

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES

VOLUME 24 1934 NUMBER 150

Washington, Saturday, August 1, 1959

Title 6—AGRICULTURAL CREDIT

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

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 1, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Grain Sorghums Loan and Purchase Agreement Program Regulations

DETERMINATION OF SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, and 24 F.R. 3031, 4125, and containing the specific requirements for the 1959-Crop Grain Sorghums Price Support Program are hereby amended as follows:

Section 421.4233(a) (2) (ii) is amended to include Sioux City, Iowa, so that the amended subdivision reads as follows:

§ 421.4233 Determination of support rates.

(a) * * *

(2) * * *

(ii) The support rate for grain sorghums received by truck and stored at any designated terminal market, shall be determined by making a deduction from the terminal rate as follows:

	Amount of deduction (cents per 100 pounds)
Terminal Market:	
Omaha, Nebr.; Council Bluffs, Iowa;	
Sioux City, Iowa; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Saint Joseph, Mo.; Atchison, Kans.; Cairo, Ill.	29
Memphis, Tenn.	31

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072,

secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 29th day of July 1959.

CLARENCE D. PALMBY,
*Acting Executive Vice President,
Commodity Credit Corporation.*

[F.R. Doc. 59-6366; Filed, July 31, 1959; 8:49 a.m.]

(C.C.C. Grain Price Support Bulletin 1, 1959 Supp. 2, Amdt. 1, Grain Sorghums)

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1959-Crop Grain Sorghums Loan and Purchase Agreement Program Regulations

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 9651, and 24 F.R. 3031, 4125, and containing the specific requirements for the 1959-Crop Grain Sorghums Price Support Program are hereby amended as follows:

1. Section 421.4237(a) is amended by adding the following to the list of terminal and basic support rates per hundred-weight:

Sioux City, Iowa..... \$1.77

2. Section 421.4237(b) is amended to show the correct basic county support rates as follows:

IOWA

County	Amount per hundredweight	
	From—	To—
Buena Vista.....	\$1.49	\$1.50
Cherokee.....	1.49	1.53
Clay.....	1.46	1.49
Dickinson.....	1.46	1.48
Lyon.....	1.46	1.52
O'Brien.....	1.49	1.53
Osceola.....	1.48	1.51
Palo Alto.....	1.46	1.47
Plymouth.....	1.49	1.53
Sioux.....	1.47	1.53
Woodbury.....	1.51	1.53

(Continued on p. 6181)

CONTENTS

Agricultural Marketing Service	Page
Notices:	
Fort Payne Livestock Sales et al.; posted stockyards.....	6204
Proposed rule making:	
Peanuts; U.S. standards for shelled runner type.....	6203
Rules and regulations:	
Filberts grown in Oregon and Washington; amended order regulating handling.....	6185
Limitation of handling:	
Lemons grown in California and Arizona.....	6184
Oranges, Valencia; grown in Arizona and designated part of California.....	6183
Limitation of shipments:	
Grapes, Tokay; grown in San Joaquin County, Calif.....	6184
Potatoes, Irish; grown in certain designated counties in Idaho and Malheur County, Oreg.....	6184
Peanuts, certain shelled; U.S. standards:	
Spanish type.....	6181
Virginia type.....	6182

Agriculture Department

See Agricultural Marketing Service; Commodity Credit Corporation.

Atomic Energy Commission

Notices:

Amendments to construction permits:	
Allis-Chalmers Manufacturing Co.....	6212
Consolidated Edison Co. of New York, Inc.....	6212
General Electric Co.; proposed issuance of order and utilization facility license amendment.....	6212
University of California at Los Angeles; application for facility license.....	6214

Civil Aeronautics Board

Notices:

Delta Air Lines, Inc.; order of investigation and suspension.....	6214
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FEDERAL REGISTER

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

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CFR SUPPLEMENTS

(As of January 1, 1959)

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General Index (\$0.75)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

CONTENTS—Continued

Committee for Reciprocity Information	Page
Notices:	
Cuba; public hearing regarding renegotiation of tariff concessions; submission of information	6214
Commodity Credit Corporation	
Rules and regulations:	
Grain sorghums; 1959-crop loan and purchase agreement program; support rates (2 documents)	6179
Customs Bureau	
Notices:	
Columbian concentrates obtained in part by chemical leaching process; proposed classification	6204

