenclature the quantities received and issued, and the balances on hand.

103.8 "Salvage" means property which is recovered for further use or which, because

of its worn, damaged, deteriorated, or incomplete condition, or specialized nature, has no reasonable prospect of sale or use as serviceable property without major repairs or alterations, but which has some value in excess of its scrap value.

103.9 "Scrap" means property that has no reasonable prospect of being sold except for the recovery value of its basic material content.

PART II—GOVERNMENT ADMINISTRATIVE PROVISIONS

202 *Designation of property administrator.*

* * * * *

(b) It is the policy of the Department of Defense that a single property administrator shall be designated for all Department of Defense contracts performed at one location by a contractor. Within each Military Department, responsibility for the direction, administration and review of the property administration interchange program shall be assigned to a single office at the Department level. This office, designated to direct and administer the program, shall have the following responsibilities:

(1) Implementation of pertinent Department of Defense directives, instructions and regulations.

(2) Review of field contract administration activities for compliance with Department of Defense and Departmental directives pertinent to the property administration interchange program.

(3) Resolution of intra-departmental interchange problems.

(4) Resolution of inter-departmental interchange problems.

* * * * *

203 *Duties and responsibilities of the property administrator.*

(a) The property administrator shall familiarize himself with the provisions of this Manual and the contract provisions pertaining to Government property.

(b) He shall, as the authorized representative of the contract administrator or administrators, insure compliance with the contract requirements relative to Government property and insure fulfillment of all obligations imposed by this Manual. He shall at the inception of the contract review and approve in writing the contractor's property control records and procedures.

* * * * *

204 *Shipment and receipt of government-furnished property.* In the case of Government property shipped to a contractor's plant from a military installation or from another contractor's plant, the contractor becomes responsible therefor upon delivery of the property to his plant. The shipping activity shall furnish the property administrator, who is responsible for the receiving contractor's property account, with copies of the documents necessary to permit the property account to reflect the transaction. On receipt of the property the contractor, where required, shall furnish the property administrator with documented evidence of such receipt. The property administrator shall take the action necessary to insure that his records of these transactions are complete. (See par. 203.)

* * * * *

207.2 *The Contractor's property control system.* The contractor's property control system shall be reviewed and approved in writing by the property administrator. If any corrective action is necessary, it will be required of the contractor prior to approval. Such corrective action will normally be effected through mediation with the contractor. Where corrective action would involve substantial increased costs or where agreement as to the corrective action is not reached through mediation, the differences will be referred to the contract administrator. Consistent with the provisions of the contract, the principles and requirements stated in the subparagraphs below shall be observed by the property administrator in approving the contractor's property control system.

* * * * *

211.1 *Before termination or completion.* It shall be the responsibility of the property administrator to review and approve the type and frequency of physical inventories to be taken. In this respect, he may accept and approve in writing the contractor's established procedures if he determines that they adequately protect the interests of the Government and are in conformity with applicable regulations.

* * * * *

211.3 *Inventories and selective checks by the property administrator.*

(a) The property administrator may, at his discretion, join with the contractor in the taking of any inventory required to be made by the contractor.

(b) The property administrator should make selective checks of the inventory being taken by the contractor when he determines that such procedure is necessary to protect the interests of the Government. When selective checks are used they must embrace a representative number of items in the account and must adequately cover, by class and price range, all Government property involved.

211.4 *Quantitative and monetary controls.* As directed or required by proper authority, the property administrator shall require the contractor's physical inventories to be prepared on both a quantitative and monetary basis and be classified by categories such as material, special tooling, and minor equipment, plant equipment, etc.

211.5 *Discrepancies.* The property administrator shall proceed to adjust any discrepancies disclosed as a result of inventorying in accordance with the provisions of the contract and this Manual.

212 *Control of scrap and salvage.* Procedures for the control of scrap and salvage shall not be applicable to nonprofit research and development contracts unless the property administrator determines that the scrap or salvage is substantial in amount and that the Government is not receiving sufficient benefits from the use or disposal thereof, in which event the procedures set forth in paragraph 403 of § 30.2, shall be applied.

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PART III—CONTRACTOR'S OBLIGATIONS

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303 *Contractor's responsibility.*

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(e) *Written advice of contracting officer.* The contractor shall be relieved of responsibility for Government property lost, damaged, destroyed, or consumed, in excess of that normally anticipated in the manufacturing or processing operation, as the result of appropriate action by the contracting officer to determine the liability of the contractor: *Provided,* Such determination is furnished to the contractor in writing and the Government shall have been adequately reimbursed when appropriate. If the contract administrator is the contracting officer or a designated representative of the contracting officer for that purpose, he will thereupon determine the contractor's liability.

* * * * *

305 *Receipting for Government property.* The contractor shall be required to furnish a written receipt for all, or specific classes of Government provided property only in those instances where such action is determined by the property administrator to be essential for maintenance of minimum acceptable property controls. In these instances the property administrator shall maintain for each contract a file of such documents or property record cards. Where such evidence of receipt is required, it shall be provided by the contractor not later than the time he submits his application for payment (public voucher).

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310 *Control of scrap and salvage.* Procedures for the control of scrap and salvage shall not be required unless the contracting officer determines that the scrap or salvage is substantial in amount and that the Government is not receiving sufficient benefits from the use or disposal thereof in which event the following procedures shall be applicable:

(a) The contractor shall establish a procedure whereby all Government property that can be salvaged shall be returned to Government stock, which procedure shall be subject to the approval of the property administrator; and

(b) If the property administrator determines that the contractor's scrap procedures and records are adequate to protect the Government's interest, he shall approve same in writing and furnish the contractor a copy thereof. If the property administrator determines that corrective measures are necessary to protect the Government's interests, he shall so advise the contractor. Where corrective action would involve substantial increased costs or where agreement as to corrective action is not reached through mediation, the difference will be referred to the contract administrator.

(R.S. 161, sec. 2202, 70A Stat. 120; 5 U.S.C. 22, 10 U.S.C. 2202)

G. C. BANNERMAN,
Director for Procurement Policy, Office of the Assistant Secretary of Defense (Supply and Logistics).

NOVEMBER 30, 1959.

[F.R. Doc. 59-10233; Filed, Dec. 3, 1959; 8:47 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER J—AIR FORCE PROCUREMENT INSTRUCTIONS

PART 1001—GENERAL PROVISIONS

Subpart D—Procurement Responsibility and Authority

RELEASE OF PROGRAM DATA AND PROCUREMENT INFORMATION

The section heading for § 1001.465 (24 F.R. 5676, July 15, 1959), should read as set forth below:

§ 1001.465 Release of program data and procurement information.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U.S. Air Force, Deputy Director of Administrative Services.

[F.R. Doc. 59-10235; Filed, Dec. 3, 1959; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 257—UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITY HOLDING COMPANIES, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Preservation and Destruction of Books of Account and Other Records of Registered Holding Companies

On September 30, 1959, the Securities and Exchange Commission published for views and comments a proposal to revise the Uniform System of Accounts for Public Utility Holding Companies for the purpose of establishing a regulation to govern the retention, preservation and destruction of the books of account and other records of registered holding companies which are not also operating companies. Interested persons recommended certain minor changes, most of which have been incorporated in the revision of the Uniform System of Accounts adopted by the Commission today.

The Commission's action was taken pursuant to sections 15 and 20(a) of the Public Utility Holding Company Act of 1935. Section 15 provides, among other things, that "Every registered holding company and every subsidiary company thereof shall make, keep, and preserve for such periods, such accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records as the Commission deems necessary or appropriate in the public interest or for the protection of investors or consumers or for the enforcement of the provisions of this title or the rules, regulations, or orders thereunder."

Section 15 has been implemented by Rule 26 which prescribes the Uniform System of Accounts for registered holding companies which do not also operate utility assets or other physical properties.

The revision adopted by the Commission eliminates the prohibition against the destruction of records heretofore contained in General Instruction 3C of the Uniform System of Accounts and adds thereto an Appendix which contains general instructions and a detailed schedule prescribing fixed retention periods and microfilming privileges with respect to books of account and other records of those registered holding companies to which the Uniform System of Accounts is applicable. The revision permits the orderly destruction of voluminous records, the retention of which is deemed no longer necessary or appropriate in the public interest or for the protection of investors and consumers.

The Appendix which has been added to the Uniform System of Accounts is entitled "Regulation to Govern the Preservation and Destruction of Books of Account and Other Records of Companies Which Are Subject to the Uniform System of Accounts for Public Utility Holding Companies Under the Public Utility Holding Company Act of 1935". A copy of the Appendix appears below.

For the purpose of implementing the regulation contained in the Appendix, the following additional amendments to the General Instructions of the Uniform System of Accounts also were adopted by the Commission today:

1. In General Instruction 3B (§ 257.0–3(b)) insert the words "stockholder records," between the terms "stock books," and "reports".

2. Delete the present text of General Instruction 3C (§ 257.0–3(c)) and insert in lieu thereof the following:

(c) No Company shall destroy any books or records except as authorized by the provisions of the "Regulation to Govern the Preservation and Destruction of Books of Account and Other Records of Companies Which Are Subject to the Uniform System of Accounts for Public Utility Holding Companies Under the Public Utility Holding Company Act of 1935" contained in the Appendix of this Uniform System of Accounts.

3. Add the following paragraph to General Instruction 4 (§ 257.0–4(m)):

(m) "Stockholder records", as used in this Uniform System of Accounts, means all records which are necessary (1) to determine the ownership of record at any time of any shares of the Company's capital stock; and (2) to determine the votes cast on any issue or matter by any stockholder at any meeting of the Company's stockholders.

The revision of the Uniform System of Accounts shall become effective immediately.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

NOVEMBER 24, 1959.

APPENDIX—REGULATION TO GOVERN THE PRESERVATION AND DESTRUCTION OF BOOKS OF ACCOUNT AND OTHER RECORDS OF COMPANIES WHICH ARE SUBJECT TO THE UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITY HOLDING COMPANIES UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

GENERAL INSTRUCTIONS

1. *Scope of regulation.* (a) The Regulation to Govern the Preservation and Destruction of Books of Account and Other Records of Companies Which are Subject to the Uniform System of Accounts for Public Utility Holding Companies Under the Public Utility Holding Company Act of 1935 ("Regulation") includes these General Instructions ("Instructions") and the Schedule of Records Retention Periods ("Schedule"). The term "Company", as used in the Regulation, means any company subject to the Uniform System of Accounts for Public Utility Holding Companies Under the Public Utility Holding Company Act of 1935 ("Uniform System of Accounts"). As used in the Instructions, "Records" means (1) all books of account and other records of the Company and (2) any records prepared or maintained for the Company by any stock transfer agent, dividend paying agent, registrar, coupon paying agent, or any other agent which performs or has performed corporate functions for the Company.

The Regulation applies to all Records, as hereinbefore defined; and the Regulation also applies to all records of any predecessor or former associate of the Company and to all records of any former associate of any predecessor of the Company which records of such predecessors and former associates are in the possession of or under the control of the Company. (See Item 36 of the Schedule.)

(b) Except as otherwise specified herein, the Regulation shall not be construed as requiring the preparation or maintenance of Records not required to be prepared or maintained by the Uniform System of Accounts or other rules or regulations of the Commission.

(c) The Regulation shall not be construed as excusing compliance with any other lawful requirement for the preservation of Records for periods longer than those prescribed in the Regulation.

(d) Unless otherwise specified in the Schedule, duplicate copies of Records may be destroyed at any time, provided, however, that such duplicate copies contain no significant information not shown on the originals.

(e) Records not listed in the Schedule and which would be useful in developing the history of or facts regarding any transactions recorded by the Company in its accounts and which serve purposes similar to or are related to Records listed in the Schedule shall be preserved for the same periods as those specified for the similar or related Records listed in the Schedule.

Any other Records not listed in the Schedule and which would be useful in developing the history of or facts regarding any transactions recorded by the Company in its accounts shall be preserved by the Company for such periods as the Commission may, upon its own motion or upon application by the Company, prescribe.

Any other Records of the Company may be destroyed or otherwise disposed of at the option of the Company.

(f) Notwithstanding the provisions of the Regulation, the Commission may, upon the request of any Company, authorize the destruction of any Records of such Company.

2. *Designation of supervisory official.* Each Company subject to the Regulation shall designate one or more officials to supervise the preservation and authorized destruction of its Records. The Company may designate any bank or trust company, which performs corporate functions for the Company or which acts as a trustee under instruments securing bonds or debentures of the Company, as an official to supervise the preservation or authorized destruction of any Records of the Company maintained or stored by such bank or trust company.

3. *Protection and storage of records.* The Company shall provide reasonable protection from damage by fire, flood and other hazards for Records required by the Regulation to be preserved and, in the selection of storage space, safeguard such Records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

4. *Index of records.* At each office of the Company, where Records are kept or stored, such Records as are required by the Regulation to be preserved shall be so arranged, filed, or currently indexed that such Records shall be readily available for inspection by authorized representatives of regulatory agencies concerned.

5. *Preservation of records on microfilm.* (a) As indicated in the Schedule, certain Records may be microfilmed and the film retained in lieu of the original Records, provided the procedures prescribed in the Regulation are followed.

(b) Indicators are used in the Schedule to designate those Records for which microfilm may be substituted in lieu of the original Records. The indicators, which are listed in the Schedule in the column marked "Microfilm Indicators", are as follows:

M—Indicates that microfilm may be substituted for retention of the original Records at any time after the use of such Records for current recording purposes has been discontinued.

M20, M10, etc.—Indicates that microfilm may be substituted for retention of the original Records at any time after such Records have been retained in their original form for the number of years corresponding to the numeral; i.e., 20 years, 10 years, etc.

ME—Indicates Records for which microfilm may be substituted for retention of the original Records at any time subsequent to the expiration, cancellation, supersedure, or other conditions shown in the column marked "Period of Retention." Thus for Item 7(a) microfilm is not acceptable for current contracts, but is acceptable for expired or cancelled contracts.

(c) Absence of any of the "M" indicators explained above indicates that microfilm may not be substituted for retention of the Records described.

(d) Prior to microphotographing, the Records shall be so prepared, arranged, classified, and identified as readily to permit the subsequent location, examination and reproduction of the microphotographs thereof. Any significant characteristic, feature or other attribute of the original Records, which microphotography would not reflect clearly (i.e., that the Record is a copy or that certain figures thereon are red), shall be so indicated where applicable on the pages of such Records at the time of such arrangement, classification, and identification.

(e) Each roll of film shall include a microfilm of a certificate or certificates stating that the microphotographs are direct and facsimile reproductions of the original Records and that they have been made in accordance with the Regulation.

(f) The photographic matter on each roll shall commence and end with a statement as to the nature and arrangement of the Records reproduced, the name of the photographer, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents, or of portions of a film found to be spoiled or illegible or of other matter, shall be attached to the beginning of the roll, and in such event the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for retaking such film.

(g) All film stock shall be of approved permanent-record microcopying type, either perforated or unperforated, such as meets the minimum specifications of the National Bureau of Standards. The microphotographing and processing shall be such that the film may be read easily and that reproductions on photographic paper can be made similar in size to the documents reproduced without significant loss of clarity of detail during the periods such records are required by the Regulation to be preserved. The Company shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microfilm. If the Commission or any other regulatory agency having jurisdiction in respect of such Records so requests, the Company shall furnish at its expense photographic reproductions of any Records, the originals of which have been microfilmed and destroyed pursuant to the provisions of the Regulation.

(h) The microfilm shall be indexed and retained in such manner as will render them readily accessible and identifiable. The film shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc., during the periods such Records are required by the Regulation to be preserved. The film should be cared for in such manner as to prevent cracking, breaking, splitting or other deterioration.

6. *Destruction of records.* The destruction of the Records permitted to be destroyed by the provisions of the Regulation may be performed in any manner elected by the Company. Precautions should be taken, however, to macerate or otherwise destroy the legibility of Records the content of which is forbidden by law to be divulged to unauthorized persons.

7. *Premature destruction or loss of records.* When any Records are destroyed before the expiration of the periods of retention prescribed by the Regulation, a certified statement listing, as far as may be determined, the Records destroyed and describing the circumstances of accidental or other premature destruction shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction. Discovery of loss of Records is to be treated in the same manner as in the case of premature destruction.

8. *Schedule of records retention periods.* The Schedule of Records Retention Periods constitutes a part of the Regulation. The Schedule prescribes the periods of time that designated Records shall be preserved and designates those Records for which microfilm may be substituted for retention of the original Records in accordance with the Instructions.

SCHEDULE OF RECORDS RETENTION PERIODS

Description of records	Period of retention	Microfilm indicators
Corporate and General		
1. Capital Stock Records:		
(a) Capital stock ledgers or other records showing the same information.	10 years after the stockholder's account is closed [1]	M.[2]
(b) Capital stock subscription accounts, warrants, requests for allotments and other essential papers related thereto.	3 years after settlement	M.
(c) Stubs or similar records of capital stock certificate issuance where not used as capital stock ledger record.	7 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger 1(a) is applicable.	M.
(d) Stock transfer registers or sheets or similar records.	7 years after last entry on page or sheet of the record.	M.
(e) Papers supporting transfers of capital stock:		
(1) Papers that have been recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary.	Destroy at option or return to stockholder	
(2) Any other papers not described in (e)(1) above.	7 years from date of transfer	M.
(f) Cancelled capital stock certificates where not used as capital stock ledger records.	7 years after cancellation. If this record serves the purpose of a capital stock ledger, 1(a) is applicable.	M.
(g) Change of address notices of stockholders	Destroy at option after changes are recorded	
(h) Bonds of indemnity and affidavits covering issuances of stock certificates to replace lost certificates.	7 years after expiration of bonds	M.
(i) Letters, notices, reports, statements and other communications distributed to all stockholders of a particular class:		
(1) Formal communications addressed to all stockholders of a particular class, including annual reports to stockholders, notices of annual and special meetings of stockholders, and other notices, letters, reports or statements, relating to corporate or stockholder actions.	Permanently	M–10.
(2) Interim reports of operations, dividend notices, speeches of corporate officers, notices of change of corporate address or telephone numbers, etc.	6 years after the date thereof	M.
(j) Dividend registers, lists or similar records	6 years after dividend payment	M.
(k) Paid dividend checks	6 years after issuance	M.
(l) Third party dividend orders	6 years after rescission order	M.
2. Debt Security Records: [3]		
(a) Registered bond and debenture ledgers	3 years after redemption of issue	ME.
(b) Bond and debenture subscription accounts, warrants, subscription notices, requests for allotment and essential papers related thereto.	3 years after settlement	M.
(c) Stubs or similar records of bond and debenture certificates issued.	3 years after redemption of issue	M.
(d) Papers supporting transfers of registered bonds and debentures:		
(1) Papers that have been recorded officially in a court or in the office of some other public recording authority; and other papers presented by any bank or trust company requesting transfers in its capacity as a fiduciary.	Destroy at option or return to holder of the bonds or debentures.	
(2) Any other papers not described in (d)(1) above.	7 years after transfer	M.

[1] For the purposes of the Regulation a stockholder's account may be treated as a closed account at the time that such stockholder ceases to be a holder of record of the particular class of stock of the Company and the 10-year retention period prescribed herein shall run from that date. If such person subsequently acquires shares of capital stock of the Company and thus again becomes a stockholder of the Company, the record of such acquisition shall be treated as a new stockholder account.

[2] After account is closed as defined in Footnote 1 supra.

[3] The terms "bonds" and "debentures" as used in captions (a) through (f) of this Item shall include all debt securities, such as bonds, debentures or notes other than debt securities which evidence temporary borrowings and which are expected to be repaid out of the proceeds of the sale of longer term securities. Typical of such temporary debt securities as described in 2(i) would be notes issued to banks evidencing temporary working capital and construction loans and gas storage loans.

SCHEDULE OF RECORDS RETENTION PERIODS—Continued

Description of records	Period of retention	Microfilm indicators
Corporate and General—Continued		
2. Debt Security Records—Continued		
(e) Records of bond and debenture interest coupons paid and unpaid.	Destroy at option in compliance with Note below.	M.
(f) Cancelled bonds and debentures and paid interest coupons pertaining thereto.	do	M.
(g) Trust indentures, loan agreements or other contracts or agreements securing debt securities issued. (If such papers or documents are included among the records covered by Item 3 of the Regulation, this instruction will not apply.)	7 years after redemption of issue	ME.
(h) Copies of reports, statements, letters or memoranda filed with Trustee(s) pursuant to provisions of trust indenture or other security instrument or agreement securing debt securities issued.	6 years after redemption of issue. (Destroy at option provided that the Trustee(s) under such indenture or security instrument is a National Bank, a member of the Federal Reserve System or a subsidiary of any such National Bank or Federal Reserve System member bank; and provided further that the Trustee(s) has certified to the Company that copies of all such documents will be available in the offices of the Trustee(s) for inspection at any time prior to redemption by holders of debt securities to which such documents relate and for inspection by any Federal or State regulatory authority prior to redemption and for an additional period of 6 years after redemption).	M.
(i) Paid or cancelled debt securities evidencing temporary borrowings.	3 years after payment or cancellation provided other records of issuance and payment or cancellation are maintained.	M.
(j) Paid interest checks.	6 years after issuance	M.
3. Filings with Regulatory Bodies:		
(a) One copy of every notification, registration statement, periodic or other report, reorganization plan, application, declaration or other filing made by the Company with the Securities and Exchange Commission or with any other Federal or State regulatory body, including copies of exhibits in support of such filings.[4]	Permanently	M-3.
(b) Official copies of formal notices, opinions and orders of the Securities and Exchange Commission or of any other Federal or State regulatory body served upon the Company.	do	M-3.
4. Organization Documents: Corporate charters, franchises or certificates of incorporation and by-laws.	do	M.
5. Proxies and Voting Lists:[5]		
(a) Executed proxies of holders of voting securities.	6 years after date of shareholders' meeting for which executed. (Destroy at option provided the Company preserves certified voting lists as described in 5(b) hereof.)	M.
(b) Lists, certified by one or more independent persons, of holders of voting securities represented at meetings of shareholders showing the votes cast by each such holder for or against each issue voted upon at such meetings.	6 years after date of shareholders' meeting for which prepared. (Destroy at option provided the Company preserves for 6 years the executed proxies of holders of voting securities as provided in 5(a) hereof.)	M.
6. Minute Books of stockholders', directors' and directors' committee meetings.	Permanently	M-10.