CONTENTS—Continued

Federal Aviation Agency	Page
Proposed rule making:	
Control zones; designation (3 documents)	6203
Rules and regulations:	
Aircraft regulations; technical standard orders for materials, parts, processes and appliances:	
Airborne radio equipment	6192
Aircraft altimeter (TSO-C10b)	6191
Portable aircraft emergency communications equipment (TSO-C61)	6197
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Alkima Broadcasting Co. et al.	6216
Bald Eagle-Nittany Broadcasters and Suburban Broadcasting Corp.	6219
Cookeville Broadcasting Co. et al.	6217
Eastern Idaho Broadcasting and Television Co. and Sam H. Bennion	6216
Espy, Dawkins	6215
Goleta Broadcasting Associates et al.	6215
Inter-Cities Broadcasting Co.	6216
Island Teleradio Service, Inc., and WPR, Inc. (WPR)	6216
South Minneapolis Broadcasters	6217
WBUD, Inc., and Concert Network, Inc.	6219
Federal Power Commission	
Notices:	
Hearings, etc.:	
Arkansas Power & Light Co.	6219
Colorado-Wyoming Gas Co.	6219
Federal Trade Commission	
Rules and regulations:	
Gladdings, Inc., and Leonard E. Johnson; cease and desist order	6197
Health, Education, and Welfare Department	
See Public Health Service.	
Immigration and Naturalization Service	
Proposed rule making:	
Deportation of aliens	6201
Interior Department	
See Land Management Bureau.	
Internal Revenue Service	
Rules and regulations:	
Manufacturers and retailers excise taxes; exemption of articles sold for use in further manufacture	6198
Interstate Commerce Commission	
Notices:	
Motor carrier transfer proceedings	6220

CONTENTS—Continued

Interstate Commerce Commission—Continued	Page
Rules and regulations:	
Weatherford, Mineral Wells and Northwestern Railway Co.; authorization to operate over certain trackage of Gulf, Colorado and Santa Fe Railway Co.	6201
Justice Department	
See Immigration and Naturalization Service.	
Labor Department	
See Wage and Hour Division.	
Land Management Bureau	
Notices:	
Colorado; proposed withdrawal and reservation of lands	6204
Public Health Service	
Notices:	
Comprehensive programs for water pollution control treatment works needs of States, municipalities, interstate and intermunicipal agencies; list of locations amended	6205
Securities and Exchange Commission	
Notices:	
Investors Diversified Services, Inc., et al.; filing of request for modification of exemption order and from sale by open-end companies of shares to associations on basis of reduced sales load	6220
Tariff Commission	
Notices:	
Almonds; investigation instituted	6221
Treasury Department	
See Customs Bureau; Internal Revenue Service.	
Wage and Hour Division	
Rules and regulations:	
Overtime compensation; deletions	6181
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.	
A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.	
6 CFR	Page
421 (2 documents)	6179
7 CFR	
51 (2 documents)	6181, 6182
922	6183
951	6184
953	6184
957	6184
997	6185
Proposed rules:	
51	6203
8 CFR	
Proposed rules:	
103	6201
237	6202
242	6202

CODIFICATION GUIDE—Con.

8 CFR—Continued	Page
Proposed rules—Continued	
243.....	6202
299.....	6202
14 CFR	
514 (3 documents).....	6191, 6192, 6197
Proposed rules:	
601 (3 documents).....	6203
16 CFR	
13.....	6197
26 (1954) CFR	
40.....	6198
29 CFR	
778.....	6181
49 CFR	
95.....	6201

NEBRASKA

County	Amount per hundredweight	
	From—	To—
Antelope.....	\$1.51	\$1.48
Boyd.....	1.42	1.44
Cedar.....	1.50	1.53
Dakota.....	1.51	1.53
Dixon.....	1.51	1.53
Knox.....	1.47	1.50
Pierce.....	1.49	1.51
Wayne.....	1.50	1.53