NOTE: Cancelled bonds and debentures and paid interest coupons pertaining thereto may be destroyed, provided that a certificate of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and shall be retained by the Company for the period herein prescribed. The certificate of destruction evidencing the destruction of paid interest coupons pertaining to bonds or debentures need not contain a listing of the bond or debenture serial numbers pertaining to such paid interest coupons. When documents represent debt secured by mortgage and the destruction of such documents is performed by a person or persons other than a representative of the Trustee(s), the certificate of destruction shall also be authorized by a representative of the Trustee(s) acting in conjunction with the person or persons destroying the documents or shall have the Trustee(s)' acceptance thereon. The cremation certificate above described may be destroyed 7 years after the payment and discharge of the bonds or debentures or interest coupons described in such certificate. Such certificate may be microfilmed in accordance with indicator "M". See Instruction 5(b) of the Regulation.

[4] If a retention period is prescribed elsewhere in the Schedule with respect to any document which is included as an exhibit to any filing retained pursuant to the requirements of this item, the Company need retain only one copy of such document in its files provided appropriate cross references are established.

[5] It is the intent of this provision that each Company shall maintain for a period of at least 6 years adequate records showing the shareholders of record represented at each stockholders' meeting of the Company and the votes cast by each such shareholder for or against each issue voted upon at each such stockholders' meeting.

SCHEDULE OF RECORDS RETENTION PERIODS—Continued

Description of records	Period of retention	Microfilm indicators
Corporate and General—Continued		
7. Contracts and Agreements:		
(a) Contracts and agreements entered into by the Company for the procurement of services, such as mangement, consulting, accounting, legal, financial or engineering services.	Permanently if reflected in the plant accounts of associates or in the investment account of the Company—all other such contracts 5 years after cancellation or expiration.	ME.
(b) Contracts, agreements, deeds and other title papers relating to the purchase, sale or lease of properties (other than properties purchased from, sold to, or leased to or from present or former associates):		
(1) Those involving annual expenditures of not more than $5,000 and which relate to automobiles; office equipment; materials and supplies; building space; printing and other similar items.	Destroy at option if books of the Company have been examined by independent accountants subsequent to expiration, cancellation or execution of such contracts.	ME.
(2) Those involving annual expenditures of more than $5,000 but less than $125,000 and which relate to renting or leasing of building space.	5 years after cancellation or expiration.	ME.
(3) Those involving annual expenditures of more than $5,000 but less than $20,000 and which relate to automobiles; office equipment, materials and supplies; printing and similar items.	5 years after settlement.	ME.
(4) All others	Permanently	ME.
(c) Contracts or agreements for the acquisition or disposal of investments. (Excluding temporary cash investments.)	do	ME.
(d) Contracts or agreements for the purchase, issuance or sale of the Company's own securities, other than under an employee's stock purchase plan. (This instruction will not apply if the contracts and agreements are covered by Item 3 of the Schedule.)	do	ME.
(e) Contracts or agreements for the purchase, sale, transmission or production of electric energy or of natural or manufactured gas. (Other than for the Company's own use.)	6 years after cancellation or expiration. (If contract or agreement is transferred or assigned, retain copy for 6 years after assignment or transfer.)	ME.
(f) Contracts or agreements with individual employees, labor unions and other employee organizations relative to wage rates, hours and similar matters. (Other than warrants and requests for allotment.)	6 years after cancellation or expiration	ME.
(g) Any other contracts or agreements entered into with present or former associate companies relating to:		
(1) Investments or properties of the Company or investments or properties of associate companies.	Permanently	ME.
(2) Automobiles; office equipment, materials and supplies; building space; printing and similar items.	6 years after cancellation or expiration	ME.
(3) All others	6 years after execution, expiration or cancellation	ME.
(h) Memoranda essential to clarify or explain provisions of contracts and agreements.	For same period as contract to which they relate	ME.
(i) Summaries and abstracts of contracts or agreements.	Destroy at option	
(j) Card or book records of contracts or agreements showing renewal or expiration of same and records of performance.	do	
8. General and Subsidiary Ledgers:		
(a) General ledgers and indexes thereto	Permanently	M-20.
(b) Ledgers subsidiary or auxiliary to general ledgers, except ledgers provided for elsewhere and indexes thereto.	do	M-20.
(c) Trial balance sheets of general and subsidiary ledgers or equivalent records.	5 years after date of trial balance	M.
9. Journals: General and subsidiary journals	Permanently	M-20.

SCHEDULE OF RECORDS RETENTION PERIODS—Continued

Description of records	Period of retention	Microfilm indicators
Corporate and General—Continued		
10. Vouchers and Other Papers Supporting Journal Entries:		
(a) Vouchers supporting general and subsidiary journal entries and papers forming part of or necessary to support and explain vouchers relating to:		
(1) Organization, fixed assets, investments, issuance of capital stock, funded debt and related accounts.	Permanently	M-20.
(2) All other accounts	7 years after settlement	M.
(b) Schedules for recurring journal entries	Destroy when superseded if not a part of a journal entry in which event Item 9 applies.	M-10.
(c) Lists of standard journal entry numbers	Destroy when superseded.	
(d) Material and supplies disbursement and labor distribution records supporting vouchers affecting operations and maintenance of the Company.	7 years after end of fiscal year	M.
11. Cash Books:		
(a) General cash books	Permanently	M-20.
(b) Cash books subsidiary or auxiliary to general cash books.	do	M-20.
12. Voucher Registers:		
Voucher registers or similar records	do	M-20.
13. Vouchers Evidencing Disbursements:		
(a) Paid and cancelled vouchers, bills, invoices, receipts, authorizations and any other supporting papers in connection with: [6]		
(1) Those accounts relating to organization, real estate and/or real estate interests other than building space rentals, investments, capital stock, funded debt and related accounts.	do	M-20.
(2) Those accounts relating to furniture, automobiles, machinery and equipment owned by the Company.	5 years after end of fiscal year in which such property is disposed of.	M-5.
(3) Those accounts relating to renting of building space, automobiles, machinery or equipment and to the procurement of materials and supplies, printing and other items properly chargeable to expenses when acquired.	5 years after settlement	M-5.
(4) Those accounts relating to all other expenditures.	do	M.
(b) Paid checks other than interest and dividend checks. (See Items 1(k) and 2(j) for interest and dividend checks.)	6 years after checks have been returned by bank	M.
14. Accounts Receivable:		
(a) Records of all accounts receivable, registers of accounts receivable, indexes to accounts receivable and summaries of distribution of such accounts.	3 years after settlement	M.
(b) Accounting department copies of invoices issued and supporting papers which do not accompany the original invoices and authorizations for charges including supporting papers.	do	M.
(c) Periodic statements of unsettled accounts, except trial balances.	1 year after end of fiscal year	M.
(d) Schedule of invoices to be issued.	Destroy at option if books of the Company have been examined by independent accountants subsequent to preparation of such schedule.	
15. Other Records of Securities Owned:		
Any records of securities owned, in treasury or with custodians, other than those listed above. (Excluding temporary investments of cash.)	6 years after disposition of such securities	M.
16. Insurance Records:		
(a) Records of insurance policies in force, showing coverage, premiums paid and expiration dates.	Destroy at option if books of the Company have been examined by independent accountants after expiration of such policies.	M.
(b) Records of self-insurance against (1) losses from fire and casualty, (2) damage to property of others and (3) personal injuries.	3 years after date of last accounting entry with respect thereto.	M.

[6] Vouchers described in Items 13(a)(2), (3), and (4) infra involving annual expenditures of $5,000 or less may be destroyed at option if the books of the Company have been examined by independent accountants.

SCHEDULE OF RECORDS RETENTION PERIODS—Continued

Description of records	Period of retention	Microfilm indicators
Corporate and General—Continued		
16. Insurance Records—Continued		
(c) Detailed schedules or spread sheets of monthly insurance charges to operating expenses or other accounts.	Destroy at option after books of the Company have been examined by independent accountants.	
(d) Detailed schedules of monthly accruals for self-insurance.	do	
(e) Insurance policies	1 year after expiration if books of the Company have been examined by independent accountants.	
(f) Records of amounts recovered from insurance companies in connection with losses and records of claims against insurance companies including reports of losses and supporting papers.	3 years after date of recovery	M.
(g) Inspectors' reports and records of condition of property.	1 year after supersession	M.
(h) Reports of minor losses not covered by insurance and of losses less than minimum amount collectible.	Destroy at option after books of the Company have been examined by independent accountants.	
(i) Insurance maps of property and structures erected thereon.	do	
(j) Records and statements relating to insurance requirements.	do	
17. Tax Records:		
(a) Copies of schedules, returns and supporting working papers to taxing authorities and records of appeals:		
(1) Federal income, excess profits, undistributed income and capital stock taxes.	20 years after year of return	M.[7]
(2) State income taxes and State or local propertytaxes.	do	M.[7]
(3) Other taxes	10 years after payment	M-3.
(4) Schedule of allocation of consolidated Federal Income Taxes to subsidiary companies.	10 years after allocation	M-3.
(b) Tax bills from taxing authorities and receipts for payment.	5 years after settlement	M-3.
(c) Summaries of taxes paid by classes of taxes and by location.	Destroy at option after books of the Company have been examined by independent accountants.	
(d) Summaries of taxes paid by taxing districts	do	
18. Accountants' and Auditors' Reports:		
(a) Reports of examinations and audits by accountants and auditors not in the regular employ of the Company. (Including reports of public accounting firms and regulatory commission accountants.)	Permanently	M-10.
(b) Internal audit reports and working papers	3 years after date of completion of audit	M.
19. Automatic Data Processing Records:		
(a) All records which serve as the original source data for automatic data processing. (Includes such original source data as mark sensing cards and invoices, vouchers, proxies and other records originally recorded on punched cards, tapes or similar recording media.)	Retain for the periods prescribed elsewhere in the Schedule.	
(b) Punched cards, tapes or similar recording media used as intermediate records or steps in automatic data processing equipment for assembling figures to be posted to an account or to be accumulated for some other record:		
(1) Where a printed sheet or tape or other hard copy printout which permits an audit trail and which shows such information as voucher numbers, account numbers, amounts, etc. is not preserved.	6 years after end of fiscal year	
(2) Where a printed sheet or tape or other hard copy printout which permits an audit trail and which shows such information as voucher numbers, account numbers, amounts, etc. *is* preserved.	Destroy at option	
(3) Printed sheets or tapes or other hard copy printouts described in 19(b)(1) and 19(b)(2).	6 years after end of fiscal year	

[7] Microfilming permitted after examination by taxing authorities.

SCHEDULE OF RECORDS RETENTION PERIODS—Continued

Description of records	Period of retention	Microfilm indicators
Corporate and General—Continued		
20. Appraisals and Valuations: Appraisals and valuations made by the Company of its properties or investments or of the properties or investments of any associate companies. (Includes all records essential thereto.)	Permanently. (Copies may be retained in lieu of original documents if the properties or investments to which the appraisal or valuations pertain are transferred to associate companies and the original documents are transferred to the acquiring companies.)	N-10.
Treasury		
21. Statements of Funds and Deposits: (a) Summaries and periodic statements of cash balances on hand and with depositories.	Destroy at option after books of the Company have been examined by independent accountants.	
(b) Statements of associates' cash balances on hand and with depositories.	do	
(c) Authorizations for and statements of transfers of funds from one depository to another.	2 years after end of fiscal year	M.
(d) Requisitions and receipts for funds furnished associates and others.	Destroy at option after funds have been returned or accounted for and examined by independent accountants.	
(e) Records of fidelity bonds of employees and others responsible for funds of the company.	Destroy at option after liability of bonding company has expired and item has been examined by independent accountants.	
22. Records of Deposits with Banks and Others: (a) Bank deposit slips or similar records	1 year after end of fiscal year	
(b) Advice of deposits made when information thereon is shown on other records which are retained.	Destroy at option after books of the Company have been examined by independent accountants.	
(c) Statements from depositories showing the details of funds received, disbursed and transferred and balances on deposit.	3 years after end of fiscal year	M-1.
(d) Bank reconcilement papers	do	M-1.
(e) Statements from banks of interest credits	1 year after end of fiscal year.	M.
(f) Check registers or other records of checks issued.	Retain for 6 years if check register is duplicated in the voucher register; if not so duplicated, retain for same periods as Item 13, as applicable.	
(g) Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks.	6 years or destroy at option after check is recovered.	M.
23. Records of Receipts and Disbursements: (a) Daily or other periodic statements of receipts or disbursements of funds.	2 years after end of fiscal year	M.
(b) Records or periodic statements of outstanding vouchers, checks, drafts, etc. issued and not presented.	do	M.
(c) Reports of associates showing working fund transactions and summaries thereof.	Optional after end of fiscal year.	
Payroll and Personnel Records		
24. Payroll Records: [8] (a) Payroll sheets or registers of payments of salaries and wages to individual officers and employees. (See 24(i) for pension or annuity payrolls.)	7 years after end of fiscal year	M.
(b) Records showing the distribution of salaries and wages paid to officers and employees for each monthly, semimonthly or weekly payroll period and summaries or recapitulation statements of such distribution.	do	M.
(c) Time tickets, timesheets, timecards, workmen's reports and other records showing hours worked, description of work and accounts to be charged.	do	M.
(d) Paid checks, receipts for wages paid in cash and other evidences of payments for services rendered by employees.	6 years after end of fiscal year	M.
(e) Receipts for payrolls and pay checks delivered to paymasters or other employees for distribution.	1 year after end of fiscal year	

[8] The requirements of Item 13 of this Schedule shall be observed if applicable.

SCHEDULE OF RECORDS RETENTION PERIODS—Continued

Description of records	Period of retention	Microfilm indicators
Payroll and Personnel Records—Con.		
24. Payroll Records—Continued (f) Authorizations for changes in wage and salary rates, summaries and reports of changes in payrolls and similar records.	3 years after end of fiscal year	M.
(g) Payroll authorizations and records of authorized positions.	do	M.
(h) Comparative or analytical statements of payroll.	1 year after end of fiscal year	
(i) Pension or annuity payrolls	7 years after end of fiscal year	M.
(j) Contracts, agreements and/or other essential records necessary to the carrying out of the functions of an employees' stock purchase plan or other type of employees' saving plan.		
(1) Custodian agreement	6 years after termination	M.
(2) Transfer agent agreement or instructions.	do	M.
(3) Broker's and other security purchase confirmations.	6 years after date of confirmation	M.
(4) Security issue requisitions with supporting individual statements and/or reports.	6 years after date of requisition	M.
(5) Employees' authorizations and withdrawal agreements.	3 years after withdrawal	M.
(6) Copies of notices, letters, statements and all other material released, issued or mailed to eligible and/or participating employees both individually and collectively.	6 years after date of communication	M.
(7) Data processing records, reports and other accounting controls.	6 years after date of inception	M.
25. Assignments, Attachments and Garnishments: (a) Record of assignments, attachments and garnishments of employees' salaries including files of notices, etc. essential thereto.	Destroy at option after books of the Company have been examined by independent accountants.	
(b) Minors' salary releases	do	
26. Personnel Records: (a) Records of employees' service, attendance and other essential data. (This will also include all records relating to the computations of accruals in connection with employees' savings and pension plans.)	7 years after termination of employment of executive or professional employees. Destroy at option after termination of employment of other employees.	ME.
(b) Applications for employment, requests for medical examination, medical examiner's reports, photographs and other identification records and other miscellaneous records pertaining to the hiring of employees.	Destroy at option	
27. Instructions to Employees and Others: (a) Bulletins or memoranda of general instructions issued by the Company to employees of the holding company system pertaining to changes in accounting, engineering, operating, maintenance and construction policies.	20 years after expiration or supersession	M.
(b) Bulletins or memoranda of general instructions issued by the Company to employees of the holding company system pertaining to accounting, engineering, operating, maintenance and construction methods and procedures.	6 years after expiration or supersession	M.
(c) Notices to employees on matters of discipline, deportment and similar subjects.	Destroy at option	
28. Organization Diagrams and Charts	3 years after supersession	M.
Purchases and Stores		
29. Purchase and Stores Records	Any purchases and stores records related to disbursement vouchers shall be retained for the periods prescribed for such vouchers. (See Item 13) All other records pertaining to purchases and stores may be destroyed at option.	

SCHEDULE OF RECORDS RETENTION PERIODS—Continued

Description of records	Period of retention	Microfilm indicators
Miscellaneous		
30. Statistics and Miscellaneous:		
(a) Annual financial, operating and statistical reports regularly prepared in the course of business for internal administrative or operating purposes (and not used as the basis for entries to the accounts of the companies concerned) to show the results of operations and the financial condition of the holding company system, including supporting detailed reports and statements essential to verification of the main reports.	Permanently	M-20.
(b) Quarterly, monthly or other periodic financial, operating and other statistical reports as above.	3 years after end of fiscal year in which prepared	
(c) All other statistical reports (not covered elsewhere in the Schedule) prepared for internal administrative or operating purposes only and not used as the basis for entries to the accounts of the Company.	Destroy at option	
31. Budgets and Other Forecasts (prepared for internal administrative or operating purposes) of estimated future income, receipts and expenditures in connection with financing, construction and operations and acquisitions or disposals of properties or investments by the Company and its associate companies, including revisions of such estimates and memoranda showing reasons for revisions; also records showing comparison of actual income and receipts and expenditures with estimates.	3 years after end of fiscal year in which prepared	
32. Injuries and Damages:		
(a) Claim registers, card or book indexes and similar records in connection with claims presented against the Company in connection with accidents resulting in damage to the property of others or personal injuries.	2 years after settlement	M.
(b) Papers, reports, statements of witnesses, etc. necessary to the support or rejection of individual claims against the Company.	do	M.
(c) Other papers, reports or statements pertaining to accidents resulting in property damage or personal injuries not necessary to the support or rejection of such claims.	Destroy at option	
(d) Detailed schedules or spread sheets of payments to others for personal injuries or for property damage.	2 years after settlement	M.
33. Correspondence:		
(a) Correspondence and indexes and other miscellaneous material essential to and relating to subjects covered by other items of the Schedule. (Letters requesting copies of published materials may be destroyed at option. Correspondence with associate companies and their officers, directors and employees requesting information for use by the Company in compiling its annual reports on Form U5S or for use in compiling reports and filings for other regulatory agencies may be destroyed after one year.)	As may be permitted for items to which correspondence relates.	Same as instruction for retention period.
(b) Stenographers' notebooks and dictaphone or other mechanical device records.	Destroy at option	
(c) Mailing lists of prospects for appliance sales, etc.	do	
(d) Mailing lists of prospects for sales of Company's securities other than lists of all stockholders.	5 years after end of fiscal year in which prepared	M.
34. Other Miscellaneous Records:		
(a) Copies of advertisements by the Company in behalf of itself or any associate company in newspapers, magazines and other publications including records thereof. (Excluding advertising of product, appliances, employment opportunities, services, territory, routine notices and invitations for bids for securities all of which may be destroyed at option.)	10 years after date of publication	M.
(b) Receipts and records pertaining to delivery of articles to employees such as badges, keys and material receipt books.	Destroy at option	
(c) Records of building space occupied by various departments of the Company.	do	
(d) Indexes of forms used by the Company	do	
(e) Transmittal lists or forms used for indicating papers and records forwarded from one department to another provided such lists do not contain data affecting the accounts of the Company.	do	

35. Records of Predecessors and Former Associates:

The records of any predecessor or former associate of the Company and the records of any former associate of any predecessor of the Company, which records are in the possession of or under the control of the Company, shall be retained by the Company until the Commission shall by rule, regulation or order have authorized the destruction or other disposition of such records; provided that, where any such predecessor or former associate was solely a holding company not engaged in the performance of service, sales or construction contracts for associate companies, the records of such predecessor or former associate holding company may be destroyed in accordance with the provisions of the Schedule; and provided further that where any such predecessor or former associate was a public utility company as defined in the Act or was any other operating company commonly known as a public utility company, the records of such predecessor or former associate operating company may be destroyed in accordance with applicable records retention regulations of the Federal Power Commission or of any State Commission having jurisdiction. For the purpose of this instruction, the records of predecessors and former associates, as described herein, shall be deemed to include records prepared or maintained for such predecessors or former associates by any stock transfer agent, dividend paying agent, registrar, coupon paying agent, or any other agent which performs or has performed corporate functions for such predecessors or former associates, provided such records are in the possession of or under the control of the Company.

[F.R. Doc. 59-10161; Filed, Dec. 2, 1959; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Farina; Order Amending Standard of Identity

In the matter of amending the standard of identity for enriched farina:

A notice of proposed rule making was published in the FEDERAL REGISTER of May 28, 1959 (24 F.R. 4308), setting forth a proposal by The Cream of Wheat Corporation, 730 Stinson Boulevard, Minneapolis 13, Minnesota, to amend the standard of identity for enriched farina to provide for the optional use of papain or pepsin to promote more rapid cooking.

Upon consideration of the views and comments submitted and other relevant information, it is concluded that minor modifications of the proposed amendments should be made and that it will promote honesty and fair dealing in the interest of consumers to adopt the modified amendments. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500): *It is ordered*, That § 15.140 (21 CFR 15.140) be amended in the following respects:

1a. Section 15.140(a)(5) is amended to read as follows:

§ 15.140 Enriched farina; identity; label statement of optional ingredients.

(a) * * *

(5)(i) It may contain not less than 0.5 percent and not more than 1 percent by weight of the optional ingredient disodium phosphate; or

(ii) It may be treated with one of the proteinase enzymes papain or pepsin to reduce substantially the time required for cooking. In such treatment papain or pepsin, in an amount not to exceed 0.1 percent by weight, is added to the farina, which is moistened, warmed, and subsequently heated sufficiently to inactivate the enzyme and to dry the product to comply with the limit for moisture prescribed by § 15.130(a).