SOUTH DAKOTA

Aurora.....	\$1.44	\$1.45
Bon Homme.....	1.44	1.51
Brookings.....	1.44	1.45
Charles Mix.....	1.44	1.47
Clay.....	1.44	1.53
Davison.....	1.44	1.46
Douglas.....	1.44	1.48
Hanson.....	1.44	1.47
Hutchinson.....	1.44	1.49
Lake.....	1.44	1.47
Lincoln.....	1.44	1.53
McCook.....	1.44	1.48
Miner.....	1.44	1.46
Minnehaha.....	1.44	1.50
Moody.....	1.44	1.48
Turner.....	1.44	1.51
Union.....	1.44	1.53
Yankton.....	1.44	1.53

¹ Reduced support rate.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Issued this 29th day of July 1959.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-6367; Filed, July 31, 1959;
8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division,
Department of LaborPART 778—OVERTIME
COMPENSATION

Deletion of Outdated Sections

29 CFR Part 778 contains two sections relating to the effective date of the 1949 amendments to the Fair Labor Standards Act of 1938, and to the payment of over-

time compensation prior to the passage of those amendments. Since these sections are no longer relevant to the administration of the Act they are herein deleted.

Therefore under the authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290), 29 CFR Part 778 is hereby amended as follows:

1. The undesignated center head immediately preceeding § 778.26 entitled "Effective Date; Retroactivity" is hereby deleted.

2. Sections 778.26 and 778.27 are hereby deleted.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. this 28th day of July 1959.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 59-6338; Filed, July 31, 1959;
8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing
Service (Standards, Inspections,
Marketing Practices), Department
of AgriculturePART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS
(INSPECTION, CERTIFICATION
AND STANDARDS)Subpart—United States Standards for
Shelled Spanish Type Peanuts¹

On May 9, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3763) regarding a proposed revision of United States Standards for Shelled Spanish Type Peanuts (7 CFR 51.2730 to 51.2742).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled Spanish Type Peanuts are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1037, as amended; 7 U.S.C. 1621-1627).

GRADES

Sec.	
51.2730	U.S. No. 1 Spanish.
51.2731	U.S. Spanish Splits.
51.2732	U.S. No. 2 Spanish.

APPLICATION OF TOLERANCES

51.2733	Application of tolerances.
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DEFINITIONS

51.2734	Similar varietal characteristics.
51.2735	Whole.
51.2736	Split.
51.2737	Broken.
51.2738	Foreign material.

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

Sec.	
51.2739	Unshelled.
51.2740	Minor defects.
51.2741	Damage.

AUTHORITY: §§ 51.2730 to 51.2741 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 51.2730 U.S. No. 1 Spanish.

"U.S. No. 1 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{1}{4}$ x $\frac{3}{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 2 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2731 U.S. Spanish Splits.

"U.S. Spanish Splits" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{1}{4}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 5 percent for sound whole kernels.

§ 51.2732 U.S. No. 2 Spanish.

"U.S. No. 2 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $1\frac{1}{4}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2733 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2734 Similar varietal characteristics.

"Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Runner type shall not be mixed with Spanish type, and White Spanish shall not be mixed with Red Spanish.

§ 51.2735 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2736 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2737 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2738 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2739 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2740 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flash discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2741 Damage.

"Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

The United States Standards for Shelled Spanish Type Peanuts contained

in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled Spanish Type Peanuts which have been in effect since July 31, 1956 (7 CFR 51.2730 to 51.2741).

Dated: July 29, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6343; Filed, July 31, 1959;
8:47 a.m.]

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

Subpart—United States Standards for Shelled Virginia Type Peanuts¹

On May 9, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3762) regarding a proposed revision of United States Standards for Shelled Virginia Type Peanuts (7 CFR 51.2750 to 51.2764).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled Virginia Type Peanuts are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

GRADES

Sec.	
51.2750	U.S. Extra Large Virginia.
51.2751	U.S. Medium Virginia.
51.2752	U.S. No. 1 Virginia.
51.2753	U.S. Virginia Splits.
51.2754	U.S. No. 2 Virginia.

APPLICATION OF TOLERANCES

51.2755 Application of tolerances.

DEFINITIONS

51.2756	Similar varietal characteristics.
51.2757	Whole.
51.2758	Split.
51.2759	Broken.
51.2760	Foreign material.
51.2761	Unshelled.
51.2762	Minor defects.
51.2763	Damage.

AUTHORITY: §§ 51.2750 to 51.2763 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

§ 51.2750 U.S. Extra Large Virginia.