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

(b)(1)(i) When the optional ingredient disodium phosphate is used, the label shall bear the statement "Disodium phosphate added for quick cooking."

(ii) When the proteinase enzyme treatment is used, the label shall bear the statement "Enzyme treated for quicker cooking."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements pre-

scribed in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter; except that where the name of the food is a part of a trademark or brand, then other written, printed or graphic matter that is also a part of the trademark or brand may so intervene, if such statement is in such juxtaposition with the trademark or brand so as to be conspicuously related to the name of the food.

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

Effective date. This order shall become effective 60 days after its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046; 21 U.S.C. 341)

Dated: November 27, 1959.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-10213; Filed, Dec. 3, 1959; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FOOD ADDITIVES AND STANDARDIZED FOODS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 72 Stat. 1785, 52 Stat. 1055, as amended), and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the procedural regulations covering food additives are amended as follows:

In § 121.8, paragraph (c) is amended to read as follows:

§ 121.8 Food additives proposed for use in foods for which definitions and standards of identity have been prescribed.

* * * * *

(c) A regulation will not be issued allowing the use of a food additive in a food for which a definition and standard of identity is established, unless its issuance is in conformity with section 401 of the act or with the terms of a temporary permit issued under § 3.12 of this chapter. When the contemplated use of such additive complies with the terms of a temporary permit, the food additive regulation will be conditioned on such compliance and will expire with the expiration of the temporary permit.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is interpretative in nature and serves to relax existing requirements.

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(a), 52 Stat. 1055; 21 U.S.C. 371(a). Interprets or applies secs. 401, 409, 52 Stat. 1046, 72 Stat. 1785; 21 U.S.C. 341, 348)

Dated: November 27, 1959.

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

[F.R. Doc. 59-10211; Filed, Dec. 3, 1959; 8:46 a.m.]

SUBCHAPTER C—DRUGS

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

Changes in Labeling Requirements Regarding Expiration Date and Prescription Legend

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of penicillin and penicillin-containing drugs are amended as indicated below:

1. Section 146a.24(c) is amended as follows:

a. In subparagraph (1)(iii), the clause after the word "certified" is changed to read: *"Provided, howver,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. In subparagraph (3), subdivision (ii) is deleted and reserved.

2. Section 146a.25(c) is amended as follows:

a. In subparagraph (1)(iii), the clause following the word "certified" is changed to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

b. Subparagraph (1) is further amended by adding a new subdivision (viii):

(viii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

3. Section 146a.26(c) is amended as follows:

a. In subparagraph (1)(iii), the clause following the word "certified" is changed to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

b. Subparagraph (1) is further amended by adding a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. In subparagraph (2), subdivision (ii) is deleted and reserved.

4. Section 146a.27(c) is amended as follows:

a. Subparagraph (1)(vi) is amended by deleting the concluding clause beginning "Provided, however".

b. Subparagraph (1) is further amended by adding a new subdivision (vii):

(vii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

5. Section 146a.28(c) is amended as follows:

a. Subparagraph (1)(v) is amended by deleting the clause beginning "Provided, however", and by changing the colon preceding this clause to a period.

b. Subparagraph (1) is further amended by adding a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

6. Section 146a.29(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (iv):

(iv) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. In subparagraph (5), subdivision (i) is deleted and reserved.

7. Section 146a.30(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the words "paragraph (a) of this section" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (iv):

(iv) The statement "Caution: Federal law prohibits dispensing without prescription."

c. In subparagraph (2), subdivision (ii) is deleted and reserved.

8. Section 146a.31(c) is amended as follows:

a. Subparagraph (1)(iv) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

9. Section 146a.32(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by deleting the last sentence.

b. Subparagraph (1) is further amended by adding a new subdivision (iv):

(iv) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (3) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (3).

10. Section 146a.33(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding the following new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. In subparagraph (3), subdivision (iii) is deleted and reserved.

11. Section 146a.34(c) is amended as follows:

a. Subparagraph (1)(iv) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (ii) and by indicating that this subdivision is reserved.

12. Section 146a.35(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding the following new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

13. Section 146a.36(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the words "paragraph (a) of this section" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding the following new subdivision (iv):

(iv) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2)(ii) is deleted and reserved.

14. Section 146a.38(c) is amended as follows:

a. Subparagraph (1)(iv) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding the following new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

15. Section 146a.39(c) is amended as follows:

a. Subparagraph (1)(iv) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding the following new subdivision (v):

(v) The statement: "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

16. In § 146a.40(c), subparagraph (1)(iii) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

17. Section 146a.41(c) is amended as follows:

a. Subparagraph (1)(iv) is amended by changing the clause following the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by adding the following new subdivision (vii):

(vii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is deleted and reserved.

18. Section 146a.42(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

19. Section 146a.43(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the clause following the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by adding the following new subdivision (vii):

(vii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is deleted and reserved.

20. Section 146a.44(c)(3) is amended by changing the colon after the words "paragraph (a) of this section" to a period and deleting the remainder of the subparagraph.

21. Section 146a.45(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the clause after the words "paragraph (a) of this section" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is package in an individual wrapper or container;".

b. Subparagraph (1) is further amended by deleting the word "and" at the end of subdivision (iv), by changing the period at the end of subdivision (v) to a semicolon, and by adding the following new subdivisions (vi) and (vii):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled;

(vii) If it is intended solely for veterinary use and contains adrenocorticotropic hormone, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

c. Subparagraph (2) is amended by incorporating subdivision (iii) into subparagraph (2).

22. Section 146a.46(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the word "certified" to a semicolon and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding the following new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription."

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

23. Section 146a.47(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the clause following the words "paragraph (a) of this section" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by deleting the word "and" at the end of subdivision (iv), changing the period after subdivision (v) to a semicolon, and adding to the subparagraph new subdivisions (vi) and (vii):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled;

(vii) If it is intended solely for veterinary use and it contains cortisone or a derivative of cortisone, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

c. In subparagraph (3), subdivisions (i) and (iii) are deleted and reserved.

24. Section 146a.48(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

25. Section 146a.49(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the word "certified" to a semicolon and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by deleting the word "and" at the end of subdivision (vi); by changing the period after subdivision (vii) to a semicolon; and by adding to the subparagraph a new subdivision (viii):

(viii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

26. Section 146a.51(c) is amended as follows:

a. Subparagraph (1)(vi) is amended by changing the colon after the words "paragraph (a) of this section" to a semicolon and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by changing the period after subdivision (vii) to a semicolon and by adding to the subparagraph a new subdivision (viii):

(viii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subparagraph (i) and by incorporating subdivision (ii) into subparagraph (2).

27. Section 146a.58(c) is amended as follows:

a. Subparagraph (1)(iv) is amended by changing the clause after the words "penicillin G hydriodide" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by deleting the word "and" at the end of subdivision (v); by changing the period at the end of subdivision (vi) to a semicolon; and by adding to the subparagraph a new subdivision (vii):

(vii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is deleted and reserved.

28. Section 146a.59(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the colon after the words "paragraph (a) of this section" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (iv):

(iv) The statement "Caution: Federal law prohibits dispensing without prescription."

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

29. Section 146a.63(c) is amended as follows:

a. Subparagraph (1)(v) is amended by changing the clause beginning "Provided, however," to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

b. Subparagraph (1) is further amended by changing the period after subdivision (vi) to a semicolon and by adding to the subparagraph a new subdivision (vii):

(vii) The statement "Caution: Federal law prohibits dispensing without prescription."

c. Subparagraph (2) is deleted and reserved.

30. Section 146a.64(c)(3) is amended by changing the colon after the word "certified" to a semicolon and deleting the remainder of the subparagraph.

31. Section 146a.65(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the clause after the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by deleting the word "and" after subdivision (iv); by changing the period after subdivision (v) to a semicolon; and by adding to the subparagraph a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is deleted and reserved.

32. Section 146a.66(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the clause following the words "paragraph (a) of this section" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container;".

b. Subparagraph (1) is further amended by deleting the word "and" at the end of subdivision (iv); by changing the period at the end of subdivision (v) to

a semicolon; and by adding to the subparagraph a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

33. Section 146a.67(c)(1)(iv) is amended by changing the clause following the words "paragraph (a) of this section" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

34. Section 146a.68(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

35. Section 146a.69(c) is amended as follows:

a. Subparagraph (1)(v) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

36. Section 146a.74(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

37. Section 146a.75(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the clause following the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is deleted and reserved.

38. Section 146a.76(c)(1)(v) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

39. Section 146a.77(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the clause following the words "paragraph (a) of this section" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packed in an individual wrapper or container."

b. Subparagraph (1) is further amended by adding a new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

40. Section 146a.79(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

41. Section 146a.80(c) is amended as follows:

a. Subparagraph (1)(iii) is amended by changing the clause after the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is deleted and reserved.

42. Section 146a.82(c) is amended as follows:

a. Subparagraph (1)(iv) is amended by changing the colon after the words "such period of time" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription."

c. Subparagraph (2) is deleted and reserved.

43. Section 146a.86(c) is amended by changing the clause after the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

44. Section 146a.88(a)(2) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

45. Section 146a.89(b)(1) is amended by changing the clause after the words "such period of time" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

46. Section 146a.94(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

47. Section 146a.95(c) is amended as follows:

a. Subparagraph (1)(v) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding the following new subdivision (vii):

(vii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and incorporating subdivision (ii) into subparagraph (2).

48. Section 146a.97(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

49. Section 146a.98(c) is amended as follows:

a. Subparagraph (1)(v) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subdivision.

b. Subparagraph (1) is further amended by adding the following new subdivision (vi):

(vi) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

50. Section 146a.103(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

51. Section 146a.104(c) is amended as follows:

a. Subparagraph (1) is amended by adding a new subdivision (v):

(v) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. Subparagraph (2) is amended by deleting subdivision (i) and by incorporating subdivision (ii) into subparagraph (2).

52. Section 146a.105(c)(3) is amended by changing the colon after the word "certified" to a period and deleting the remainder of the subparagraph.

53. Section 146a.112(c)(1)(iv) is amended by changing the clause after the word "certified" to read: *"Provided, however,* That such expiration date may be omitted from the immediate container if it contains a single dose and it is packaged in an individual wrapper or container."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the

affected industry has been informed that publication of these amendments was pending and no significant controversy has been encountered.

Effective dates. All amendments involving expiration dates shall become effective 30 days from the date of publication of this order in the FEDERAL REGISTER. All amendments involving placement of the prescription legend on immediate containers shall become effective 90 days from the date of publication.

(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: November 27, 1959.

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

[F.R. Doc. 59-10212; Filed, Dec. 3, 1959; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7507 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Durex Hardware Manufacturing Corp. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.70 *Fictitious or misleading guarantees.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1900 *Source or origin:* Foreign product as domestic. Subpart—*Using misleading name*—VENDOR: § 13.2445 *Producer or laboratory status of dealer or seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Durex Hardware Manufacturing Corp., et al., New York, N.Y., Docket 7507, September 25, 1959]

In the Matter of Durex Hardware Manufacturing Corp., a Corporation, and Joseph L. Smith and Stanley Smith, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors of hardware products, including various types of hand tools, with selling imported products without adequate notice to the buying public of their foreign origin; with representing falsely, through use of the word "Manufacturing" as a part of their corporate name, that they were manufacturers of all the products they offered for sale; and with representing falsely that their "Town and Country" sprinkler was guaranteed without limitation.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 25 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Durex Hardware Manufacturing Corp., a corporation, and its officers, and Joseph L. Smith and Stanley Smith, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of their products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling products which are in whole or substantial part of foreign origin, without clearly and conspicuously disclosing on such products, and if the products are enclosed in a package or carton, on said package or carton, in such a manner that it will not be hidden or readily obliterated, the country of origin thereof.

2. Using the word "Manufacturing" or any other word of the same import or meaning as a part of their corporate or trade name in connection with products not manufactured by them; or representing in any manner or by any means that they manufacture any product that is not manufactured in a factory owned, operated or controlled by them.

3. Representing, directly or by implication, that any product is guaranteed when there are limitations in said guarantee unless the nature and the extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly disclosed.

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: September 25, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-10206; Filed, Dec. 3, 1959; 8:45 a.m.]

[Docket 7532 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Edward Glickman

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or decepitively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Edward Glickman, New York, N.Y., Docket 7532, September 23, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the invoicing requirements of the Fur Products Labeling Act by setting forth on invoices the name of an animal in addition to that producing the fur, by failing to set forth the term "dyed Mouton-processed Lamb" in the manner required, by improper use of the term "blended", and by failing in other respects to comply with invoicing requirements.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 23 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Edward Glickman, an individual doing business in his own name, or under any other name, and respondent's 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 sale, advertising, offering for sale, 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. Falsely and deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the sub-sections of section 5(b)(1) of the Fur Products Labeling Act;

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals in addition to the name or names provided for in section 5(b)(1)(A) of the Fur Products Labeling Act;

C. 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;

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

E. Setting forth the term "blended" as part of the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing or tip-dyeing of furs;

F. Failing to set forth on invoices the item number or mark assigned to a fur product.

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

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

Issued: September 23, 1959.

By the Commission.

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

[F.R. Doc. 59-10207; Filed, Dec. 3, 1959; 8:45 a.m.]

[Docket 7406 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Metropolitan Vacuum Cleaner Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Exaggerated as regular and customary. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Metropolitan Vacuum Cleaner Company, Inc., et al., Bronx, N.Y., Docket 7406, September 29, 1959]

In the Matter of Metropolitan Vacuum Cleaner Company, Inc., a Corporation, and Metropolitan Wholesalers, Inc., a Corporation, and Israel Stern, Jules Stern, and Pearl Stern, Individually and as Officers of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated New York City distributors of vacuum cleaners and sewing machines with representing—in advertising media and instruction booklets—fictitious amounts as the usual retail prices; and with making deceptive use of such expressions as "fully guaranteed" and "lifetime service insurance policy" in connection with their products.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 29 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Metropolitan Vacuum Cleaner Company, Inc., a corporation, respondent Metropolitan Wholesalers, Inc., a corporation, and their officers, and respondent Israel Stern, individually and as an officer of said corporations, and Jules Stern and Pearl Stern as officers of said corporations, 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 vacuum cleaners, sewing machines or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That any price is the usual and regular retail price of merchandise when it is in excess of the price at which said merchandise is usually and regularly sold at retail in the normal course of business.

(b) That any merchandise offered for sale, or sold, is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(c) That merchandise offered for sale, or sold by respondents is covered by a service insurance policy of any nature.

2. Placing in the hands of others, means or instrumentalities which may be used to misrepresent the regular and usual retail prices of merchandise.

It is further ordered, That the complaint, insofar as it relates to respondents Jules Stern and Pearl Stern in their individual capacities be, and the same hereby is, dismissed.

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

It is ordered, That the respondents Metropolitan Vacuum Cleaner Company, Inc., a corporation, Metropolitan Wholesalers, Inc., a corporation, Israel Stern, individually and as an officer of said corporations, and Jules Stern and Pearl Stern as officers of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 29, 1959.

By the Commission.

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

[F.R. Doc. 59-10208; Filed, Dec. 3, 1959; 8:45 a.m.]

[Docket 7508 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Ralph H. Miller, Inc. and Ralph H. Miller

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Ralph H. Miller, Inc., et al., New York, N.Y., Docket 7508, September 29, 1959]

In the Matter of Ralph H. Miller, Inc., a Corporation, and Ralph H. Miller, Individually and as an Officer Thereof

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by failing to invoice fur products as required.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 29 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Ralph H. Miller, Inc., a corporation, and its officers, and Ralph H. Miller, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are 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. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products an invoice showing all of the information required to be disclosed by each of the sub-sections of section 5(b)(1) of the Fur Products Labeling Act.

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

It is ordered, That respondents Ralph H. Miller, Inc., a corporation, and Ralph H. Miller, individually and as an officer thereof, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 29, 1959.

By the Commission.

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

[F.R. Doc. 59-10209; Filed, Dec. 3, 1959; 8:45 a.m.]

[Docket 7501 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Chester G. Schwedler and Southwest Business Service

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Advertising

and promotional services; § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Chester G. Schwedler doing business as Southwest Business Service, Phoenix, Ariz., Docket 7501, September 26, 1959]

In the Matter of Chester G. Schwedler, an Individual Trading and Doing Business as Southwest Business Service

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Phoenix, Ariz., with using deception in selling real estate advertising, including such false claims as that his advertising would sell properties, that he disseminated flyers describing the property for sale to a great number of prospective buyers throughout the country, and that he continued to advertise each property until it was sold.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on September 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Chester G. Schwedler, trading and doing business as Southwest Business Service, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale of advertising or of other services or facilities in connection with the offering for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Property advertised by respondent will be sold as a result of such advertising or other services;

2. Respondent disseminates flyers describing the property for sale to a great number of prospective buyers throughout the country; or to any number of prospective buyers in any location that is not in accordance with the fact;

3. Respondent continues to advertise each property until it is sold, or continues to advertise the property for any length of time that is not in accordance with the fact.

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

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

Issued: September 25, 1959.

By the Commission.

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

[F.R. Doc. 59-10210; Filed, Dec. 3, 1959; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 3 (AGE-2, Amdt. 3)]

NSA 3—(AGE-2)—GENERAL AGENTS, AGENTS, AND BERTH AGENTS

Amendment to Affidavit of Citizenship

Paragraph 3 of the form of Affidavit of United States Citizenship of Corporate Applicant appearing in section 6A8 is hereby amended to read as follows:

Section 6 Form of application.

* * * * *

A. As to the applicant: its citizenship and affiliations.

8. * * *

3. That the names of the President or other Chief Executive Officer and Chairman of the Board, Vice Presidents or other individuals who are authorized to act in the absence or disability of the President, and Directors of the corporation are as follows: *Name* ---------- *Title* ---------- and that each of said individuals is a citizen of the United States (by virtue of birth in the United States, birth abroad of United States citizen parents, by naturalization, by naturalization during minority through the naturalization of a parent, by marriage (if a woman) to a United States citizen prior to September 22, 1922, or as otherwise authorized by law), except (*give name and nationality of alien directors, if any*); however, the by-laws of the corporation provide that ------ of the directors are necessary to constitute a quorum; therefore, the alien directors named represent no more than a minority of the number necessary to constitute a quorum;

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Pub. Law 86-327, September 21, 1959 (73 Stat. 597))

Approved: November 24, 1959.

WALTER C. FORD, *Deputy Maritime Administrator.*

NOVEMBER 24, 1959.

[F.R. Doc. 59-10231; Filed, Dec. 3, 1959; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

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

Frequency Allocations

The Commission has had under consideration the desirability of making certain editorial changes in § 2.104 of its rules.

The purpose of the amendments adopted herein is to correct passages in § 2.104 which refer to Hawaii as a U.S. territory.

It appearing that the amendments adopted herein are editorial in nature and hence that compliance with the public notice, procedural, and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary; and

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

It is ordered, This 30th day of November 1959, that effective December 1, 1959, § 2.104 is amended as set forth below.

Released: December 1, 1959.

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

Section 2.104(a)(1)(ii) and footnotes NG23, NG28, US21, and US34 to the table of frequency allocations in § 2.104(a)(5) are amended to read as follows:

§ 2.104 Frequency allocations.

(a) *Table of frequency allocations.*

(1) * * *

(ii) Fixed (in Alaska, Hawaii, and U.S. possessions).

* * * * *

(5) * * *

NG23 (a) The amateur service may use, in any area, whichever bands, 1800-1825 or 1975-2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;

(3) Only types A1 and A3 emission shall be employed;

(4) Amateur operation shall be limited to:

Area	Bands (kc)	DC plate input power in watts	
		Day	Night
Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these including the District of Columbia	1800-1825	500	200
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington)	1975-2000	500	200
State of Washington	1975-2000	200	50
Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas (west of 99° W. or north of 32° N.)	1800-1825	200	50
Hawaiian Islands	1975-2000	500	200
Texas (east of 99° W. and south of 32° N.), Louisiana, Mississippi, Alabama, Georgia, Florida, Alaska, and U.S. possessions	None	No operation.	

(b) The provisions of paragraph (a) of this section shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commis-

sion without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

* * * * *

NG28 In Hawaii, the frequency bands 76–88 Mc and 98–108 Mc are allocated exclusively to the fixed service for use by common carrier fixed stations for interisland communications only.

* * * * *

US21 The use of the frequencies 26.62 Mc (in Hawaii), 143.91 Mc (in the continental United States excluding Alaska), and 148.14 Mc (in all areas) may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

* * * * *

US34 Government fixed stations in the Midway Islands use frequencies in the band 54.0–54.4 Mc; U.S. stations in the broadcasting service will not be authorized to use frequencies in the band 54–60 Mc at any island in the Pacific Ocean west of the Island of Oahu, Hawaii; non-Government experimental stations, other than contract developmental stations, will not be authorized to use frequencies in the band 54.0–54.4 Mc at any island in the Pacific Ocean west of the Island of Oahu, Hawaii. This note does not apply to Alaska.

(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)

[F.R. Doc. 59–10255; Filed, Dec. 3, 1959; 8:49 a.m.]

[FCC 59–1203]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Television Broadcast Translator Station

In the matter of amendment of Part 4, Subpart G, rules governing television broadcast translator stations (§§ 4.736 (c) and 4.750(c) (2) and (4)).

At a session of the Federal Communications Commission held at its offices on the 27th day of November 1959;

The Commission has before it for consideration §§ 4.736(c) and 4.750(c) of its rules and regulations relating to television broadcast translator stations.

The Commission is considering revising these standards and therefore believes it would be desirable to extend the period for compliance with the rules relating to suppression of out-of-band emissions for an additional period of one year.

Since the amendments adopted herein merely extend the date for compliance with bandwidth limits and represent a relaxation of the requirements by postponing the date for compliance, general notice of proposed rule making, pursuant to the provision of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

Authority for the amendments adopted herein is found in sections 4(i), 303(f) and 303(r) of the Communications Act of 1934, as amended.

In view of the foregoing: *It is ordered*, That effective November 27, 1959, § 4.736 (c) is amended to specify January 1, 1961, instead of January 1, 1960, and the notes to §§ 4.750(c) (2) and (4) are amended to specify January 1, 1961 instead of January 1, 1960, and September 1, 1960, instead of September 1, 1959.

(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)

Released: December 1, 1959.

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

[F.R. Doc. 59–10254; Filed, Dec. 3, 1959; 8:49 a.m.]

PART 6—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Miscellaneous Amendments

1. The Commission has under consideration the desirability of making certain editorial changes in Parts 6 and 21 of its rules and regulations.

2. Upon review of the provisions of Parts 6 and 21, the Commission believes that the editorial changes set forth below should be adopted. In general, these amendments correct typographical errors; delete obsolete notes and provisions; and bring other provisions up to date with respect to certain references to other agencies and parts of the Commission's rules, revisions being made necessary by the change in status of Alaska and Hawaii and the addition of certain classes of emissions now in common use.

3. The amendments adopted herein are principally editorial in nature and to the extent that they are not purely editorial are such that no regulatory changes are effected thereby. Therefore, prior publication of notice of proposed rule making pursuant to the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments become effective immediately.

4. The amendments adopted herein are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, This 27th day of November 1959, that effective November 30, 1959, Part 6, "International Fixed Radiocommunication Services" and Part 21, "Domestic Public Radio Services (Other Than Maritime Mobile)" of the Commission's rules and regulations are amended as set forth below.

(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)

Released: November 30, 1959.

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

A. Part 6, International Fixed Public Radiocommunication Services, is amended as follows:

1. Delete undesignated center subheading "Definitions" preceding § 6.1.

2. Section 6.2 is amended by deleting footnote designator 1 from the heading and changing footnote 1 to a note following the section, as follows:

§ 6.2 Fixed public press service.

The term "fixed public press service" means a limited radiocommunication service carried on between point-to-point telegraph stations, consisting of transmissions by fixed stations open to limited public correspondence of news items, or other material related to or intended for publication by press agencies, newspapers, or for public dissemination. In addition, these transmissions may be directed to one or more fixed points specifically named in a station license, or to unnamed points in accordance with the provisions of § 6.53.

NOTE: This section is not intended as a definition of any press classification. Correspondence admissible under any press classification is determined by the tariffs of the various common carriers on file with the Commission.

§ 6.3 [Deletion]

3. Section 6.3 is deleted.

4. Section 6.9 is amended to read as follows:

§ 6.9 Radiotelegraph.

The term "radiotelegraph" as used in this part shall be construed to include types A0, A1, A2, A4, F1, F2 and F4 emission.

5. Section 6.10 is amended to read as follows:

§ 6.10 Radiotelephone.

The term "radiotelephone" as used in this part shall be construed to include types A3 and F3 emission only.

6. Section 6.11 is amended to read as follows:

§ 6.11 Use of radiotelephone emissions by radiotelegraph stations.

The licensee of a point-to-point radiotelegraph station may be authorized to use type A3 or F3 emission for the following purposes:

(a) Transmission of addressed program material as set forth in § 6.51.

(b) Controlling the transmission and reception of addressed program material.

(c) Controlling the transmission and reception of facsimile material.

7. Section 6.12 is amended to read as follows:

§ 6.12 Use of radiotelegraph emissions by radiotelephone stations.

The licensee of a point-to-point radiotelephone station may be authorized to use type A0, A1, A2, F1, or F2 emission for identification, for test purposes or for the exchange of service messages.

§ 6.13 [Deletion]

8. Section 6.13 is deleted.

9. Delete undesignated center subheading "in general" preceding § 6.20.

10. Section 6.20(a) is amended by deleting "Effective December 1, 1954" and

changing the reference "§ 2.104(a)" to "§ 2.104" as follows:

§ 6.20 Assignment of frequencies.

(a) Only those frequencies which are in accordance with § 2.104 of this chapter may be authorized for use by stations in the Fixed Public Press services. Selection of specific frequencies within such bands shall be made by the applicants therefor. After an application has been filed with the Commission for a particular frequency, its availability for assignment as requested will be determined by study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies and if necessary, by coordination with other agencies utilizing frequencies in these ranges. The applicant will be notified of the results of such study and coordination. All new assignments of frequencies may be made subject to certain conditions as may be required to minimize the possibility of harmful interference to existing services.

11. Section 6.21 is amended to read as follows:

§ 6.21 Facsimile.

The licensee of a point-to-point radiotelephone or radiotelegraph station may be authorized to use type A4 or F4 emission for the transmission of facsimile service to authorized points of communication.

12. Section 6.23 is amended to read as follows:

§ 6.23 Use of frequencies for radiotelegraph communication within the continental United States.

Licensees of point-to-point radiotelegraph stations may use any frequency authorized in a station license for communication between designated points within the 48 contiguous states and the District of Columbia upon the express condition that the use of any frequency above 5000 kilocycles shall be subject to the limitation that no interference shall be caused to the international service, or to service with Alaska or Hawaii; and in the event such interference is caused the licensee shall immediately discontinue the use of the frequency or frequencies producing such interference and operation thereon may be conducted only at times when such interference will not be caused.

13. Section 6.27 is amended to read as follows:

§ 6.27 Experimental research.

The licensee of a station may be authorized to use a transmitter which is licensed for fixed public or fixed public press service for experimental research in accordance with the rules and regulations governing the experimental service upon the condition that no interference will be caused to the public service. Experimental (Research) and Experimental (Developmental) Stations authorized to operate as point-to-point telegraph or telephone stations shall comply with the rules governing fixed public radio services in addition to the rules and regulations governing experimental radio services.

14. Section 6.28 preceding paragraph (a) is amended to read as follows:

§ 6.28 Special temporary authorization.

Requests for special temporary authority must be accompanied by a showing that interference will not be caused to the fixed public or fixed public press service for which the station is primarily licensed; and, in addition, such requests must be accompanied by the following:

15. Section 6.38 is amended to change "class 1 or class 2 experimental" to "Experimental (Research) or Experimental (Developmental)", as follows:

§ 6.38 Experimental points of communication, limitations.

Experimental (Research) or Experimental (Developmental) stations licensed to operate as point-to-point telegraph or telephone stations in the fixed public service may communicate only with other experimental stations located within the continental limits of the United States (except Alaska): *Provided, however,* That upon application the Commission may authorize such a station to communicate with one or more specific points in Alaska, Hawaii, possessions of the United States, or with a specific foreign point. In each such case, the Commission will determine the nature of the experimental transmissions which may be made to such point of communication.

16. Paragraphs (a)(2) and (b)(3) of § 6.39 are amended to change Airways Communication Station to Air Traffic Communications Station and Civil Aeronautics Administration to Federal Aviation Agency, as follows:

§ 6.39 Inspection of tower lights and associated control equipment.

(a) * * *

(2) Shall report immediately by telephone or telegraph to the nearest Air Traffic Communications Station or office of the Federal Aviation Agency any observed failure of tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(b) * * *

(3) In the event of any observed failure of a tower light, (i) nature of such failure; (ii) time the failure was observed; (iii) time and nature of the adjustments, repairs or replacements made; (iv) Air Traffic Communications Station (F.A.A.) notified of the failure of any tower light not corrected within 30 minutes and the time such notice was given; (v) time notice was given to the Air Traffic Communications station (F.A.A.) that the required illumination was resumed.

17. Section 6.40 is amended to change Civil Aeronautics Administration to Federal Aviation Agency as follows:

§ 6.40 Changes in height or location of antenna.

The licensee of a fixed public radio station, the transmitter of which is authorized at a fixed location, shall not make any changes, without the express authority of the Commission, either in the height or the location of the antenna or its supporting structures, except when the existing or proposed antenna or structure has a maximum height not in excess of 100 feet above the ground, changes in height or local changes in location may be made without specific authorization. In no case shall any change in the height or location of the antenna or its supporting structures be made without authority when located or proposed to be located within 5 miles of an airport recognized by the Federal Aviation Agency or within 5 miles of the center line of an established Federal airway.

18. Section 6.41 is amended to delete the reference to May 10, 1943, as follows:

§ 6.41 Quarterly report.

Each licensee of a station at a specific location or of stations under a common transmitter control point, shall, within 40 days after the close of the quarter, submit a quarterly report in duplicate, stating in part I of such report each frequency and associated call letters contained in the license(s), number of hours each such frequency was used to each point of communication for each class of service rendered (such as telegraph, telephone, program or radiophoto), and the total hours each such frequency was used; stating in part II of such report the volume of paid public correspondence transmitted to, received from, and the total with respect to each point of communication named in the license(s); and stating in part III of such report a list of the frequencies which were received from all stations beyond the continental limits of the United States, indicating call letters, locations, type of emissions, and whether such frequencies were received normally or occasionally: *Provided, however,* That this report is not required for stations operating on frequencies above 30,000 kilocycles which are used primarily to control the operation of, or to relay messages to or from, another radio station for which such a report is submitted or for the operation of stations on frequencies above 30,000 kilocycles which are used as an extension to or an integral part of the domestic communication network.

19. Paragraph (a) of § 6.51 is amended to read as follows:

§ 6.51 Addressed program material.

(a) Stations operating in the fixed public service and in the fixed public press service may be authorized to transmit addressed program material to a fixed point, or points, outside the 48 contiguous States and the District of Columbia, specifically named in the instrument of authorization granted to the licensee, intended for broadcast only by a broadcast station. Any such authorization shall be subject to the condition that no interference is caused to the authorized regular service of the station as defined by § 6.8.

B. Part 21, Domestic Public Radio Services (Other Than Maritime Mobile), is amended as follows:

1. Section 21.1 is amended by revising the definitions of "Domestic fixed public service," "Domestic public land mobile radio service", and "Point-to-point microwave radio service," together with related footnotes 2 and 5, to read as follows:

§ 21.1 Definitions.

* * * * *

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (a) The State of Alaska, or (b) the State of Hawaii, or (c) the remaining 48 States and the District of Columbia, or (d) a single possession of the United States.[2]

[2] In cases where service is afforded on frequencies above 30 Mc, facilities within the United States for communication with facilities in Canada or Mexico and in the Caribbean area are also deemed to be in the domestic fixed public service.

Domestic public land mobile radio service. A public communication service for hire between land mobile stations wherever located and their associated base stations which are located within the United States or its possessions, or between land mobile stations in the United States and base stations in Canada.

* * * * *

Point-to-point microwave radio service. A domestic public radio service rendered on microwave frequencies[5] by fixed stations between points which lie within the United States or between points in its possessions or to points in Canada or Mexico.

[5] In certain cases, frequencies below the microwave spectrum, e.g., 27.255 Mc and 72–76 Mc, may be used for control and auxiliary stations in this service.

2. Section 21.12 is amended to correct the reference to "section 0.40" to read "section 0.49(a)" in paragraph (a) and by deleting the Territory of" in connection with Alaska in paragraphs (b), (c), and (e). As amended, paragraphs (a), (b), (c), and (e) read as follows:

§ 21.12 Place of filing applications and number of copies.

(a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Domestic Public Radio Services (other than Maritime Mobile) are discussed within this subpart and may be obtained from the Secretary, Federal Communications Commission, Washington 25, D.C. or from any of the Commission's engineering field offices, the addresses of which are listed in section 0.49(a) of the Commission's Statement of Organization, Delegations of Authority, and other Information.

(b) Every application for a radio station authorization, except applications for stations located in Alaska, and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D.C., attention of the Secretary.

(c) Applications for station authorizations under this part in Alaska shall be submitted to the Federal Communications Commission, Radio District No. 14, Room 802, Federal Office Building, Seattle 4, Washington, attention of the Engineer-in-Charge. Applications for other stations governed by this part should be submitted to the Commission's office in Washington, D.C.

* * * * *

(e) Each application, including exhibits and attachments thereto, for station authorization in Alaska shall be filed with one copy more than the number of copies indicated in this part for stations located elsewhere.

3. Section 21.13 is amended by the insertion of the words, ", or amendment thereto," and ", except Alaska" in the first sentence, and by substitution of the word "possessions" for the word "territories" in the third sentence; § 21.13, as amended, reads as follows:

§ 21.13 Subscription and verification of applications.

One copy of each application, or amendment thereto, for an authorization shall be signed under oath or affirmation by the applicant, if the applicant be an individual; by any one of the partners, if an applicant be a partnership; by an officer or duly authorized employee, if the applicant be a corporation; or by a member who is an officer, if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney-in-fact for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States, except Alaska. If it be signed by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and possessions of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

4. Section 21.19(a) is amended by substituting "in paragraph (b) of this section" for "hereafter" in the second sentence and by changing the reference in the text of footnote 8; as revised, § 21.19 (a) and footnote 8 thereto read as follows:

§ 21.19 Application for special temporary authorization.

(a) Special temporary authorization may be granted for the operation of a new or existing station in the Domestic Public Radio Services for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor.[8] Except as provided in paragraph (b) of this section, no such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days prior to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request. A request for special temporary authorization may be submitted as an informal application in the manner set forth in § 21.14.

5. Section 21.26(c) is amended to substitute "finds the protest sufficient" for "so finds" in the fourth sentence; as amended, § 21.26(c) reads as follows:

§ 21.26 Grants without a hearing.

* * * * *

(c) When any instrument of authorization is granted without a hearing, such grant shall remain subject to protest for a period of 30 days. During such 30 days, any party in interest may file a protest under oath directed to such grant and request a hearing on such application. Such protest shall be served by the protestant upon the grantee, shall contain such allegations of fact as will show the protestant to be a party in interest, and shall specify with particularity the facts relied upon by the protestant as showing that the grant was improperly made or would otherwise not be in the public interest. Within 30 days from the date of filing of such protest, the Commission will make findings as to its sufficiency in meeting the above requirements; and, where it finds the protest sufficient, will designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in its decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented. The Commission may, in such decision, redraft the issues urged by the protestant in accordance with the facts or substantive allegations in the protest, and may also specify that the application be set for hearing upon such further issues as it may prescribe, as well as whether it is adopting as its own any of the issues resulting from the matters specified in the protest. In any hearing subsequently held upon such application, issues specified by the Commission upon its own initiative, or adopted by it, shall be tried in the same manner as provided in section 309(b) of the Communications Act of 1934, as amended, but, with respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

[8] If the request looks to the assignment of a frequency in a manner other than as provided in the Commission's Table of Frequency Allocations, see § 2.103 of this chapter.

6. Section 21.109(b) is amended to include "antenna structure" in the prohibition of unauthorized change; as amended, § 21.109(b) reads as follows:

§ 21.109 Antenna changes.

* * * * *

(b) No replacement or change of antenna or antenna structure shall be effected without prior authorization from the Commission if such replacement or change will alter the gain or directivity of the antenna in the horizontal plane or the height of the antenna or antenna structure above ground.

7. Section 21.118(b) is amended to add two references; as amended, § 21.118(b) reads as follows:

§ 21.118 Transmitter construction and installation.

* * * * *

(b) In any case where the maximum modulating frequency of a transmitter is prescribed by the Commission, the transmitter shall be equipped with a low-pass or band-pass modulation filter of suitable performance characteristics. In those cases where a modulation limiter is employed, the modulation filter shall be installed between the transmitter stage in which limiting is effected and the modulated stage of the transmitter. (See also §§ 21.508(e) and 21.605(d).)

8. In § 21.205, paragraphs (b), (c), (e), (f), (j), and (k) are amended by deleting parenthetical references to "temporary limited radiotelegraph second-class license", the text of paragraph (n) is deleted, and paragraph (o) is amended to change "shall be required" to read "is required"; as amended, § 21.205 (b), (c), (e), (f), (j), (k), (n), and (o) read as follows:

§ 21.205 Operator requirements.

* * * * *

(b) When a radio station is radiating, all adjustments or tests during or coincident with the installation and servicing or maintenance of the transmitter and its associated radio equipment which may affect the quality of transmission or possibly cause the station radiation to exceed the limits specified in its instrument of authorization or in the rules pertaining to such station shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license (either radiotelephone or radiotelegraph, or both, as may be appropriate for the type of emission being used), who shall be responsible for the proper functioning of the radio facilities.

(c) When a radio station is not radiating, any person may perform the functions set forth in paragraphs (a) and (b) of this section without direct supervision after having been authorized to do so by the station licensee. The facilities shall thereafter initially be placed in operation and be determined to be operating properly by a first- or second-class licensed commercial radio operator.

* * * * *

(e) Where manual radiotelegraph keying is employed exclusively, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a first or second-class commercial radiotelegraph operator license issued by the Commission.

(f) In cases where manual radiotelegraph keying and other types of radio transmission are employed, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a commercial radiotelegraph operator license of first or second-class.

* * * * *

(j) TV–STL stations, TV Non-Broadcast Pickup stations, TV Pickup stations, Microwave Auxiliary stations, and Developmental stations shall be operated during the course of normal rendition of service under the effective operational control of a person holding a first or second-class commercial radiotelephone or radiotelegraph operator license issued by the Commission.

(k) Notwithstanding any other provisions of this section, unless the transmitter and its associated equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used.

* * * * *

(n) [Reserved]

(o) A licensee of radio facilities in these services is required to have available on call at all times (either as an employee or through appropriate contractual arrangement with a person holding the requisite class of radio operator license) a licensed first or second-class commercial radio operator (either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used) to perform necessary technical servicing and maintenance of the radio facilities expeditiously.

9. Section 21.206(b) is amended to substitute "Federal Aviation Agency" for "Civil Aeronautics Administration"; as amended, § 21.206(b) reads as follows:

§ 21.206 Inspection and maintenance of antenna structure obstruction marking and associated control equipment.

* * * * *

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Federal Aviation Agency. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

10. Section 21.207(e) is amended by the deletion of the parenthetical reference to a temporary limited radiotelegraph second-class radio operator; as amended, § 21.207(e) reads as follows:

§ 21.207 Transmitter measurements.

* * * * *

(e) The determinations required by paragraphs (a), (b), (c), and (d) of this section shall be made by, or under the immediate supervision of, a person holding a first or second-class commercial radio operator license who shall authenticate the accuracy of such entries by signing his name in the technical log of the station together with the class, serial number and expiration date of his license: *Provided, however,* That the licensee of the station may optionally have the required determinations made by any qualified engineering measurement service, in which case the required record entries shall also show the name and address of the engineering measurement service.

11. Section 21.208(f)(3) (iv) and (v) are amended to substitute "Federal Aviation Agency" for "Civil Aeronautics Administration"; as amended, § 21.208(f)(3) (iv) and (v) read as follows:

§ 21.208 Station records.

* * * * *

(f) * * *

(3) * * *

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

(v) Date and time notice was given to the Airways Communication Station (Federal Aviation Agency) that the required illumination was resumed.

12. Section 21.214 is amended by adding references to §§ 21.807 and 21.808; as amended, § 21.214 reads as follows:

§ 21.214 Operation of stations at temporary fixed locations for communication between the United States and Canada or Mexico.

Stations authorized to operate at temporary fixed locations shall not be used for transmissions between the United States and Canada, or the United States and Mexico, without prior specific notification to, and authorization from, the Commission. Notification of such intended usage of the facilities should include a detailed showing of the operation proposed, including the parties involved, the nature of the communications to be handled, the terms and conditions of such operations, the time and place of operation, such other matters as the applicant deems relevant, and a showing as to how the public interest, convenience and necessity would be served by the proposed operation. Such notification should be given sufficiently in advance of the proposed date of operation to permit any appropriate correlation with the respective foreign government involved. (See §§ 21.611, 21.708, 21.806, 21.807, and 21.808).

13. Section 21.403(a) is amended to add the words "other than Broadcast" to the title of Part 5; as amended, § 21.403(a) reads as follows:

§ 21.403 Special procedure for the development of a new service or for the use of frequencies not in accordance with the provisions of the rules in this part.

(a) An authorization for the development of a new common carrier service not in accordance with the provisions of the rules in this part may be granted for a limited time, but only after the Commission has made a preliminary determination with respect to the factors set forth in this paragraph, as each case may require. This procedure also applies to any application that involves use of a frequency which is not in accordance with the provisions of the rules in this part, although in accordance with the Table of Frequency Allocations contained in Part 2 of this chapter. (An application which involves use of a frequency which is not in accordance with the Table of Frequency Allocations in Part 2 of this chapter should be filed in accordance with the provisions of Part 5 of this chapter, Experimental Radio Services (Other Than Broadcast).) The factors with respect to which the Commission will make a preliminary determination before acting on an application filed under this paragraph are as follows:

14. Section 21.404(c) is amended by adding the reference § 2.104; as amended, § 21.404(c) reads as follows:

§ 21.404 Terms of grant; general limitations.

* * * * *

(c) Frequencies allocated to the service toward which such development is directed will be assigned for developmental operation on the basis that no interference will be caused to the regular services of stations operating in accordance with the Commission's Table of Frequency Allocations (§ 2.104 of this chapter).

15. Section 21.515, footnote 15, is amended to add a reference to § 21.518; as amended, footnote 15 reads as follows:

§ 21.515 Control point and dispatch points.[15]

* * * * *

[15] Reference should be made to §§ 21.118 and 21.518 for additional control point requirements and also to § 21.205 concerning operator requirements.

16. Section 21.601(c) is amended to substitute the words "State of Hawaii" for "Territory of Hawaii"; as amended, that portion of § 21.601(c), preceding the table of frequencies, reads as follows:

§ 21.601 Frequencies.

* * * * *

(c) In the State of Hawaii, the following frequencies are available for assignment to Inter-Office stations:

17. Section 21.604(b) is amended by changing "described" to "describe" in the second sentence; as amended § 21.604(b) reads as follows:

§ 21.604 Emission limitations.

* * * * *

(b) Bandwidths of emission greater than shown in paragraph (a) of this section may be authorized for multi-channel operation upon an adequate showing of need therefor and provided a showing is made that the efficiency of frequency utilization per derived communication channel is equivalent to or greater than on a single channel basis. An application requesting such authorization shall fully describe the modulation, emission and bandwidth desired and shall specify the bandwidth to be occupied.