"U.S. Extra Large Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{15}{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 512 per pound.

(a) In order to allow for variations incident to proper grading and handling,

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

the following tolerances, by weight, shall be permitted:

(1) 0.75 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2751 U.S. Medium Virginia.

"U.S. Medium Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{15}{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 640 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2752 U.S. No. 1 Virginia.

"U.S. No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{15}{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 864 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 3 percent for sound, whole peanuts which will pass through the prescribed screen.

§ 51.2753 U.S. Virginia Splits.

"U.S. Virginia Splits" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{20}{64}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 2 percent for other varieties of peanuts;
- (2) 2 percent for damaged or unshelled peanuts and minor defects;
- (3) 0.2 percent for foreign material;
- (4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,
- (5) 5 percent for sound whole peanuts.

§ 51.2754 U.S. No 2 Virginia.

"U.S. No. 2 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{17}{64}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

- (1) 2 percent for other varieties of peanuts;
- (2) 2.5 percent for damaged or unshelled peanuts and minor defects;
- (3) 0.2 percent for foreign material; and,
- (4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES**§ 51.2755 Application of tolerances.**

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS**§ 51.2756 Similar varietal characteristics.**

"Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Virginia type.

§ 51.2757 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2758 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2759 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2760 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2761 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2762 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but in affected by one or more of the following:

- (a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;
- (b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;
- (c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,
- (d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2763 Damage.

"Damage" means that the peanut kernel is affected by one or more of the following:

- (a) Rancidity or decay;
- (b) Mold;
- (c) Insects, worm cuts, web or frass;
- (d) Freezing injury causing hard, translucent or discolored flesh; and,
- (e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

The United States Standards for Shelled Virginia Type Peanuts contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled Virginia Type Peanuts which have been in effect since September 15, 1956 (7 CFR 51.2750-51.2763).

Dated: July 29, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6344; Filed, July 31, 1959;
8:47 a.m.]

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

[Valencia Orange Reg. 176]

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

Limitation of Handling

§ 922.476 Valencia Orange Regulation 176.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the appli-

cable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 2, 1959, and ending at 12:01 a.m., P.s.t., August 9, 1959, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 877,800 cartons;
- (iii) District 3: Unlimited movement.

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

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same

meaning as when used in said marketing agreement and order, as amended.

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

Dated: July 31, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-6408; Filed, July 31, 1959;
11:29 a.m.]

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALI- FORNIA

Limitation of Shipments

§ 951.323 Tokay Grape Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 24 F.R. 1238), regulating the handling of Tokay grapes grown in San Joaquin County, California, 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 of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 3, 1959. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until July 16, 1959; recommendation as to the need for, and the extent of, limitation of shipments was made at the meeting of said committee on July 16, 1959, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 24, 1959; shipments of the current

crop of such grapes are expected to begin on or about August 10, 1959, and this section should be applicable to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation thereof which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., August 3, 1959, and ending at 12:01 a.m., P.s.t., January 1, 1960, no shipper shall ship:

(i) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes; or

(ii) Any Tokay grapes, grown in the production area, unless such grapes are mature and, when tested in accordance with the applicable provisions of section 802 of the Agricultural Code of California, the juice thereof contains soluble solids equal to or in excess of twenty-seven (27) parts to one (1) part of acid.

(2) *Definitions.* As used herein, "handler," "shipper," "ship," and "production area," shall have the same meaning as when used in the amended marketing agreement and order, and "U.S. No. 1 Table Grapes" and "mature" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.880-51.911).

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

Dated: July 29, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F.R. Doc. 59-6364; Filed, July 31, 1959;
8:49 a.m.]

[Lemon Reg. 803]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.910 Lemon Regulation 803.

(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 became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as herein-after set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 29, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 2, 1959, and ending at 12:01 a.m., P.s.t., August 9, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.
(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: July 30, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-6395; Filed, July 31, 1959;
9:19 a.m.]

[Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUN- TIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho

and Malheur County, Oregon, 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 recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and other available information, it is hereby found that the amendment to the limitation of shipment, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby 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 in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, then would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which can not be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. In § 957.318 (24 F.R. 5413) subparagraph (1) of paragraph (a) and subparagraph (3) of paragraph (b) are hereby amended as set forth below.

§ 957.318 Limitation of Shipments.

(a) *Minimum grade, size, and cleanliness requirements.*—(1) Round, red varieties. U.S. No. 1 or better, grade, 2 inches minimum diameter.

(b) *Minimum maturity requirements.* * * *

(3) *All other varieties.* "Slightly skinned".

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

Dated: July 29, 1959, to become effective August 3, 1959.

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

[F.R. Doc. 59-6365; Filed, July 31, 1959; 8:49 a.m.]

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

Amended Order Regulating Handling

Sec.
997.0 Findings and determinations.

DEFINITIONS

997.1 Secretary.
997.2 Act.

Sec.
997.3 Person.
997.4 Filberts.
997.5 Area of production.
997.6 Grower.
997.7 To handle.
997.8 Handler.
997.9 Cooperative handler.
997.10 Independent handler.
997.11 Pack.
997.12 Merchantable filberts.
997.13 Substandard filberts.
997.14 Restricted filberts.
997.15 Inshell handler carryover.
997.16 Inshell trade demand.
997.17 Fiscal year.
997.18 Board.
997.19 Part and subpart.

FILBERT CONTROL BOARD

997.30 Establishment and membership.
997.31 Independent grower districts.
997.32 Nomination.
997.33 Selection and term of office.
997.34 Qualification.
997.35 Vacancy.
997.36 Alternates.
997.37 Procedure.
997.38 Powers.
997.39 Duties.

MARKETING POLICY

997.40 Board's estimates and recommendations.
997.41 Free and restricted percentages.
GRADE AND SIZE REGULATION
997.45 Establishment of grade and size regulations.
997.46 Inspection and certification.

CONTROL OF DISTRIBUTION

997.50 Restricted obligation.
997.51 Restricted credit for ungraded filberts.
997.52 Disposition of restricted filberts.
997.53 Substandard filberts.
997.54 Deferment of restricted obligation.
997.55 Exchange of certified merchantable filberts withheld.
997.56 Interhandler transfers.
997.57 Exemptions.

EXPENSES AND ASSESSMENTS

997.60 Expenses.
997.61 Assessments.
997.62 Accounting.

RECORDS AND REPORTS

997.65 Carryover reports.
997.66 Shipment reports.
997.67 Reports of disposition of restricted filberts.
997.68 Other reports.
997.69 Verification of reports.
997.70 Confidential information.
997.71 Records.

MISCELLANEOUS PROVISIONS

997.80 Right of the Secretary.
997.81 Personal liability.
997.82 Separability.
997.83 Derogation.
997.84 Duration of immunities.
997.85 Agents.
997.86 Effective time, termination or suspension.
997.87 Effect of termination or amendment.
997.88 Amendments.

AUTHORITY: §§ 997.0 to 997.88 issued under secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674.

§ 997.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and the pre-

viously issued amendment thereto; and all of said findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Portland, Oregon, on February 19, 20, and 21, 1959, upon a proposed amendment of Marketing Agreement No. 115, as amended, and Order No. 97, as amended (7 CFR Part 997), regulating the handling of filberts grown in Oregon and Washington. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of filberts (inshell and shelled) grown in Oregon and Washington in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application, to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts (inshell and shelled) in the area of production covered by the order, as amended and as hereby further amended, which make necessary different terms applicable to different parts of such area; and

(5) All handling of filberts (inshell and shelled) grown in the designated area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found that good cause exists for not postponing the effective time of this order beyond the time of its publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because: (1) Such order provides for modified operations and procedures thereunder (some requirements, having been relaxed, e.g., ungraded filberts may be withheld in lieu of certified merchantable filberts in satisfaction of handlers' restricted obligation; and the pack requirements in the current § 997.50

(b) (1) have not been carried over into the amendatory order; (2) to be of maximum benefit during the 1959-60 fiscal year, the amendatory order should become operative at the beginning of such year—August 1, 1959—and before extensive handling operations have begun; (3) it is necessary, under said order, for the Filbert Control Board to meet for the purpose of recommending to the Secretary a marketing policy for

such year, prior to the time new crop filberts are available for handling; (4) such recommendations should be made by the Filbert Control Board as constituted under said order, and some period of time will be required for the nomination and selection of the Board membership; (5) the provisions of the amendatory order are well known to handlers of filberts since the public hearing in connection with said order was held February 19-21, 1959, and the recommended decision and the final decision were published in the *FEDERAL REGISTER* on May 23, 1959 (24 F.R. 4169), and June 30, 1959 (24 F.R. 5304), respectively; (6) the text of the amendatory order has been made available to all known interested persons; (7) the specified effective time hereof will provide an early opportunity for the taking of required actions; and (8) filbert handlers will need no further advance notice to prepare for compliance with the provision of this amendatory order.