18. Section 21.610(a)(2) is amended by substituting the words "at least thirty days" for the words "within thirty days" and by substituting the words "for a station authorization designating that single location as the permanent location" for the words "for station authorization to specify the permanent location"; as amended § 21.610(a)(2) reads as follows:

§ 21.610 Rural subscriber, inter-office, and central office stations at temporary fixed locations.

(a) * * *

(2) When a fixed station, authorized to operate at temporary locations, is to remain at a single location for more than six months, applications (FCC Forms 401 and 403) for a station authorization designating that single location as the permanent location shall be filed at least thirty days prior to expiration of the six-month period.

19. Section 21.701 is amended by addition of a new paragraph (f) as follows:

§ 21.701 Frequencies.

* * * * *

(f) Stations now authorized in the band 890–942 Mc may be authorized to operate in the band 942–952 Mc on the following conditions:

(1) That such stations can show that harmful interference is being caused by Government radiopositioning stations in the 890–942 Mc band or by ISM equipment operating on 915 Mc.

(2) That an engineering study by the Commission indicates that the proposed frequency assignment in the band 942–952 Mc is likely to eliminate the interference.

(3) That the bandwidth of emission does not exceed 1100 kc.

(4) That the proposed frequency assignment will not cause interference to existing operations in the band 942–952 Mc.

20. Section 21.704 is amended to change the section title from *"Modulation required"* to *"Modulation requirements"*; as follows:

§ 21.704 Modulation requirements.

* * * * *

21. Section 21.707(a) is amended to change the introductory text and subparagraph (2) to read as follows:

§ 21.707 Stations at temporary fixed locations.

(a) Authorizations may be issued upon proper application for the use of frequencies listed in § 21.701(a) by stations in the point-to-point microwave radio service for rendition of temporary service to subscribers under the following conditions:

* * * * *

(2) When a fixed station, authorized to operate at temporary locations, is to remain at a single location for more than six months, applications (FCC Forms 401 and 403) for a station authorization designating that single location as the permanent location shall be filed at least 30 days prior to the expiration of the six-month period.

22. Section 21.805(d) is amended to substitute "unmultiplexed" for the words "single channel" and to substitute "September 4, 1956," for the words "the effective date of these rules"; as amended, § 21.805(d) reads as follows:

§ 21.805 Modulation requirements.

* * * * *

(d) Each unmultiplexed radiotelephone transmitter having more than 3 watts plate power input to the final radio frequency stage and initially installed at the station in this service after September 4, 1956, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level.

[F.R. Doc. 59–10190; Filed, Dec. 3, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 1]

APPLICABILITY OF RULES OF THE BUREAU OF INDIAN AFFAIRS

Notice of Proposed Rule Making

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463 and 465 (5 U.S.C. 22; 25 U.S.C. 2 and 9), it is proposed to add a new part to Title 25 of the Code of Federal Regulations to read as set forth below. The purpose of this amendment is to make clear that the Secretary of the Interior retains the power to waive or make exceptions to his regulations as found in Chapter I of Title 25 of the Code of Federal Regulations in all cases where such waivers or exceptions are permitted by law and where the Secretary finds that the action proposed is in the best interest of the Indians involved.

Interested persons may submit written comments, suggestions or objections with respect to the proposed regulations to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 15 days of the date of publication of this

notice in the FEDERAL REGISTER. The 15-day period has been designated rather than the full 30-day period so that the regulations, as adopted, may be published in the Cumulative Pocket Supplement to the Code of Federal Regulations as of January 1, 1960, for the convenience of the users of Title 25 of the Code of Federal Regulations.

PART 1—APPLICABILITY OF RULES OF THE BUREAU OF INDIAN AFFAIRS

§ 1.1 [Reserved]

§ 1.2 Applicability of regulations and reserved authority of the Secretary of the Interior.

The regulations in this Chapter I of Title 25 of the Code of Federal Regulations are of general application. Notwithstanding any limitations contained in the regulations of this Chapter, the Secretary retains the power to waive or make exceptions to his regulations as found in this Chapter I of Title 25 of the Code of Federal Regulations in all cases where the Secretary finds that such waiver or exception is in the best interest of the Indians.

FRED G. AANDAHL,
Acting Secretary of the Interior.

DECEMBER 2, 1959.

[F.R. Doc. 59-10297; Filed, Dec. 3, 1959; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 905, 987, 1014]

[Docket Nos. AO-297-A-1; AO-252-A-6; AO-304-A-1]

MILK IN MISSISSIPPI DELTA, CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST 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 a public hearing to be held in the Rose Room of the Heidelberg Hotel, 131 East Capital Street, Jackson, Mississippi, beginning at 10:00 a.m., c.s.t., on December 15, 1959, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Mississippi Delta, Central Mississippi and Mississippi Gulf Coast 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 proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present Mississippi Delta order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

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

Central Mississippi Order:

Proposed by the Mississippi Milk Producers Association, Jackson, Mississippi:

Proposal No. 1. Delete § 987.51(a) and substitute therefor the following:

(a) *Class I milk price.* The minimum price per hundredweight shall be the basic formula price for the preceding month plus $2.30 during all months of the year.

Proposal No. 2. Amend § 987.13, by deleting, ", except plants under another order,".

Proposal No. 3. Amend § 987.13, by changing the period which follows the word "November" to a colon and adding the following immediately after the colon: "*Provided,* That, during each of the months of February through August, this definition shall include only a person(s), with respect to that milk which is received at a pool plant during the month or any person(s), except for a person(s) who is temporarily in noncompliance with Grade A inspection requirements of the duly constituted health authority(ies) for a period of time which would prohibit shipment to a pool plant for the specified number of days, whose milk was received at a pool plant for not less than 15 days during each of the immediately preceding months of September through November or is so received for less than 15 days in any month of September through November and the person delivering such milk does not deliver any milk to a nonpool plant on the same, intervening, or following days of the month."

Proposal No. 4. Amend § 987.14 by deleting, "(except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act)".

Proposal No. 5. Delete § 987.80 and substitute therefor the following:

§ 987.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the number of days from the first day for which milk is received from such producer during said months to the last day of January, inclusive, less the number of days in January for which milk is received from such producer in February, but not less than 120 days.

Proposal No. 6. Amend § 987.82(a) by replacing the semicolon which follows the "Period" with a colon and adding the following immediately after the colon: *Provided,* That, in the case of a supply plant(s) which did not qualify as a pool plant during each month of the base forming period, such assignment shall be made only for each month of the base operating period in which total deliveries of producer milk are 110 percent or less of the total milk classified as Class I (excluding duplications) at all pool plants;

Proposal No. 7. Delete § 987.82(b)(1) and insert therefor the following:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day for which a delivery is made for either the transferee or transferor during the base forming period to the last day of January, inclusive, less the number of days in January for which milk is delivered for either the transferee or transferor in February, but not less than 120 days.

Proposal No. 8. Amend § 987.93 by designating the existing paragraph as (a), by redesignating (a), (b), and (c) as (1), (2), and (3), respectively, and by adding the following new paragraph:

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to § 987.90, § 987.93(a), § 987.94, § 987.95, §987.97 or § 987.98 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

Proposal No. 9. Review § 987.51(b) with respect to the level of the Class II price.

Proposed by Madison County Dairies, Inc., Canton, Mississippi:

Proposal No. 10. Amend § 987.45 to read as follows:

§ 987.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk contained in such product, plus all of the water originally associated with such solids, except when such dry milk solids are added for the sole purpose of fortifying or building additional solids in Fluid Class I milk products, in which case the actual pounds of nonfat dry milk would be considered in utilization rather than the actual pounds of nonfat dry milk plus the original water associated with such solids.

Proposal No. 10-a. Amend § 987.13 to read as follows:

§ 987.13 Producer.

Producer means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted

by a handler to another pool plant or to a nonpool plant, except plants under another order, for the account of a handler operating a pool plant or a cooperative association but for not more than 10 days production during the months of September, October, and November. Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

Proposed by Hattiesburg Creamery, Hattiesburg, Mississippi:

Proposal No. 10–b. Amend § 987.7 by inserting in parentheses, immediately after "producer milk", the words "except excess milk during the months of March through July".

Proposed by Oaklawn Dairy, Columbia, Mississippi, and Vance Dairy, Hattiesburg, Mississippi:

Proposal No. 11. Amend § 987.12 and § 987.16 so that a producer-handler's own farm production will not be subject to the pooling and pricing provisions of the order.

Proposed by the Dairy Division, Agricultural Market Service:

Proposal No. 12. Amend § 987.44 to read as follows:

§ 987.44 Transfers.

Skim milk and butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I if transferred in the form of a fluid milk product(s) to the pool plant of another handler unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 987.30: *Provided,*

(1) That the receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate the greatest possible total Class I utilization to producer milk of both handlers.

(b) If transferred or diverted in the form of a bulk fluid milk product(s) to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued under the Act, pursuant to the utilization assigned in accordance with the classification and allocation procedure of the other Federal order: *Provided,* That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(c) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant, except as specified in paragraph (b) of this section, unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 987.41(b)(1)) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage (not to exceed 2 percent of the total receipts) of skim milk and butterfat, respectively, in the total physical receipts at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant: *Provided,* That if skim milk and butterfat not subject to the pricing and payment provisions of an order issued pursuant to the Act is received at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purposes of this subparagraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (as defined in § 987.41(b)(1)) processed in such second nonpool plant plus the fluid bulk cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided,* That the second and third nonpool plants meet the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (vi) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk.

Proposal No. 13. Modify the following provisions of the order for the purpose of making appropriate adjustments to clarify and coordinate the application of order provisions:

(a) Revise § 987.46(3) to read as follows:

(3) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of other orders issued pursuant to the Act;

(b) Delete § 987.70(e);

(c) In § 987.70(f) change "40" to "45";

(d) In § 987.72(a) delete "§ 987.90 or"; and

(e) In § 987.94(b) delete "In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 987.90(d)."

Mississippi Delta Order:

Proposed by Mississippi Milk Producers Association:

Proposal No. 14. Amend § 905.14 by changing the period which follows the word "January" to a colon and by adding the following immediately after the colon: *Provided,* That during each of the months of February through August, this definition shall include only a person(s), with respect to that milk which is received at a pool plant during the month or any person(s), except for a person(s) who is temporarily in noncompliance with Grade A inspection requirements of the duly constituted health authority(s) for a period of time which would prohibit shipment to a pool plant for the specified number of days, whose milk was received at a pool plant for not less than 15 days during each of the immediately preceding months of September through January or is so received for less than 15 days in any month of September through January and the person delivering such milk does not deliver any milk to a nonpool plant on the same, intervening, or following days of the month.

Proposal No. 15. Delete § 905.80 and insert therefor the following:

§ 905.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the number of days from the first day for which milk is received from such producer during said months to the last day of January, inclusive, less the number of days in January for which milk is received from such producer in February, but not less than 120 days.

Proposal No. 16. Amend § 905.82(a) by replacing the period which follows the word "Period" with a colon and by adding the following: *"Provided,* That, in the case of a supply plant(s) which did not qualify as a pool plant during each month of the base forming period, such assignment shall be made only for each month of the base operating period in which total deliveries of producer milk are less than 110 percent of the total milk classified as Class I (excluding duplications) at all pool plants."

Proposal No. 17. Delete § 905.82(b)(1) and insert therefor the following:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day for which a delivery is made for either the transferee or transferor during the base forming period to the last day of January, inclusive, less the number of days in January for which milk is delivered for either the transferee or transferor in February, but not less than 120 days.

Proposal No. 18. Amend § 905.91 by designating the existing paragraph as (a), by redesignating (a), (b), and (c) as (1), (2), and (3), respectively, and by adding the following new paragraph:

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 905.90, 905.91(a), 905.92, 905.93, 905.95, or § 905.96 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

Proposal No. 19. Review § 905.50(b) with respect to the level of the Class II price.

Proposed by Houston Dairy, Inc., Houston, Mississippi:

Proposal No. 20. Amend § 905.6 *Mississippi Delta marketing area,* by deleting Webster County, and Beats Numbered 1, 4 and 5 in Calhoun County, all in the State of Mississippi, from the provisions of the order.

Proposal No. 21. Amend § 905.62(a)(1) to read as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of Class I milk disposed of during the month on routes in the marketing area at the applicable Class I price for the month and the value of such milk at the applicable uniform prices.

Proposed by Realicious Dairies, Inc., Columbus, Mississippi:

Proposal No. 22. Amend § 905.15 to change producer milk definition to milk not only received in a pool plant, but also received in a pool plant farm pickup tanker in a Grade A condition.

Proposal No. 23. Amend § 905.41(b)(2) by adding butterfat as well as skim milk in classifying livestock feed.

Proposal No. 24. Change § 905.50(a) to read as follows:

(a) The price per hundredweight for Class I shall be the price for Class I milk established pursuant to § 918.51(a) of this chapter regulating the handling of milk in the Memphis marketing area, plus 16 cents.

Proposal No. 25. Amend § 905.80 by adding a new section for determining a monthly base for each producer. For each of the months March through August each year the monthly base of each producer shall be an amount of milk computed by the market administrator by multiplying the daily base of such producers by the number of days on which milk was received during such months from such producers by a handler.

Proposed by LuVel Dairy Products, Inc., Kosciusko, Mississippi :

Proposal No. 26. Amend § 905.41 to classify eggnogg and Ready to Serve Malt as Class II.

Proposed by Grenada Farms, Inc., Grenada, Mississippi:

Proposal No. 27. Amend § 905.41(b) by deleting subparagraph (2) and adding a new subparagraph (2) and a subparagraph (3), as follows:

(2) Disposed of and used for livestock feed.

(3) Contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping.

Renumber the present subparagraph (3) as (4), the present subparagraph (4) as (5), and the present subparagraph (5) as (6).

Proposal No. 28. Amend the order at § 905.22(g), or at other appropriate place, to provide that the final verification or audit of the market administrator shall be made at intervals of not more than two months, and that such audit shall be performed immediately after the receipt by the administrator of the handler's report for the last month in the period for which the audit is to be made.

Proposal No. 29. Amend § 905.41, and make conforming changes, to provide that skim milk and butterfat disposed of in the form of eggnogg shall be classified as Class II.

Proposal No. 30. Make such revision in the Class I price provisions at §§ 905.51 and 905.52 as will provide proper alignment with Class I prices under nearby Federal milk market orders.

Proposal No. 31. Revise §§ 905.14, 905.80, 905.81, 905.82, and other provisions of the order as may be proper, to provide more rigid requirements of association of milk with this market for participation in the marketwide pool and base rating plan provided by the order.

Proposal No. 32. Amend the order at § 905.33, or appropriately elsewhere, to provide that in any case when fresh samples are employed to determine the butterfat content of milk deliveries of a producer, the number of such fresh samples employed shall be consistent with the requirements of the State of Mississippi in this respect, and shall not be less than 24 for a full month's delivery and in the case of less than a full month's delivery shall represent at least 80 percent of the milk delivered.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 33. Revise § 905.30 to provide handler reports be submitted on or before the 6th day of each month.

Proposal No. 34. Amend § 905.44 *Transfers,* to read as follows:

§ 905.44 Transfers.

Skim milk and butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I if transferred or diverted in the form of a fluid milk product(s) to the pool plant of another handler unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 905.30: *Provided,*

(1) That the receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate the greatest possible total Class I utilization to producer milk of both handlers.

(b) As Class I if transferred in the form of a fluid milk product(s) to a plant operated by a producer-handler.

(c) If transferred or diverted in the form of a bulk fluid milk product(s) to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued under the Act, pursuant to the utilization assigned in accordance with the classification and allocation procedure of the other Federal order: *Provided,* That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(d) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant, except as specified in paragraphs (b) and (c) of this section, unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined in § 905.41(b)(1) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage (not to exceed 2 percent of total receipts) of skim milk and butterfat, respectively, in the total physical receipts at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant: *Provided,* That if skim milk and butterfat not subject to the pricing and payment provisions of an order issued pursuant to the Act is received at such transferee plant, such skim milk and

butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purposes of this subparagraph:

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (as defined in § 905.41 (b)(1)) processed in such second nonpool plant plus the fluid bulk cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second and third nonpool plants meet the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a sources(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (vi) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk.

Proposal No. 35. Modify the following provisions of the order for the purpose of making appropriate adjustments to clarify and coordinate the application of order provisions as follows:

(a) In § 905.22(i)(1) delete "adjusted by the applicable location adjustments pursuant to § 905.52".

(b) In § 905.31(c) before the word each insert "On or before the 25th day after the end of each month".

(c) Revise § 905.41(b)(3) to read:

(3) In shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk from pool plants of other handlers, less 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk to pool plants of other handlers;

(d) In § 905.42(a) delete "classified as Class II milk".

(e) Revise §§ 905.46 and 905.70 to avoid the application of compensatory payments on milk, received at pool plants, that is classified and priced as Class I under another order issued pursuant to the Act.

(f) In § 905.92(b) delete "In lieu of such statement, a handler may authorize the market administrator to furnish such cooperative association the information reported for such producers pursuant to § 905.90(d)".

Proposed by A and M Dairy, Greenwood, Mississippi:

Proposal No. 36. (a) Amend § 905.41 (b)(2), to read as follows:

(2) In skim milk and butterfat authorized by the market administrator, to be dumped or accounted for as disposed of for livestock feed; and

(b) Amend § 905.41(b)(5), to read as follows:

(5) In inventories of fluid milk products on hand at the end of the month which shall include milk produced by a producer, but which may not have been delivered until the first day of the following month.

Proposal No. 37. Amend § 905.14 to include milk produced by a producer, but which may not have been delivered until the first day of the following month.

Mississippi Gulf Coast Order:

Proposed by Mississippi Milk Producers Association:

Proposal No. 38. Amend § 1014.14 by changing the period which follows the word "January" to a colon and by adding the following immediately after the colon: "*Provided*, That, during each of the months of February through August, this definition shall include only a person(s), with respect to that milk which is received at a pool plant during the month or any person(s), except for a person(s) who is temporarily in noncompliance with Grade A inspection requirements of the duly constituted health authority(s) for a period of time which would prohibit shipment to a pool plant for the specified number of days, whose milk was received at a pool plant for not less than 15 days during each of the immediately preceding months of September through January or is so received for less than 15 days in any month of September through January and the person delivering such milk does not deliver any milk to a nonpool plant on the same, intervening, or following days of the month."

Proposal No. 39. Delete § 1014.75 and insert therefor the following:

§ 1014.75 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the number of days from the first day for which milk is received from such producer during said months to the last day of January, inclusive, less the number of days in January for which milk is received from such producer in February, but not less than 120 days.

Proposal No. 40. Amend § 1014.77(a) by replacing the semicolon which follows the word "Period" with a colon and by adding the following immediately after the colon: "*Provided*, That, in the case of a supply plant(s) which did not qualify as a pool plant during each month of the base forming period, such assignment shall be made only for each month of the base operating period in which total deliveries of producer milk are not more than 112 percent of the total milk classified as Class I (excluding duplications) at all pool plants;"

Proposal No. 41. Delete § 1014.77 (b)(1) and insert therefor the following:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the number of days from the first day for which a delivery is made for either the transferee or transferor during the base forming period to the last day of January, inclusive, less the number of days in January for which milk is delivered for either the transferee or transferor in February, but not less than 120 days.

Proposal No. 42. Amend § 1014.86 by designating the existing paragraph (a), and by adding the following new paragraph:

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1014.80, 1014.84, 1014.85, 1014.86(a), 1014.87, or § 1014.88 shall be increased one-half of one percent each month or fraction thereof compounded monthly, until such obligation is paid.

Proposal No. 43. Review § 1014.50(b) with respect to the level of the Class II price.

Proposed by one Milk Products Co., Inc., Biloxi, Mississippi:

Proposal No. 44. Amend § 1014.45 by adding at the end of the proviso the following: "except when such dry milk solids are added for the sole purpose of fortifying or building additional solids in fluid Class I milk products."

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 45. Revise the first paragraph of § 1014.30 to read as follows:

On or before the 6th day of each month each handler who operates a pool plant(s), each handler (other than a producer handler) who operates a nonpool distributing plant and any cooperative association with respect to milk for which it is a handler pursuant to § 1014.12(c) shall report for the preceding month to the market administrator on the detail and on forms prescribed by the market administrator as follows:

Proposal No. 46. Amend § 1014.44 to read as follows:

§ 1014.44 Transfers.

Skim milk and butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I if transferred or diverted in the form of a fluid milk product(s) to the pool plant of another handler unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 1014.30: *Provided*,

(1) That the receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate the greatest possible total Class I utilization to producer milk of both handlers.

(b) As Class I if transferred in the form of a fluid milk product(s) to a plant operated by a producer-handler.

(c) If transferred or diverted in the form of a bulk fluid milk product(s)

to a nonpool plant that is a pool plant (a fully regulated plant) under another order issued under the Act, pursuant to the utilization assigned in accordance with the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

(d) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant, except as specified in paragraphs (b) and (c) of this section, unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received at the nonpool plant during the month from a pool plant(s) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined in § 1014.41(b)(1) at such nonpool plant during the month;

(ii) Subtract the overage or add the actual shrinkage (not to exceed 2 percent of total receipts) of skim milk and butterfat, respectively, in the total physical receipts at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant: *Provided*, That if skim milk and butterfat not subject to the pricing and payment provisions of an order issued pursuant to the Act is received at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purposes of this subparagraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (as defined in § 1014.41 (b)(1)) processed in such second nonpool plant plus the fluid bulk cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: *Provided*, That the second and third nonpool plants meet the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of fluid Grade A milk products.

In the event that the remaining skim milk and butterfat, respectively, computed pursuant to subdivision (vi) of this subparagraph is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk.

Proposal No. 47. Modify the following provisions of the order for the purpose of making appropriate adjustments to clarify and coordinate the application of order provisions:

(a) In § 1014.22(i) (1), (2), and (3) delete, "adjusted by the applicable location adjustments pursuant to § 1014.52" or "§ 1014.82" as the case may be.

(b) Revise § 1014.46 and § 1014.70 to avoid the application of compensatory payments on milk, received at pool plants, that is classified and priced as Class I under another order issued pursuant to the Act.