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

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington", upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping filberts covered by said order) who, during the period August 1, 1958, through June 30, 1959, handled not less than 50 percent of the volume of such filberts covered by said amendatory order; and

(2) The issuance of this amendatory order is favored or approved by at least two-thirds of the producers who participated in a referendum on such approval and who, during the determined representative period (August 1, 1958, through June 30, 1959) were engaged within the area of production specified in said order, in the production of filberts for market, such producers having also produced for market at least two-thirds of the volume of such filberts represented in such referendum.

It is, therefore, ordered, That, on and after the effective time hereof, all handling of filberts (inshell and shelled) grown in Oregon and Washington shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 997.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 997.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 48 Stat. 31, as amended).

§ 997.3 Person.

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

§ 997.4 Filberts.

"Filberts" means filberts or hazelnuts produced in the States of Oregon and Washington from trees of the genus *Corylus*.

§ 997.5 Area of production.

"Area of production" means the States of Oregon and Washington.

§ 997.6 Grower.

"Grower" is synonymous with "producer" and means any person engaged, in a proprietary capacity, in the commercial production of filberts.

§ 997.7 To handle.

"To handle" means to sell, consign, transport or ship (except as a common carrier of filberts owned by another person), or in any other way to put filberts, inshell or shelled, into the channels of trade either within the area of production or from such area to points outside thereof: *Provided*, That sales or deliveries by growers to handlers within the area of production or authorized disposition of restricted filberts and substandard filberts shall not be considered as handling.

§ 997.8 Handler.

"Handler" means any person who handles filberts.

§ 997.9 Cooperative handler.

"Cooperative handler" means any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized.

§ 997.10 Independent handler.

"Independent handler" means a handler who is not a cooperative handler.

§ 997.11 Pack.

"Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition of filberts packed in accordance with any of the pack specifications prescribed pursuant to § 997.45.

§ 997.12 Merchantable filberts.

"Merchantable filberts" means inshell filberts that meet the grade and size regulations in effect pursuant to § 997.45 and are likely to be available for handling as inshell filberts.

§ 997.13 Substandard filberts.

"Substandard filberts" means filberts, inshell or shelled, that do not meet the minimum standards effective pursuant to § 997.45.

§ 997.14 Restricted filberts.

"Restricted filberts" means inshell filberts withheld in satisfaction of a restricted obligation.

§ 997.15 Inshell handler carryover.

"Inshell handler carryover" as of any given date means all inshell filberts (except restricted filberts) wherever located

then held by handlers or for their accounts, whether or not sold, including certified merchantable filberts and the estimated merchantable content of those uncertified filberts then held by handlers which are intended for handling as inshell filberts.

§ 997.16 Inshell trade demand.

"Inshell trade demand" means the quantity of inshell filberts acquired by the trade from all handlers, during a fiscal year for distribution in the Continental United States.

§ 997.17 Fiscal year.

"Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 997.18 Board.

"Board" means the Filbert Control Board established pursuant to § 997.30.

§ 997.19 Part and subpart.

"Part" means the order, as amended, regulating the handling of filberts grown in Oregon and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order, as amended, regulating the handling of filberts grown in Oregon and Washington shall be a "subpart" of such part.

FILBERT CONTROL BOARD

§ 997.30 Establishment and membership.

There is hereby established a Filbert Control Board consisting of nine members, each of whom shall have an alternate. The nine member positions shall be allocated as follows:

(a) One handler member to represent cooperative handlers;

(b) One handler member to represent independent handlers;

(c) One handler member to represent cooperative handlers or independent handlers, whichever group of such handlers handled more than 50 percent of the filberts handled by all handlers during the fiscal year preceding the fiscal year in which nominations are made;

(d) Two grower members to represent cooperative growers (i.e., growers whose filberts are handled through cooperative handlers);

(e) Two grower members to represent independent growers (i.e., growers whose filberts are handled through independent handlers);

(f) One grower member to represent growers whose filberts are handled through cooperative handlers or independent handlers whichever group of such handlers handled more than 50 percent of the filberts handled by all handlers during the fiscal year preceding the fiscal year in which nominations are made;

(g) One member who is neither a grower nor a handler.

§ 997.31 Independent grower districts.

(a) Whenever the grower member provided in § 997.30(f) is to represent independent growers, one independent grower member and his alternate shall be nominated and selected from each of the following districts, except as may

be otherwise provided pursuant to paragraph (b) of this section:

(1) District No. 1—The State of Washington, and Multnomah and Washington Counties in Oregon.

(2) District No. 2—Clackamas, Marion and Yamhill Counties in Oregon.

(3) District No. 3—Benton, Lane, Linn, Polk and all other Counties in Oregon except those included in District No. 1 and District No. 2.

(b) Whenever, pursuant to § 997.30(f) the grower member is not to represent independent growers, or the districts as established pursuant to paragraph (a) of this section fail to provide equitable representation to such independent growers, the Secretary, on the basis of a recommendation of the Board or other information, may establish different districts within the production area. In recommending any changes in districts, the Board shall consider shifts in filbert acreage within and among the districts, and other relevant factors.

§ 997.32 Nomination.

(a) Nominees shall be chosen for the respective member and alternate member positions specified in § 997.30 (a) through (g) by such groups.

(b) Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the Board to all handlers in such group.

(c) Nominations on behalf of growers who market their filberts through cooperative handlers shall be submitted on the basis of ballots cast by each cooperative handler for its grower patrons.

(d) Nominations on behalf of independent growers shall be submitted after balloting by such growers conducted as follows: Names of the grower candidates to accompany the ballot shall be submitted to the Board each fiscal year on petitions signed by not less than 10 independent growers who are of record with the Board; each grower may sign only as many petitions as there are persons to be nominated and whenever such petitions fail to result in submission of two names for each position to be filled, the Board shall request all County Agricultural Agents in filbert producing counties which produced at least 10 percent of the total filbert production during the preceding fiscal year to recommend one or more eligible growers for each position to be included on the ballot. Ballots, accompanied by the names of all such candidates together with instructions, shall be mailed to all independent growers who are of record with the Board; each ballot shall contain appropriate blank spaces for the voter to indicate his choice for each member position and for each alternate member position which is to be filled. The eligible person receiving the highest number of votes for a particular position shall be the nominee for that position, except that, in case of a tie, the names of the tied candidates shall be submitted. If the Secretary determines that this procedure is unsatisfactory to independent growers because it is too difficult or costly to administer, it does not result in the names of a sufficient number of eligible candidates being submitted with the ballots, or it should

be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

(e) All votes cast by cooperative handlers, independent handlers or for cooperative growers, shall be weighted according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulation are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each such handler or cooperative grower group during the preceding fiscal year, and if less than one ton is recorded for any such handler or cooperative grower group, the vote shall be weighted as one vote. All votes cast by independent growers shall be given equal weight. Nominations received in the foregoing manner by the Board shall be reported to the Secretary by June 1 of each fiscal year, together with a certificate of all necessary data and other information deemed by the Board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before that date, the Secretary may select the representatives of that group without nomination.

(f) Nominees for the member and alternate member positions specified in § 997.30(g) shall be chosen by the other eight members who are to serve on the Board during the ensuing fiscal year. If nominations for such member or alternate are not submitted by July 1 of any year, the Secretary may select such member or alternate without nomination.

(g) No independent grower who during the then current fiscal year handled any filberts other than of his own production may vote for or be a nominee to represent independent growers on the Board nor may he be any such nominee if during such fiscal year he was employed by a filbert handler.

§ 997.33 Selection and term of office.

(a) *Selection.* Members and their respective alternates shall be selected by the Secretary from nominees submitted by the Board or from among other qualified persons.