(c) In § 1014.52 change the reference to § 1014.51(a) to § 1014.50(a); in § 1014.72(b) change the reference to § 1014.81 to § 1014.82; and in § 1014.72 (d) change the reference to § 1014.82 to § 1014.81.

(d) In § 1014.61(b) provide that the required payments be made on or before the 20th day after the end of the month.

All three Mississippi orders:

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 48. 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 orders may be procured from the Market Administrator, Cleo C. Taylor, 480 Woodrow Wilson Drive, University Building, Jackson, Mississippi; 209 Anderson Building, 1319 24th Avenue, Gulfport, Mississippi; 227 Aven Building, 210 West Washington Street, Greenwood, Mississippi, 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 1st day of December 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-10243; Filed, Dec. 3, 1959; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 19]

AIRWORTHINESS DIRECTIVES

Wright Engines

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of Wright C9HD engine master rod assemblies. To overcome failures experienced with the master rods, it is proposed to install a strengthened master rod which would also require changes in articulating rods with associated parts.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 5, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

WRIGHT ENGINES. Applies to all Wright 97709HD1, 2 and 3 engine models.

Compliance required at first engine overhaul after January 1, 1960 but not later than June 30, 1960.

To alleviate failures of the master rod assemblies, strengthened master and articulating rods with associated parts must be installed in accordance with the instructions contained in Wright Aeronautical Division Service Bulletin No. C9-353.

Issued in Washington, D.C., on November 27, 1959.

S. A. KEMP,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59-10204; Filed, Dec. 3, 1959; 8:45 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 192]

AIRWORTHINESS DIRECTIVES

Lockheed

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24

F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modification of tail cover latch assemblies on Lockheed 188 aircraft to prevent a recurrence of inflight loss of top cowl panel.

Interested persons may participate in the making of the proposed rule by submitting such written data, views of arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before January 5, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Model L–188 aircraft.

Compliance required by April 1, 1960.

Loss of the top cowl panel over the engine tail pipe has occurred in flight due to insecurity of the cowl latches. To prevent recurrence of this difficulty, the following modifications must be accomplished:

(a) Modify latch assemblies by replacement of snap ring retention with clevis or shoulder pin design and safety in place.

(b) Install position pins and locators to provide more positive alinement of the cowling with the latches when in the closed position.

(Lockheed Service Bulletins No. 188/295 and 188/365 cover this same subject.)

Issued in Washington, D.C., on November 27, 1959.

S. A. KEMP,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 59–10205; Filed, Dec. 3, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 13287; FCC 59–1206]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

General Technical Requirement

In the matter of amendment to § 8.545(a)(3)(i) of the Commission's rules regarding location and mounting of batteries used as the radio installation power supply on vessels subject to Title III, Part III of the Communications Act, Docket No. 13287.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The rules proposed to be amended are set forth below.

2. This proposal which is being issued on the Commission's own motion would provide for increased uniformity between the Commission's regulations and United States Coast Guard regulations regarding location and security of batteries used as either a main or emergency source of energy for the radio installation on a vessel subject to Title III, Part III of the Communications Act. The present Commission rule relating to the placement of such batteries is contained in the last sentence of § 8.545(a)(3)(i), and reads as follows:

* * *. When batteries are used as either a main or emergency source of energy for the radiotelephone installation they shall be placed in such a position that they will not be contaminated by bilge water of the vessel, and in no case shall they be installed below the center line of the crankshaft of any inboard propulsion engine.

3. The wording of the current rule relating to placement of batteries was adopted on January 2, 1957 (Docket No. 11824). During the time that this rule has been in force, there have been a number of incidents where misunderstandings have occurred due to varying interpretations of that portion of the rule referring to the center line of the crankshaft of an inboard propulsion engine. Such varying interpretations have been caused primarily by the practice of mounting propulsion engines in a slanted position and in some cases offset from the vessel's propeller shaft or shafts by power reduction gear boxes resulting in a higher than normal engine mounting position. Because of variations in engine mounting practices and in the structure of vessels it has been necessary in some instances to make interpretations on a case-by-case basis.

4. United States Coast Guard "Small Passenger Vessel Regulations" CG–249, promulgated in implementation of Public Law 519, Subchapter T, Part 183 Electrical Installation, § 183.10–10(b), provides requirements for the location, mounting, and stability of batteries aboard small passenger vessels not more than 65 feet in length and carrying more than 6 passengers. This section reads as follows:

Batteries shall be located as high above the bilge as practicable and secured against shifting with motion of the boat. They shall be accessible with not less than 10 inches head room.

5. It is believed that the essential requirements for safety and for continuity of service that are necessary when batteries are used as a source of energy for the radiotelephone installation on small watercraft are satisfied by the wording of the Coast Guard regulation given in paragraph 4 above. It would also appear that adoption of the wording contained in the Coast Guard regulation in lieu of that contained in the Commission's regulations, specified in paragraph 2 above, would lead to more uniform enforcement practices and involve less administrative effort. For the reasons stated, it is proposed herein to amend § 8.545(a)(3)(i) so as to delete the wording specified in paragraph 2 herein and substitute therefor the wording specified in paragraph 4 herein. Such an amendment is set forth below.

6. This proposed amendment is issued pursuant to the authority contained in section 303(r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 6, 1960, written data, views, or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

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

Adopted: November 27, 1959.

Released: December 1, 1959.

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

Part 8 is proposed to be amended as follows:

Section 8.545(a)(3)(i) is amended to read as follows:

§ 8.545 General technical requirements.

(a) * * *

(3) *Power supply.* (i) There shall be readily available for use at all times under normal load conditions while the vessel is navigated in waters specified by Section 381 of Part III of Title III and when required during inspection of the ship radiotelephone station by an authorized representative of the Commission, a main source of energy capable of supplying electrical power sufficient to energize simultaneously and efficiently the radiotelephone transmitter at its required power, and the required receiver. At all times specified in the preceding sentence the potential of the main source of energy at the power input connections of the radiotelephone installation shall not deviate from its rated electrical potential by more than 10 percent on vessels the construction of which is completed on or after March 1, 1958, nor more than 15 percent on vessels completed before that date: *Provided*, That radiotelephone output power in the medium frequency band under either of these conditions shall not be less than 10 watts when such output power is applicable to a transmitter installed before March 1, 1957. In the case of a vessel of more than 100 gross tons, the keel of which was laid after March 1, 1957, an emergency source of energy independent of the vessel's normal electrical system shall be provided and shall be located in the upper part

of the ship, unless the main source of energy is so located, in which case an emergency source of energy is not required. The emergency source of energy, when required, shall be located as near to the radiotelephone transmitter and receiver as is practicable. A source of energy shall be deemed to be located in the upper part of the ship when it is located on the same deck as the wheel house or at least one deck above the vessel's main deck. When batteries are used as either a main or emergency source of energy for the radiotelephone installation they shall be located as high above the bilge as practicable and secured against shifting with motion of the boat. They shall be accessible with not less than 10 inches head room.

[F.R. Doc. 59-10256; Filed, Dec. 3, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3]

DEFORMED STEEL BARS FROM MEXICO

Determination of No Sales at Less Than Fair Value

NOVEMBER 25, 1959.

A complaint was received that deformed steel bars manufactured by Aceros del Norte, Mexicali, B.C., Mexico, were being sold to the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that deformed steel bars manufactured by Aceros del Norte, Mexicali, B.C., Mexico, are not being, nor are likely to be, sold in the United States at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Three basic periods during which the manufacturer's sales conditions changed were developed for value comparison.

The first, in which the manufacturer sold only to the United States, required comparison of constructed value with exporter's sales price in the case of one importer and purchase price in the case of another.

The second period, during which the manufacturer sold for home consumption at varying prices, but not for export to third countries, required comparison of weighted average home market price with purchase price, after adjustment for selling expenses in both markets.

In the third and most recent period, the manufacturer sold for home consumption at one uniform price, with no sales for export to third countries. Home market price was compared with purchase price, after adjustment for certain taxes accruing on home market sales and not on sales for export.

All of the above comparisons established that there were no sales at less than fair value.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-10234; Filed, Dec. 3, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

NOVEMBER 27, 1959.

Plats of survey of the lands described below will be officially filed at the Land Office, Boise, Idaho, effective at 10:00 a.m., on January 2, 1960.

BOISE MERIDIAN

T. 11 N., R. 6 W.,
Sec. 35: Lots 5, 6, 7, 8;
Sec. 36: Lot 5.

The area described totals 47.20 acres of public land.

The lands are islands in the Snake River and are lands which were omitted from the previous survey. The lands have been subject to operation of the United States mining laws and mineral leasing laws at all times. These small islands are nearly level with a smooth surface. The soil is of good silt and sandy loam. The cover is mainly annual and perennial grass, forbs, and some willows. The land has wildlife value as a habitat for waterfowl.

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

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

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

(2) All valid applications and selections under the non-mineral public land laws presented prior to 10:00 a.m. on January 2, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 59-10237; Filed, Dec. 3, 1959; 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 27, 1959.

The Department of Agriculture has filed an application, Serial Number I-010804 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, subject to existing valid rights. The applicant desires the land for administrative sites, public service sites, recreation sites and other public purposes.

For a period of 30 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 2237, Boise, Idaho.

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:

BOISE MERIDIAN, IDAHO

SALMON NATIONAL FOREST

Corn Creek Recreation Area

Beginning at a point S. 25°21' E., 590 feet from the intersection of Corn Creek with the high water line on the north bank of the Salmon River, said point being a steel spike set in a rock bluff; thence following the high water line along the north bank of the Salmon River downstream approximately 2,150 feet to its intersection with Wheat Creek; thence following a ridge line N. 65° E., 910 feet; thence S. 53°49' E., 1,500

feet; thence following a ridge line S. 35° W., 980 feet to point of beginning.

T. 23 N., R. 14 E.
Unsurveyed but when surveyed will probably be:
Sec. 1; W½SW¼NE¼, S½NE¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼.

McKay Flat Public Service Site

Beginning at United States Coast and Geodetic Survey Bench Mark No. A 291; thence S. 53°30′ W., 1,310 feet to a rock designated with Mark R 1; thence N. 5°50′ W., 696.3 feet to a rock designated R 2; thence N. 56°50′ E., 666.6 feet to a rock designated R 3; thence S. 63°30′ E., 648 feet to the point of beginning.

T. 24 N., R. 19 E.
Unsurveyed, but when surveyed will probably be:
Sec. 19; S½SW¼SE¼;
Sec. 30; N½NW¼NE¼.

SAWTOOTH NATIONAL FOREST

Rock Creek Administrative Site

T. 14 S., R. 18 E.,
Sec. 24; SE¼SE¼;
Sec. 25; NE¼NE¼, E½NW¼NE¼.
T. 14 S., R. 19 E.,
Sec. 19; Lot 4, SE¼SW¼;
Sec. 30; Lot 1.

Wooden Shoe Picnic Area

T. 13 S., R. 18 E.,
Sec. 19; S½ of Lot 2, N½ of Lot 3.

Big Bluff Picnic Area

T. 13 S., R. 19 E.,
Sec. 8; SE¼NW¼, NE¼SW¼.

Birch Glen Picnic Area

T. 13 S., R. 19 E.,
Sec. 6; SE¼SE¼.

Harrington Fork Picnic Area

T. 13 S., R. 19 E.,
Sec. 8; E½SE¼SW¼;
Sec. 17; W½NW¼NE¼, E½NE¼NW¼.

Juniper Spring Picnic Area

T. 13 S., R. 19 E.,
Sec. 17; SW¼SW¼.

Schipper Picnic Area

T. 13 S., R. 19 E.,
Sec. 6; NW¼SE¼.

330 Spring Picnic Area

T. 13 S., R. 19 E.,
Sec. 7; E½NE¼NE¼;
Sec. 8; W½NW¼NW¼.

Balsam Recreation Area

T. 14 S., R. 18 E.,
Sec. 36; S½S½NE¼, N½N½SE¼.

Bear Gulch Picnic Area

T. 14 S., R. 18 E.,
Sec. 7; NE¼NE¼.

Buchanan Spring Recreation Area

T. 14 S., R. 18 E.,
Sec. 36; N½NW¼NE¼.

Deadline Bench Recreation Area

T. 14 S., R. 18 E.,
Sec. 13; SW¼NE¼, S½SE¼NW¼, NE¼SW¼.

Kirkman Campground Area

T. 14 S., R. 18 E.,
Sec. 14; NE¼SW¼.

Magic Mountain Recreation Area

T. 14 S., R. 18 E.,
Sec. 24; E½SW¼, W½SE¼;
Sec. 25; W½NW¼NE¼, NE¼NW¼.

Penstemon Picnic Area

T. 14 S., R. 18 E.,
Sec. 24; E½NE¼, NE¼SE¼.

Petit Campground

T. 14 S., R. 18 E.,
Sec. 25; SE¼NE¼.

Porcupine Springs Campground and Picnic Area

T. 14 S., R. 19 E.,
Sec. 31; SE¼NE¼;
Sec. 32; SW¼NW¼.

This area contains 1,322.31 acres more or less, in Lemhi, Twin Falls and Cassia Counties, Idaho.

JOE T. FALLINI,
State Supervisor.

[F.R. Doc. 59-10236; Filed, Dec. 3, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

RICE

Notice of Marketing Quota Referendum for 1960 Crop

The Secretary of Agriculture has duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended, marketing quotas for the crop of rice to be produced in 1960. Said act requires the Secretary to conduct a referendum within 30 days after the date of the issuance of said proclamation of farmers who were engaged in the production of rice in 1959 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1960 crop of rice, public notice (24 F.R. 8186) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003) that the Secretary proposed to hold the referendum on December 15, 1959. No data, views, or recommendations pertaining thereto were submitted pursuant to such notice. It is hereby determined that the rice marketing quota referendum under said act for the 1960 crop of rice shall be held on December 15, 1959, which is within thirty days from the date of issuance of the proclamation of marketing quotas. In order that arrangements for holding the referendum may be made in an orderly manner and as much advance notice as possible be given of the date of the referendum, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Done at Washington, D.C., this 1st day of December 1959.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-10245; Filed, Dec. 3, 1959; 8:48 a.m.]

Office of the Secretary

NORTH DAKOTA

Designation of Area for Production Emergency Loans

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

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of November 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-10222; Filed, Dec. 3, 1959; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5463 etc.]

REOPENED PACIFIC NORTHWEST LOCAL AIR SERVICE CASE

Notice of Hearing

In the matter of the Reopened Pacific Northwest Local Air Service Case.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that hearing in the above entitled proceeding is assigned to be held on January 12, 1960, at 10 a.m., e.s.t., in Room 725 Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

For further details on the scope and the issues in this proceeding parties are referred to the Reports of the Prehearing Conferences served September 25 and November 6, 1959, as well as all orders and notices heretofore issued by the Civil Aeronautics Board in the above-entitled proceeding.

Dated at Washington, D.C., December 1, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-10252; Filed, Dec. 3, 1959; 8:49 a.m.]

PROPOSED AIR STAR ROUTE

Description

In accordance with Public Law 277 of the 81st Congress (approved August 30, 1949), notice is hereby given that the Civil Aeronautics Board has received a request from the Postmaster General (Docket 11021) for certification that the proposed air star route, hereinafter de-

scribed, does not conflict with the development of air transportation as contemplated under the Federal Aviation Act of 1958.

The route proposed is as follows: Between Jackson, Tennessee and Memphis, Tennessee, and between Jackson, Tennessee and Knoxville, Tennesee.

Under the provisions of the said Public Law 277, the Postmaster General is required to obtain the certification of the Board prior to advertising for bids for the carriage of mail by aircraft on any star route. Any contract which may ultimately be awarded by the Postmaster General under such law will not confer authority to carry persons or property (other than mail) by air.

Prior to reaching its decision as to whether the requested certification should be issued, the Board desires to afford interested persons an opportunity to comment thereon through the submission of written data, views or arguments, in triplicate, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications bearing the above docket number received on or before December 8, 1959 will be considered by the Board before taking final action on the request of the Postmaster General.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

DECEMBER 1, 1959.

[F.R. Doc. 59-10253; Filed, Dec. 3, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Defense Air Transportation Administration

[Order 3]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal year 1960.

FISCAL 1960 FLEET

DC-4

1220 V	88888	88934
1221 V	88891	88935
1437 V	88893	88937
4000 A	88897	88938
49529	88898	90407
54373	88901	90427
57670	88903	90434
67067	88904	90436
75298	88907	90448
79012	88908	90902
79999	88909	90905
88819	88912	90906
88884	88921	
88886	88922	

DC-6A

401 US	6541 C	37594
402 US	6579 C	37595
566	7822 C	37596
571	11817	90776
630 NA	34955	90777
640 NA	34956	90778
650 NA	34957	90779
660 NA	34958	90780
6118 C	37590	90781
6258 C	37591	90782
6259 C	37592	90783
6260 C	37593	90784

DC-6A

90785	90808	90809

L-1049H

101 R	6502 C	6924 C
102 R	6504 C	6925 C
1006 C	6911 C	6931 C
1007 C	6912 C	6932 C
1008 C	6913 C	6933 C
1009 C	6914 C	6935 C
1010 C	6915 C	6936 C
1880	6916 C	6937 C
1927 H	6917 C	7131 C
5401 V	6918 C	7132 C
5402 V	6919 C	7133 C
5403 V	6921 C	7134 C
5404 V	6922 C	
6501 C	6923 C	

L-1649A

7301 C	7310 C	7320 C
7302 C	7311 C	7321 C
7303 C	7312 C	7322 C
7304 C	7314 C	7323 C
7305 C	7315 C	7324 C
7306 C	7316 C	7325 C
7307 C	7317 C	8082 H
7308 C	7318 C	
7309 C	7319 C	

DC-7

6307 C	6312 C	6317 C
6308 C	6313 C	6318 C
6310 C	6315 C	6326 C
6311 C	6316 C	

DC-7C

284	296	742 PA
285	297	743 PA
286	731 PA	744 PA
287	732 PA	747 PA
288	733 PA	5900
289	734 PA	5901
290	735 PA	5902
291	736 PA	5903
292	737 PA	5905
293	738 PA	5906
294	739 PA	
295	741 PA	

B-707—(100 series)

707 PA	735 TW	741 TW
708 PA	736 TW	742 TW
709 PA	737 TW	7501
710 PA	738 TW	7502
711 PA	739 TW	7503
712 PA	740 TW	7504

B-707—(100 series)

7505	7508	70773
7506	7509	70774
7507	7510	

B-707—(300 series)

714 PA	717 PA	720 PA
715 PA	718 PA	
716 PA	719 PA	

DC-8

801 E	8006 U	8011 U
802 E	8007 U	8014 U
803 E	8008 U	8015 U
8004 U	8009 U	
8005 U	8010 U	

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 1, dated March 25, 1959, 24 F.R. 2839-40 of April 14, 1959.

Dated: November 1, 1959.

THEODORE HARDEEN, Jr.,
Administrator, DATA.

[F.R. Doc. 59-10201; Filed, Dec. 3, 1959; 8:45 a.m.]

[Order 4]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for fiscal year 1960 the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 3, dated November 1, 1959, to replace an aircraft in the Civil Reserve Air Fleet that is determined by the Department of Defense to be unavailable.

CONTINGENCY RESERVE FLEET—FISCAL YEAR 1960

DC-7C

745 PA	750 PA	753 PA
748 PA	751 PA	754 PA
749 PA	752 PA	

L-1649A

8081 H	8083 H	8084 H

B-707 (100 series)

732 TW	7513	70775
733 TW	7514	70785
734 TW		

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 2, dated

March 25, 1959, 24 F.R. 2840 of April 14, 1959.

Dated: November 1, 1959.

THEODORE HARDEEN, Jr.,
Administrator, DATA.

[F.R. Doc. 59-10202; Filed, Dec. 3, 1959; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12615 etc.; FCC 59-1192]

COOKEVILLE BROADCASTING CO. ET AL.

Memorandum Opinion and Order

In re applications of Hamilton Parks tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, Docket No. 12615, File No. BP-11518; South C. Bevins, tr/as Irvenna Broadcasting Company, Irvine, Kentucky, Docket No. 12969, File No. BP-12523; John K. Rogers, Bristol, Tennessee, Docket No. 12976, File No. BP-12915; Kingsport Broadcasting Company, Inc. (WKPT), Kingsport, Tennessee, Docket No. 12980, File No. BP-13070; for construction permits, et al.

1. The Commission has before it for consideration its order designating the above captioned applications for hearing (FCC 59-758, released July 29, 1959); a joint petition to sever and hold a separate hearing, filed October 13, 1959, by Polk County Broadcasters,[1] Irvenna Broadcasting Company, and John K. Rogers, and a reply thereto filed October 26, 1959, by the Broadcast Bureau.

2. Petitioners request that their applications and the application of Kingsport Broadcasting Company (WKPT) be severed from the above-entitled proceeding and that a separate hearing be held thereon. WKPT does not object thereto.

3. There is no objection to a grant of the instant petition, and a grant thereof will simplify and expedite the proceeding, and will not adversely affect the interests of any parties.

Accordingly, it is ordered, This 27th day of November 1959, that the joint petition to sever and hold separate hearing filed by Irvenna Broadcasting Company and John K. Rogers is granted; That the above-identified applications of Irvenna Broadcasting Company; John K. Rogers and Kingsport Broadcasting Company, Inc. (WKPT) are severed from the above-captioned proceeding; That the applications so severed shall be retained in hearing in a consolidated proceeding to resolve the following issues:

(1) To determine the areas and populations which would receive primary service from the proposals of Irvenna Broadcasting Company and John K. Rogers and the availability of other primary service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposal of Kingsport Broadcasting Company, Inc. for a change in the facilities of an existing broadcast station, and the availability of other primary service to such areas and populations.

(3) To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations involved in the mutual interference of the instant proposals.

(4) To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

(5) To determine whether the antenna system proposed by Kingsport Broadcasting Company, Inc. (BP-13070) would constitute a hazard to air navigation.

(6) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

(7) To determine, in the light of the evidence adduced, pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to the extent hereinabove indicated the Commission's hearing order, released July 29, 1959 is corrected accordingly.

Released: December 1, 1959.

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

[F.R. Doc. 59-10257; Filed, Dec. 3, 1959; 8:50 a.m.]

[1] By Memorandum Opinion and Order released November 6, 1959, the Commission granted the petition for severance and grant of its application filed separately on September 18, 1959 by Polk County Broadcasters. The instant petition is thus moot with respect to Polk County Broadcasters.

[Docket No. 13186; FCC 59M-1608]

M & M BROADCASTING CO. (WLUK-TV)

Order Continuing Hearing

In re application of M & M Broadcasting Company (WLUK-TV), Marinette, Wisconsin, Docket No. 13186, File No. BMPCT-5325; for modification of construction permit.

The Hearing Examiner having under consideration a petition filed November 25, 1959, by the Federal Aviation Agency, as supplemented by an informal request made by the same party, requesting (1) that the date for the exchange of proposed technical exhibits and of lists of proposed witnesses (now scheduled for December 8, 1959) be extended to January 8, 1960, and (2) that the date for the commencement of the hearing (now scheduled for December 15, 1959) be continued to January 15, 1960; and

It appearing, that the necessity for the requested changes in the heretofore scheduled dates arises from other conflicting commitments of counsel for the petitioner; and

It further appearing, that counsel for all of the other parties to this proceeding have no objection to the granting of the above-described petition, and that good cause has been shown for favorable action thereon;

Accordingly, it is ordered, This 30th day of November 1959, that the petition for extension of time filed by the Federal Aviation Agency is granted, that the date for the exchange of proposed technical exhibits and of lists of proposed witnesses is extended to January 8, 1960, and that the date for the commencement of the hearing is continued from December 15, 1959, to January 15, 1960, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: November 30, 1959.

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

[F.R. Doc. 59-10261; Filed, Dec. 3, 1959; 8:50 a.m.]

[Docket Nos. 13064-13071; FCC 59-1193]

COUNTY BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of: County Broadcasting Corporation, Gloucester, Massachusetts, Docket No. 13064, File No. BP-11602; Consolidated Broadcasting Industries, Inc., Natick, Massachusetts, Docket No. 13065, File No. BP-11677; WKOX, Inc., Beverly, Massachusetts, Docket No. 13066, File No. BP-12423; Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP-12917; United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13070, File No. BP-13103; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No. BP-13141; for construction permits for new standard broadcast stations.

1. The Commission has before it for consideration a petition to delete issue

filed August 28, 1959, by Newton Broadcasting Company; a reply thereto filed October 5, 1959, by the Broadcast Bureau; and an opposition filed October 6, 1959, by Transcript Press, Inc.

2. Newton seeks the deletion of Issue 7 which is directed to a determination as to the suitability of its proposed transmitter site. This issue was included because the antenna site photographs included with its application were not sufficiently clear to enable the Commission to determine that the site proposed by Newton was suitable for broadcast operation.

3. By an amendment to its application filed July 28, 1959, in response to the Commission's 309(b) letter, new photographs were submitted. It appears the new photographs were not considered by the Commission prior to its adoption, on July 29, 1959, of the Order designating the above-captioned applications for consolidated hearing.

4. Transcript Press, Inc. opposes the petition stating that Newton has submitted nothing further which could serve as a basis for deletion of the issue. The Broadcast Bureau supports Newton's request.

5. We have examined the new photographs and are satisfied that they do in fact dispel the question raised by the Commission in its 309(b) letter and in Issue Number 7.

Accordingly, it is ordered, This 27th day of November 1959, that the petition for deletion of issue filed by Newton Broadcasting Company, is granted, and the Commission's Order released August 10, 1959, in the above-entitled proceeding is amended by deleting Issue Number 7.

Released: December 1, 1959.

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

[F.R. Doc. 59-10258; Filed, Dec. 3, 1959; 8:50 a.m.]

[Docket Nos. 12654, 12935; FCC 59-1182]

OLD BELT BROADCASTING CORP. (WJWS) AND PATRICK HENRY BROADCASTING CORP. (WHEE)

Memorandum Opinion and Order Designating Applications for Evidentiary Hearing on Stated Issues

In re applications of Old Belt Broadcasting Corporation (WJWS), South Hill, Virginia, Docket No. 12654, File No. BP-11412; Patrick Henry Broadcasting Corporation (WHEE), Martinsville, Virginia, Docket No. 12935, File No. BP-11416; for construction permits.

1. The Commission has before it for consideration a "Request For Stay" and a "Petition For Reconsideration And Protest" filed concurrently on October 26, 1959 by Martinsville Broadcasting Company, Incorporated (Martinsville, hereinafter), licensee of Station WMVA, Martinsville, Virginia, and directed to the Commission's action of September 23, 1959 (released on September 25, 1959) in granting without hearing the above-captioned and described applications.

2. By an Order adopted on July 1, 1959 the Commission designated the two said applications for hearing because of mutual interference, which appeared to be approximately 15 percent to WHEE and 9 percent to WJWS. The applicants filed on July 10, 1959 a joint "Request For Reconsideration And Grant" in which they showed that the proposals would provide service to an additional 83,000 persons and in which they agreed to accept each other's interference. The request was granted by the Commission on September 23, 1959, in view of the special circumstances that WJWS and WHEE were the only parties affected by their proposals; that no interference would result to any other existing stations or proposals; that the increased coverage was substantial; and that no area receiving service from the applicants would lose service by the grants.

3. In its "Request For Stay", filed pursuant to § 1.12 of the Commission rules, Martinsville states the "reasons for" and "the factual data in suport" thereof are set forth in the above-referenced "Petition For Reconsideratoin And Protest" incorporated by reference. No irreparable injury was alleged or request made that the Commission act on the stay pending action on the protest.[1]

4. In its instant "Petition For Reconsideration And Protest," filed pursuant to sections 309(c) and 405 of the Communications Act of 1934, as amended, Martinsville alleges that it is a "party in interest" for standing to file its pleading pursuant to the said sections because its stations, WMVA and WMVA-FM, "are located in the same community as Station WHEE, * * * the facilities of which are sought to be improved in the above-mentioned application"; that "accordingly, WMVA and WMVA-FM are in competition with Station WHEE for audience and revenues upon which such stations rely for continued successful operation"; that "such stations have competed in the past for audience and revenues, and such competition will continue in the future"; and that "in view of the fact that the application for improvement of facilities of Stations WJWS and WHEE involve mutual interference questions, it is evident that the application of WJWS would not have been considered and granted without hearing unless similar treatment were accorded to the conflicting application of Station WHEE"; and that, "accordingly, Martinsville * * * is a party in interest, and also is aggrieved or adversely affected by the action with respect to the application for improvement of facilities of WJWS."

5. Martinsville claims in its petition and protest that the WHEE proposal would provide a 0.5 mv/m signal over Stuart, Virginia; that the population of Stuart is less than 2,500 (849); that WHEE, therefore, provides primary service to Stuart; that the licensee of WHEE is also licensee of WHEO in Stuart; that there is no showing by WHEE that the public interest, convenience and necessity will be served by this multiple ownership (i.e., duopoly) situation; and that, therefore, a grant of the WHEE proposal is in contravention of § 3.35 of the Commission rules. Martinsville also points out that the 0.5 mv/m contours overlap for a distance of 22.8 miles and the 2 mv/m contours overlap for a distance of 2.7 miles. Martinsville states that this matter was not raised in the aforementioned hearing order "and an examination of the WHEE application does not indicate that the matter was brought to the attention of the Commission."

6. Martinsville contends also that the WHEE-WJWS showing of 9 percent interference loss to WJWS is incorrect because the calculation was based on their field intensity measurement data for only 40 miles along a single radial, and "may not represent the conductivity existing over a wide arc which includes terrain a considerable distance from the measured radial", and that the measurements for a short distance along the radial are not sufficient to show that the same conductivity exists further out. Martinsville contends that the measurements cannot be relied upon, and "it follows necessarily that the Commission's soil conductivity map should be used to ascertain the extent to which interference would be caused to WJWS" from the WHEE proposal, and that "using the values specified in the Commission's soil map" the loss of population would amount to 23.26 percent of the population within the WJWS normally protected contour, "which is considerably in excess of the Commission's 'ten percent' rule."

7. Martinsville concludes that the grants are invalid because information with respect to substantial matters (Violations of §§ 3.35 and 3.28(3)(c) of the Commission rules) and bearing upon the paramount question as to whether the grants would serve the public interest, convenience, and necessity were not brought properly to the Commission's attention and therefore the Commission has not had an opportunity to consider or give weight to questions of substance; that it is clear that the public interest requires that a full evidentiary hearing

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[1] (a) Stations WJWS and WHEE filed a joint "Opposition to 'Request for Stay'" on October 30, 1959, contending that Martinsville is not entitled to any special or equitable relief. WJWS and WHEE contend that they have prosecuted their applications for over two years and that this is the first time any questions with respect thereto have been raised by Martinsville; that Martinsville has not claimed that it will suffer irreparable injury by the grants in question; that it has not alleged that it will likely succeed on the merits of the protest; and that there is a question whether Maynard E. Dillaber, Executive Vice-President of Martinsville had authority to execute and prosecute the protest.

(b) Martinsville filed a "Reply to Opposition to Request for Stay" on November 3, 1959, contending that the normal hearing process would have appraised the Commission of its objections to the grant; that therefore it had not reasons to object before this time; that if the matters raised in the protest are developed in a hearing, it will be clear the grants should not have been made; and that Maynard E. Dillaber had full authority from the Board of Directors to prepare and file the protest.

be held on the issues specified by Martinsville; and that pending disposition of the hearing, the effective date of the grants should be postponed.

8. In their "Opposition" filed on November 5, 1959, WJWS and WHEE contend that Martinsville has not alleged a single fact or circumstance not previously known to the Commission; that a disservice would result to the public in the event that these grants are stayed or set aside; that protestant has not shown that it is injured economically by the grant to WHEE; that it is not a satisfactory showing merely to state that it has been in competition with WHEE in the past and such competition will continue; that it has not shown that it has been adversely affected by the Commission's action of September 23, 1959; that the engineering data relied upon by Martinsville was not arrived at in accordance with requirements of the Commission's rules and standards since it ignores the fact that ground wave field intensity measurements on file with the Commission were used and take precedence over theoretical values; that the existence of overlap between WHEE and WHEO is not inconsistent with the public interest; that the 2 mv/m contour of each station does not serve the other city; that the communities served are in separate counties; that the stations are independently operated; that there is ample precedent for permitting the relatively minor amount of overlap in this case; and that the public interest would be served by permitting the 5 kw grant to WHEE despite such overlap.

9. WJWS and WHEE contend that in the event a hearing is ordered a stay should be denied since the Commission found that the public interest required that the applications be granted; that Martinsville has presented no facts to change this conclusion, even if the facts alleged are to be proven; and that therefore any hearing should be limited to oral argument. It is also contended that in the event a hearing is ordered the burden on any issue as to overlap should be placed on the protestant, and that issues should be added with respect to the duties and functions of Maynard E. Dillaber and his authority to execute the protest.

10. In a "Reply to 'Opposition to Petition for Reconsideration and Protest' ", filed on November 13, 1959, Martinsville reiterates that the WJWS–WHEE measurements on a single radial for a distance of 41 miles on a 95.5 mile path are insufficient to establish conductivity over a 30 degree arc under the requirements of the Commission's rules and standards; that the terrain within the 30 degree arc is not similar; that in the absence of properly taken measurements, measurement data in the Commission's soil conductivity map must be used; that using such measurements the proposed WHEE operation will cause interference to 23.26 percent of the population within the normally protected contour of the WJWS proposal; that there is substantial overlap between Stations WHEE and WHEO in violation of § 3.35 of the rules; that 23 percent of the population within WHEE's proposed primary service area will receive primary service from WHEO; that 65.1 percent of the population within WHEO's primary service area will receive primary service from the WHEE proposal; and that Mr. Dillaber did have authority to execute the protest on October 23, 1959, and file said protest on October 26, 1959.[2]

11. We consider first the question of whether the showing made by Martinsville establishes that it has standing to file its instant petition pursuant to sections 309(c) and 405 of the Communications Act. Martinsville merely alleges that its Stations, WMVA and WMVA–FM, operate in the same city as Station WHEE and have been in competition with and will continue to compete with WHEE for advertising revenue and audiences. However, no allegation has been made tending to show what, if any, adverse effects will flow to Martinsville from the WHEE proposal. In order to establish the statutory "standing" there must be a casual relationship between the alleged injury and the grant in question. Tennessee Television, Inc., v. FCC, 104 U.S. App. D.C. 316; 17 Pike and Fischer 2170. Hence, since Martinsville and WHEE have for some time been in competition in the same city, we believe that, absent allegations that WHEE's proposed operation would aggravate the competitive situation to its detriment, Martinsville has failed to establish that it is a "party in interest" or "person aggrieved or adversely affected" within the meaning of sections 309(c) and 405, respectively, of the Act. In re Bangor Broadcasting Corp., 18 Pike and Fischer RR 433, 436. It follows that the petition for reconsideration and protest must be dismissed.

12. Notwithstanding our finding that the petitioner herein lacks standing to file the instant request for reconsideration and protest, in accordance with our usual custom, we will on our own motion consider the allegations made which bear on the question as to whether the grants to WHEE and WJWS would serve the public interest, convenience and necessity. Martinsville alleges that the interference received by the proposed operation of WJWS from the proposed operation of WHEE will affect more than ten percent of the population within the WJWS proposed primary service area in contravention of § 3.28(c)(3) of the Commission rules. Martinsville contends that the showing of 9.7 percent interference to WJWS is incorrect since the extent of the interfering contour of WHEE toward the normally protected service area of WJWS is based on measurements made on a single radial for a distance of 40 miles from WHEE toward WJWS, and that available data does not support the assumption that similar terrain exists over all the pertinent arc (15 degrees on each side of measured radial) from WHEE toward WJWS. It is thus contended that in the absence of sufficient actual measurement data the conductivity values of Figure M–3 of our rules must be used. In our examination of these applications before they were granted, it appeared from an analysis of the topographic map that the terrain in question was sufficiently similar to that along the measured radial toward WJWS to indicate that the loss of population to WJWS would not be excessive pursuant to § 3.28(c) of the rules. Martinsville merely alleges that measurements along the single radial may not represent the conductivity existing over the area in question, but has submitted no additional facts to support this contention. However, the question of the adequacy of the measurement data will be re-examined in the hearing hereinafter ordered.

13. Martinsville also contends that there is a violation of the multiple ownership provisions of § 3.35 of the rules, because the licensee of WHEE, Martinsville, Virginia, is also the permittee of Stations WHEO, Stuart, Virginia. It is alleged that there is substantial overlap since 23 percent of the population within WHEE's proposed primary service area will receive primary service from WHEO, and that 65.1 percent of the population within WHEO's primary service area will receive primary service from the WHEE proposal. Additionally, since Stuart, Virginia has a population of less than 2500, the WHEE proposal will provide a primary service to that community.

14. We believe that the matter with respect to a violation of § 3.35 of the Commission rules raises a substantial question as to whether the grant to Station WHEE would serve the public interest. Accordingly, we are on our own motion setting aside the grants of the construction permits which were made to WHEE and WJWS on September 23, 1959.[3] We are including in the hearing hereinafter ordered, the issues as specified in our Order of July 1, 1959, which originally designated the applications for hearing, and an additional issue with respect to whether a grant to WHEE would be in violation of § 3.35 of the rules.

15. In view of the foregoing: *It is ordered*, That pursuant to sections 309(c) and 405 of the Communications Act of 1934, as amended, the Petition for Reconsideration and Protest, filed on October 26, 1959, by the Martinsville Broadcasting Company, Incorporated, is dismissed; that, on the Commission's own motion, the grants of construction permits to the licensees of Stations WJWS and WHEE on September 23, 1959, are set aside, and the above-captioned applications are designated for evidentiary hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

[2] WJWS–WHEE filed a "Request For Leave to File an Additional Pleading" on November 17, 1959, alleging that the "protest" should be dismissed since numerous facts and contentions were set forth in the Martinsville Reply which were not advanced in the protest itself. However, WJWS–WHEE has not filed an additional pleading.

[3] Although § 1.16 of our rules provides that the Commission may on its own motion set aside any action made or taken by it within 30 days after release of the document containing the full text of such action, and this time has elapsed, we deem that this 30 day period is tolled by the filing of the petition for reconsideration and protest for the period during which said petition is pending, and that during such period our jurisdiction continues. Albertson v. FCC, 87 U.S. App. D.C. 39; 6 Pike and Fischer RR 2019.

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of stations WHEE and WJWS and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from each of the instant proposals.

3. To determine whether the instant proposal of WJWS would involve objectionable interference with Station WHEE, Martinsville, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of WHEE would involve objectionable interference with Station WJWS, South Hill, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received by each of the instant proposals would affect more than ten percent of the population within its normally protected primary service area, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether a grant of the instant proposal of Patrick Henry Broadcasting Corporation would be in contravention of the provisions of § 3.35 of the Commission rules with respect to multiple ownership of standard broadcast stations.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

16. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on the applicants.

17. *It is further ordered*, That Old Belt Broadcasting Corporation and Patrick Henry Broadcasting Corporation, respectively, are made parties with respect to the existing operations of Stations WJWS and WHEE, respectively.

18. *It is further ordered*, That Martinsville Broadcasting Company, licensee of Station WMVA, Martinsville, Virginia, is made a party to the hearing.

19. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

20. *It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issues: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: November 25, 1959.

Released: December 1, 1959.

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

[F.R. Doc. 59-10262; Filed, Dec. 3, 1959; 8:50 a.m.]

[Docket Nos. 13191, 13192; FCC 59M-1609]

HI-FI BROADCASTING CO. AND RADIO HANOVER, INC.

Order Scheduling Prehearing Conference

In re applications of William F. Mahoney and C. W. Altland, d/b as Hi-Fi Broadcasting Co., York-Hanover, Pennsylvania, Docket No. 13191, File No. BPH-2663; Radio Hanover, Inc., York-Hanover, Pennsylvania, Docket No. 13192, File No. BPH-2689; for construction permits (FM).

It is ordered, This 30th day of November 1959, that a prehearing conference in the above-entitled proceeding will be held at 10:00 a.m. on December 7, 1959, in the offices of the Commission, Washington, D.C.

Released: November 30, 1959.

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

[F.R. Doc. 59-10259; Filed, Dec. 3, 1959; 8:50 a.m.]

[Docket Nos. 13183, 13184; FCC 59M-1607]

ISLAND TELERADIO SERVICE, INC., AND SUPREME BROADCASTING CO., INC., OF PUERTO RICO

Order Continuing Hearing

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13183, File No. BPCT-2565; Supreme Broadcasting Co., Inc., of Puerto Rico, Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 13184, File No. BPCT-2576; for construction permits for new television broadcast stations.

On the Examiner's own motion: It is ordered, This 30th day of November 1959, that a pre-hearing conference in the above-entitled proceeding will be held on December 3, 1959, and that the hearing scheduled for December 3, 1959, is continued to a date to be determined at that conference.

Released: November 30, 1959.

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

[F.R. Doc. 59-10260; Filed, Dec. 3, 1959; 8:50 a.m.]

[Docket No. 13286]

GEORGE WILSON

Order To Show Cause

I the matter of Mr. George Wilson, 1419 East Lomita Street, Orange, California, Docket No. 13286; order to show cause why there should not be revoked the license for Citizens Radio Station 11W1333.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated August 5, 1959, alleging that on August 1, 1959, at approximately 5:03 p.m., e.s.t., the subject radio station was observed operating with excessive frequency deviation from the frequency 26975 kc in violation of § 19.33 of the Commission's rules.

It further appearing, that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated October 7, 1959, and sent by Certified Mail—Return Receipt Requested (No. 448150), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Josephine Wilson, on October 8, 1959, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Com-

mission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 30th day of November, 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: November 30, 1959.

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

[F.R. Doc. 59-10264; Filed, Dec. 3, 1959; 8:50 a.m.]

FEDERAL TRADE COMMISSION

GUIDES AGAINST BAIT ADVERTISING

The following guides have been adopted by the Federal Trade Commission for the use of its staff in the evaluation of bait advertising [2] and related switch practices. While the guides do not purport to be all inclusive, they enumerate the major indications of bait and switch schemes. They have been released to the public in the interest of consumer education and to obtain voluntary, simultaneous and prompt cooperation by those whose practices are subject to the jurisdiction of the Federal Trade Commission.

Adversary actions against those who engage in bait advertising, and whose practices are subject to Commission jurisdiction, are brought under the Federal Trade Commission Act (15 U.S.C. Secs. 41-58). Section 5 of the Act declares unlawful, "unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce."

THE GUIDES

Bait advertising defined. Bait advertising is an alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised merchandise, in order to sell something else, usually at a higher price or on a basis more advantageous to the advertiser. The primary aim of a bait advertisement is to obtain leads as to persons interested in buying merchandise of the type so advertised.

1. *Bait advertisement.* No advertisement containing an offer to sell a product should be published when the offer is not a bona fide effort to sell the advertised product.

2. *Initial offer.* No statement or illustration should be used in any advertisement which creates a false impression of the grade, quality, make, value, currency of model, size, color, usability, origin of the product offered, or which may otherwise misrepresent the product in such a manner that later, on disclosure of the true facts, the purchaser may be switched from the advertised product to another.

Even though the true facts are subsequently made known to the buyer, the law is violated if the first contact or interview is secured by deception.

3. *Discouragement of purchase of advertised merchandise.* No act or practice should be engaged in by an advertiser to discourage the purchase of the advertised merchandise as part of a bait scheme to sell other merchandise.

Among acts or practices which will be considered in determining if an advertisement is a bona fide offer are:

(a) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer,

(b) The disparagement by acts or words of the advertised product or the disparagement of the guarantee, credit terms, availability of service, repairs or parts, or in any other respect, in connection with it,

(c) The failure to have available at all outlets listed in the advertisement a sufficient quantity of the advertised product to meet reasonably anticipated demands, unless the advertisement clearly and adequately discloses that supply is limited and/or the merchandise is available only at designated outlets,

(d) The refusal to take orders for the advertised merchandise to be delivered within a reasonable period of time,

(e) The showing or demonstrating of a product which is defective, unusable or impractical for the purpose represented or implied in the advertisement,

(f) Use of a sales plan or method of compensation for salesmen or penalizing salesmen, designed to prevent or discourage them from selling the advertised product.

4. *Switch after sale.* No practice should be pursued by an advertiser, in the event of sale of the advertised product, of "unselling" with the intent and purpose of selling other merchandise in its stead.

Among acts or practices which will be considered in determining if the initial sale was in good faith, and not a stratagem to sell other merchandise, are:

(a) Accepting a deposit for the advertised product, then switching the purchaser to a higher-priced product,

(b) Failure to make delivery of the advertised product within a reasonable time or to make a refund,

(c) Disparagement by acts or words of the advertised product, or the disparagement of the guarantee, credit terms, availability of service, repairs, or in any other respect, in connection with it,

(d) The delivery of the advertised product which is defective, unusable or impractical for the purpose represented or implied in the advertisement.

NOTE: Sales of the advertised merchandise do not preclude the existence of a bait and switch scheme. It has been determined that, on occasions, this is a mere incidental by-product of the fundamental plan and is intended to provide an aura of legitimacy to the overall operation.

Nothing contained in these Guides relieves any party subject to a Commission cease and desist order or stipulation from complying with the provisions of such order or stipulation. The Guides do not constitute a finding in and will not affect the disposition of any formal or informal matter before the Commission.

Adopted: November 24, 1959.

Issued: December 2, 1959.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-10239; Filed, Dec. 3, 1959; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

COMPAGNIA ITALIANA TURISMO S.A.

Notice of Intention To Return Vested Property

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

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[2] For the purpose of these Guides "advertising" includes any form of public notice however disseminated or utilized.

Claimant, Claim No., Property, and Location

Compagnia Italiana Turismo S.A., 68 Piazza Esedra, Rome, Italy; Claim No. 40390; $826.12 in the Treasury of the United States, Fifteen Hundred (1500) shares of $25 par value capital stock of Compagnia Italiana Turismo Inc. represented by Certificate No. 1. The above described security is presently in the custody of the Office of Alien Property, Washington, D.C. Vesting Order No. 45 and Supplemental Vesting Order No. 2974.

Executed at Washington, D.C., on November 23, 1959.

For the Attorney General.

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

[F.R. Doc. 59-10167; Filed, Dec. 2, 1959; 8:48 a.m.]

CHARLES GUSTAVE FREDERIC SCHMID

Notice of Intention To Return Vested Property

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

Claimant, Claim No., Property, and Location

Charles Gustave Frederic Schmid, Kivu, Belgian Congo; Claim No. 63201; $1,930.50 in the Treasury of the United States, $6,600 Rhine Westphalia Electric Power Corporation 4½% Series "C" debt adjustment bonds, due January 1, 1978, evidenced by Certificate Nos. M 1525/30 for $1,000 each; D 215 for $500 and C 756 for $100, registered in the name of the Attorney General and held in the Federal Reserve Bank of New York, New York, for safekeeping. Vesting Order No. 17128.

Executed at Washington, D.C., on November 23, 1959.

For the Attorney General.

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

[F.R. Doc. 59-10168; Filed, Dec. 2, 1959; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-224]

AMERICAN NATURAL GAS CO.

Order Approving Plan

NOVEMBER 27, 1959.

American Natural Gas Company ("American Natural"), a registered holding company, having filed a plan, as amended, pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), providing for the elimination of American Natural's 6 percent cumulative nonredeemable $25 par value preferred stock from its capital structure so as to comply with the provisions of section 11(b) of the Act and with an order of the Commission dated April 7, 1958;

American Natural having requested that the order of the Commission approving the plan, as amended, contains recitals in accordance with section 14-44 through 48 of Title 14 of the New Jersey Statutes;

A public hearing having been duly held after appropriate notice in which all interested persons were given opportunity to be heard, proposed findings and conclusions, and briefs in support thereof having been filed, and oral argument having been heard;

The Commission having considered the entire record and having filed its Findings and Opinion herein on November 13, 1959, finding therein that the plan is necessary to effectuate the provisions of section 11(b) of the Act and fair and equitable to the persons affected thereby if it is modified as set forth in the Findings and Opinion;

American Natural having, on November 23, 1959, modified the plan in accordance with the aforesaid Findings and Opinion of the Commission;

The Commission having considered the modifications, in the light of its Findings and Opinion of November 13, 1959, and finding that the plan, as thus modified, is necessary to effectuate the provisions of section 11(b) of the Act and fair and equitable to the persons affected by it:

It is ordered, On the basis of the entire record herein and said Findings and Opinion, pursuant to section 11(e) and the other applicable provisions of the Act that the plan, as amended, be, and hereby is, approved subject to the terms and conditions contained in rule 24 promulgated under the Act and that jurisdiction be, and hereby is, reserved to determine, award, and allow the expenses, and other remuneration to be paid by American Natural in connection with the proceeding relating to the plan.

It is further ordered and recited, That the steps and transactions itemized below, involved in the consummation of the plan, as amended, are necessary or appropriate to effectuate the provisions of section 11(b) of the Act:

(1) As used in this order, "Effective Date of the Plan" means 4:00 p.m. (New York City Time) on the tenth business day following the day upon which this order becomes final and is no longer subject to judicial review.

(2) On the Effective Date of the Plan, the 30,554 shares of preferred stock of American Natural, consisting of 27,481 shares presently outstanding in the hands of the public (the "Outstanding Shares") and 3,073 shares reacquired by American Natural since 1948, shall be, and hereby are, retired.

(3) On the Effective Date of the Plan, Article Fourth of the Certificate of Incorporation of American Natural, as heretofore amended, shall be, and hereby is, further amended so as to eliminate:

(a) The preferred stock from the authorized capital stock of America Natural; and

(b) All references to shares of, and provisions relating to, the preferred stock appearing in such Article Fourth, so that such Article Fourth, as so further amended, shall read as follows:

FOURTH. The total authorized capital stock of the corporation is 6,000,000 shares of common stock, of the par value of $25 each.

From time to time, the common stock may be increased according to law, and may be issued in such amounts and proportions as shall be determined by the Board of Directors, and as may be permitted by law. All or any part of the shares of common stock may be issued and sold or otherwise disposed of from time to time for such consideration as may be fixed from time to time by the Board of Directors.

(4) The retirement price of the Outstanding Shares shall be $32.50 per share, plus an amount equal to the unpaid dividends accrued thereon to the Effective Date of the Plan but not thereafter.

(5) On or before the Effective Date of the Plan, American Natural shall deposit with The First National City Bank of New York, as Agent, cash equal to the aggregate retirement price of all of the Outstanding Shares, to be applied by said Agent to the payment of the retirement price of the Outstanding Shares to the holders thereof upon surrender to it of the certificates representing the same, but all such cash still held by said Agent six months after the Effective Date of the Plan shall be returned to American Natural, to be held by it for the persons entitled thereto and to be similarly applied.

(6) Of the aggregate retirement price of the Outstanding Shares of $893,132.50 (exclusive of unpaid accrued dividends), American Natural shall debit its Preferred Stock Account in an amount equal to the aggregate par value thereof, or $687.025, and its Earned Surplus Account in the amount of $206.107.50.

(7) After the Effective Date of the Plan:

(a) The preferred stock of American Natural shall not be deemed to be outstanding;

(b) The certificates representing the same shall be void and of no effect, except to evidence the right of the holders of the Outstanding Shares to receive the retirement price of the shares represented thereby; and

(c) The holders of the preferred stock shall have no transfer, voting, dividend, or other rights with respect to such shares or against American Natural, except the right of the holders of the Outstanding Shares to receive the retirement price of their shares against surrender of the certificates representing same, as aforesaid.

(8) Within ten days after the date of this order, American Natural shall mail to all holders of the Outstanding Shares, by first class mail, postage prepaid, addressed to such holders at their last known addresses as shown by the records of American Natural, copies of the Findings and Opinion of this Commission, and of this order.

(9) Promptly after the Effective Date of the Plan shall have become determinable, American Natural shall notify all holders of the Outstanding Shares thereof, by notice mailed by first class mail, postage prepaid, addressed to such holders at their last known addresses as shown by the records of American Natural.

(10) Within such time after the Effective Date as American Natural may be advised by counsel, American Natural shall make a certificate as to the retirement of its preferred stock, and the resulting decrease of its authorized capital stock and reduction of its capital, and as to the amendment of its Certificate of Incorporation, as heretofore amended, all in such form as its counsel may advise, under its seal and the hands of its President or a Vice President, and its Secretary or an Assistant Secretary, and acknowledged or proved as in the case of deeds of New Jersey real estate, shall cause the same to be filed in the office of the New Jersey Secretary of State ,and shall do all other things required by or appropriate in the premises under New Jersey law.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-10214; Filed, Dec. 3, 1959; 8:46 a.m.]

[File No. 70-3834]

MISSOURI EDISON CO.

Notice of Filing of Declaration Regarding Issuance of Short-Term Notes to Bank

NOVEMBER 25, 1959.

Notice is hereby given that Missouri Edison Company ("Missouri"), a subsidiary of Union Electric Company, a registered holding company has filed with this Commission a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") and has designated sections 6(a) and 7 of the Act and rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Missouri proposes to issue and sell to The Boatmen's National Bank of St. Louis, Missouri promissory notes, in an amount not to exceed $1,500,000, maturing not later than June 30, 1961 and bearing interest at the prime rate (presently 5 percent per annum) effective in St. Louis at the time of the particular borrowing. The promissory notes will be issued from time to time, will mature not more than 12 months from the date of issuance and will be repayable at any time in whole or in part without penalty.

The amount of the borrowing together with cash available in its treasury, will be used to repay an aggregate of $600,000 of promissory notes, with The Boatmen's National Bank, maturing on December 29, 1959 and to finance its necessary construction program to March 1961. The new notes will be repaid from funds to be obtained early in 1961 from the issue and sale of securities of a type and in amounts to be determined in the light of conditions at that time.

It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction and that only nominal expenses will be incurred as a result of the proposed transaction.

Notice is further given that any interested person may, not later than December 11, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in rules 20(a) and 100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-10215; Filed, Dec. 3, 1959; 8:46 a.m.]

[File No. 30-229]

SINCLAIR OIL CORP.

Notice of Filing of Application for Order

NOVEMBER 25, 1959.

Notice is hereby given that Sinclair Oil Corporation ("Sinclair"), a registered holding company which, with certain exceptions, is exempt from the Public Utility Holding Company Act of 1935 ("Act") (Holding Company Act Release No. 10998, Jan. 10, 1952), has filed an application, pursuant to section 5(d) of the Act, for an order declaring it has ceased to be a holding company.

The application states that Sinclair, in accordance with orders of this Commission, has disposed of all its interests in companies which it acquired as a result of the reorganization and dissolution of Mission Oil Company and Southwestern Development Company. The application further states that on March 31, 1959, The Utilities Company, Sinclair's only remaining public-utility subsidiary, donated and transferred all its physical assets, including operating and customer contracts, to the Town of Sinclair, Wyoming, that on July 27, 1959, The Utilities Company was liquidated, and that Sinclair no longer, either directly or indirectly, owns, controls or holds with power to vote, any stock of any public-utility or holding company.

Notice is further given that any interested person may, not later than December 8, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application as filed or as it may be amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 59-10216; Filed, Dec. 3, 1959; 8:46 a.m.]

[File No. 1-1200]

CITY INVESTING CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

NOVEMBER 30, 1959.

In the matter of City Investing Company, 5½ Percent Series Cumulative Preferred Stock, File No. 1-1200.

New York Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As of June 18, 1959, only 4,333 shares were outstanding. The number of holders was only 97. The stock has been inactive on the Exchange.

Upon receipt of a request, on or before December 15, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-10217; Filed, Dec. 3, 1959; 8:47 a.m.]

[File No. 1-1510]

CLAYTON SILVER MINES

Notice of Application To Withdraw From Listing and Registration, and of Opportunity for Hearing

NOVEMBER 30, 1959.

In the matter of Clayton Silver Mines, Common Stock, File No. 1-1510.

The above named issuer, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Pacific Coast Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The stock is inactive on the Pacific Coast Stock Exchange, and will remain listed on the Spokane and Salt Lake stock exchanges. The Pacific Coast Stock Exchange concurs in the application.

Upon receipt of a request, on or before December 15, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-10218; Filed, Dec. 3, 1959; 8:47 a.m.]

[File No. 1-1790]

DI GIORGIO FRUIT CORP.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

NOVEMBER 30, 1959.

In the matter of Di Giorgio Fruit Corporation, $3 Cumulative Preferred Stock, File No. 1-1790.

Pacific Coast Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As a result of an offer of exchange into Class B common, only 2,291 preferred shares remain publicly outstanding. The number of holders was about 400.

Upon receipt of a request, on or before December 15, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-10219; Filed, Dec. 3, 1959; 8:47 a.m.]

[File No. 21-223]

UNION TRUST COMPANY OF D.C.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

NOVEMBER 30, 1959.

In the matter of Union Trust Company of D.C., Common Stock, File No. 21-223.

Philadelphia-Baltimore Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The stock is comparatively inactive on the Exchange. The issuer has no objection to delisting.

Upon receipt of a request, on or before December 15, 1959, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

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

[F.R. Doc. 59-10220; Filed, Dec. 3, 1959; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 1, 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. 35860: *Fine coal from mines in Alabama.* Filed by O. W. South, Jr., Agent (SFA No. A3873), for interested rail carriers. Rates on fine coal, in carloads from mines in Alabama to points in Georgia, North Carolina, and South Carolina.

Grounds for relief: Short line distance formula, market competition with other fuels, and operation through higher-rated groups.

Tariff: Supplement 22 to Southern Freight Association, Agent, tariff I.C.C. S-39.

FSA No. 35861: *Plaster and related articles—Rosario, N. Mex., to the South.* Filed by Southwestern Freight Bureau, Agent (No. B-7692), for interested rail carriers. Rates on plaster, gypsum wallboard, and related articles, in carloads from Rosario, N. Mex., to points in southern territory and points in Virginia.

Grounds for relief: Market competition, short-line distance formula, grouping, and relief line arbitraries.

Tariff: Supplement 31 to Southwestern Freight Bureau tariff I.C.C. 4200.

FSA No. 35862: *Rice and rice products—Arkansas, Louisiana, and Texas to the South.* Filed by Southwestern Freight Bureau, Agent (No. B-7689), for interested rail carriers. Rates on clean rice, cracked or broken rice (brewers rice), rice meal, rice flour, rice bran, etc., in carloads from points in Arkansas, Louisiana, and Texas to points in southern territory.

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

Tariff: Southwestern Freight Bureau tariff I.C.C. 4338.

FSA No. 35863: *Liquid caustic soda—West Virginia points to Danville, Va.* Filed by O. W. South, Jr., Agent (SFA No. A3875), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads from Charleston, Dock, Elk, Owens, South Charleston, and South Ruffner, W. Va., to Danville, Va.

Grounds for relief: Market competition.

Tariff: Supplement 135 to Traffic Executive Association—Eastern Railroads tariff I.C.C. 4664 (Hinsch series).

FSA No. 35864: *Rice and rice products to points in southern territory.* Filed by O. W. South, Jr., Agent (SFA No. A3874), for interested rail carriers. Rates on clean rice, cracked or broken rice (brewers rice), rice meal, rice flour, rice bran, etc., in straight or mixed carloads from Memphis, Tenn., New Orleans, La., Mobile, Ala., also points in Louisiana and Mississippi to points in southern territory, including Ohio and Mississippi River crossings, Virginia cities, and Washington, D.C.

Grounds for relief: Market competition, short-line distance formula, grouping, relief line arbitraries, and operation through higher-rated territory.

Tariff: Supplement 161 to Southern Freight Association tariff I.C.C. 426 (Marque series).

FSA No. 35865: *Gypsum wallboard from WTL territory to IFA territory.* Filed by Western Trunk Line Committee, Agent, (No. A–2097), for interested rail carriers. Rates on gypsum wallboard and related articles, in carloads from specified points in Western Trunk Line territory to points in Illinois Freight Association territory.

Grounds for relief: Market competition, short-line distance formula, grouping, operation through higher-rated territory.

Tariff: Supplement 126 to Western Trunk Line Committee tariff I.C.C. A–3917.

By the Commission.

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

[F.R. Doc. 59–10229; Filed, Dec. 3, 1959; 8:47 a.m.]

[Notice 231]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 1, 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 62347. By order of November 30, 1959, The Transfer Board approved the transfer to Peter Pascuzzo, doing business as New Hope Transportation Co., New Hope, Pa., of Certificate in No. MC 114493 Sub 1, issued January 16, 1957 to Lebak Trucking, Inc., Herman Beloposky, Receiver, Bordentown, N.J., authorizing the transportation of: *Sand, gravel,* and *stone* between specified points in New Jersey, on the one hand, and on the other, specified points in Pennsylvania. Isadore H. Schwartz, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa., for applicants.

No. MC–FC 62544. By order of November 27, 1959, The Transfer Board approved the transfer to Harry R. Smith, doing business as Smith Bros. Trucking, Arcola, Illinois, of a Certificate in No. MC 106656 issued January 9, 1947, to Wm. H. Smith, Lois M. Smith, Administratrix, and Harry R. Smith a partnership, doing business as Smith Bros. Trucking, Arcola, Illinois, authorizing the transportation of specified commodities, from, to, and between, points in Wisconsin, Indiana, Missouri, Illinois, and Minnesota. W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind.

No. MC–FC 62694 and No. MC–FC 62695. By order of November 30, 1959, The Transfer Board approved the transfer to Warren E. Walters and Theodore Kazmierczak, a Partnership, Scranton, Pennsylvania, of the operating rights in Certificate No. MC 96617 and Permit No. MC 94063, both issued by the Commission January 17, 1955, to Winifred B. Cutler and Earl J. Travis, a Partnership, doing business as Mercury Motor Freight Lines, authorizing the transportation, as a common carrier, over irregular routes, of pineapples, salmon, and sugar, from port of entry of Philadelphia, Pa., to specified points in Pennsylvania, restricted to shipments moving from territories and possessions of the United States, and as a contract carrier, over regular routes, of canned goods, groceries, sugar, and meats, between Scranton, Pa., and New York, N.Y., and over irregular routes, such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in a described portion of New Jersey, Delaware, and Pennsylvania, and fruits, vegetables, farm products, poultry, and seafood, in their productive seasons, from points in Delaware, New Jersey, and Pennsylvania. The Transfer Board also approved the addition of transferee as a respondent in Docket No. MC 94063 Sub 2. Thomas J. Jones, 502 Brooks Building, Scranton 2, Pa., for applicants.

No. MC–FC 62727. By order of November 30, 1959, The Transfer Board approved the transfer to Edward C. Neely, Jr., doing business as Fox Transfer and Storage, Harmarville, Pennsylvania, of a Certificate in No. MC 79320, issued, September 19, 1940, to R. J. Fox, doing business as Fox Transfer, Harmarville, Pennsylvania, authorizing the transportation of household goods, as defined by the Commission, between points in Butler, Armstrong, Westmoreland, and Allegheny Counties, Pa., on the one hand, and, on the other, points in Ohio, Maryland, Indiana, Illinois, Michigan, West Virginia, Virginia, New York, New Jersey, and the District of Columbia. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa.

No. MC–FC 62733. By order of November 27, 1959, The Transfer Board approved the transfer to Gilbert C. McCleary, doing business as McCleary Coach Lines, Evansville, Indiana, of Certificates in Nos. MC 45058 and MC 45058 Sub 2, issued May 20, 1955, and December 2, 1946, to Chester B. McCleary, doing business as C. B. McCleary Coach Lines, Evansville, Indiana, authorizing the transportation, over irregular routes, of passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from Evansville, Ind., and points in Indiana and Kentucky within ten miles of Evansville, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, and passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at Evansville, Ind., and points in Indiana ad Kentucky, within 10 miles of Evansville, and extending to points in Arizona, California, Colorado, Idaho, Maine, Minnesota, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, South Dakota, Utah, Vermont, Washington, and Wyoming, including the District of Columbia. Glenn W. Funk, Funk and Ricos, 54 10 E. Washington St., Indianapolis 19, Indiana.

No. MC–FC 62734. By order of November 30, 1959, The Transfer Board approved the transfer to Shearers Express, Inc., Oneonta, N.Y., of Certificate No. MC 92371 Sub 3 issued July 9, 1951, to David C. Shearer, doing business as Shearer's Express, Oneonta, N.Y., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, and other specified commodities, over irregular routes, between Central Bridge, N.Y., on the one hand, and, on the other, St. Johnsville and Johnstown, N.Y. Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. for applicants.

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

[F.R. Doc. 59–10230; Filed, Dec. 3, 1959; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

SEPTEMBER 30, 1959.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases during quarter [1]		Cumulative purchases through end of quarter [1]	
				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	1,490	$1,762,595
		Short tons, crude No. 3		0	0	850	340,020
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	80	$42,512	2,398	1,331,772
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	9,074,869
Deming	June 30, 1958	do	6,000,000	0	0	6,215,258	12,036,388
Wenden	June 30, 1958	do	6,000,000	0	0	6,108,316	10,743,170
Domestic small producers	Jan. 1, 1961	Long ton units, contained manganese	28,000,000	1,951,955	4,600,033	28,039,327	71,329,278
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent	25,000	891	892,715	18,725	18,871,344
Tungsten	July 1, 1958	Short ton units, tungsten trioxide	3,000,000	0	0	2,996,280	189,212,786
Public Law 520, 79th Cong.							
Chrome	June 30, 1959	Long dry tons, chrome ore and/or chrome concentrates.	200,000	0	0	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	0	[2] 1,829	17,463	3,938,879
Mexican	Dec. 31, 1957	do	75,000	0	0	766	172,317
Do	Dec. 31, 1958	do	20,000	0	0	2,508	570,797

[1] Quantities represent deliveries.
[2] Applicable to prior periods.

Dated: November 30, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-10238; Filed, Dec. 3, 1959; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

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