(b) *Term of office.* (1) The term of office of each member and alternate member shall be two years beginning August 1, except that (i) the terms of office of one of the grower members and his alternate member specified in § 997.30(d), one of the grower members and his alternate member specified in § 997.30(e), and the handler members and alternate members specified in § 997.30 (a) and (b) shall expire on July 31 of the first even-numbered year following the year of selection, and the terms of office of all other members and alternate members shall expire on July 31 of the first odd-numbered year following the year of selection; (ii) if the representation on the Board in an ensuing fiscal year will, by reason of change in representation pursuant to § 997.30 (c) and (f), be different from that in the current fiscal year, the terms of office of all grower and handler members and

alternate members holding office in the current fiscal year shall expire at the end of the current fiscal year and successor members and alternate members shall be nominated and selected in conformance with §§ 997.30 and 997.33; (iii) if the districts for independent grower representation in an ensuing fiscal year will be different from that in the current fiscal year, the terms of office of all independent grower members and alternate members specified in § 997.30 (e) and (f) shall expire on July 31 of the current fiscal year and persons nominated to succeed them shall be nominated and selected so as to conform with such changed representation.

(2) Members and alternate members shall serve for the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified.

§ 997.34 Qualification.

Any person selected to serve as a member or an alternate of the Board shall qualify by filing with the Secretary a written acceptance of his appointment. Any member or alternate member who at the time of his selection was a member or employed by a member of the group which nominated him shall, upon ceasing to be such a member or employee, become disqualified to serve further and his position on the Board shall be deemed vacant. In the event any member or alternate member of the Board qualified and selected, in accordance with the provisions of §§ 997.30 and 997.32, to represent independent growers should, during his term of office, handle filberts produced by other growers, or become an employee of a handler, his position on the Board shall thereupon be deemed to be vacant.

§ 997.35 Vacancy.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the Board, a successor for his unexpired term shall be nominated and selected in the manner provided in §§ 997.32 and 997.33, so far as applicable, unless selection is deemed unnecessary by the Secretary.

§ 997.36 Alternates.

(a) An alternate for a member of the Board shall act in the place of such member in his absence, and in the event of his death, removal, resignation or disqualification, until a successor for his unexpired term has been selected and has qualified.

(b) If a member of the Board and his alternate are unable to attend a Board meeting, the Board may designate any other alternate from the group in § 997.30 represented by such absent member to serve in the member's place. For purposes of this section the cooperative handler group and cooperative grower group shall be considered as one group.

§ 997.37 Procedure.

(a) Seven members of the Board shall constitute a quorum at an assembled meeting of the Board, and any action of the Board shall require the concurring vote of at least five members. At any as-

sembled meeting all votes shall be cast in person.

(b) The Board may vote by mail, telephone, telegraph, or other means of communication: *Provided*, That any votes (except mail votes) so cast shall be confirmed in writing. When any proposition is submitted for voting by any such method its adoption shall require nine concurring votes.

(c) The members of the Board and their alternates shall serve without compensation, but members and alternates, acting as members shall be allowed their necessary expenses: *Provided*, That the Board may request the attendance of one or more alternates not acting as members at any meeting of the Board, and such alternates may be allowed their necessary expenses.

§ 997.33 Powers.

The Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

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

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

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

§ 997.39 Duties.

The Board shall have among others the following duties: (a) to select from among its members such officers and adopt rules or bylaws for the conduct of its meetings as it deems advisable;

(b) To act as intermediary between the Secretary and any handler or grower;

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

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

(e) To appoint such employees as it deems necessary and determine the salaries, define the duties and fix the bonds of such employees;

(f) To cause the books of the Board to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of the reports of all audits made;

(g) To investigate the growing, shipping and marketing conditions with respect to filberts, and assemble data in connection therewith;

(h) To give the Secretary the same notice of the meetings of the Board as is given to its members; and

(i) To furnish to the Secretary a verbatim report of the proceedings of each meeting of the Board held for the purpose of making marketing policy recommendations.

MARKETING POLICY

§ 997.40 Board's estimates and recommendations.

(a) Each fiscal year, prior to the time the new crop filberts are available for

handling, the Board shall hold a meeting for the purpose of recommending to the Secretary a marketing policy for such year. Such recommendation shall include the following:

(1) *Inshell allocation.* (i) The Board's estimate of the quantity of merchantable filberts to be produced during such year;

(ii) The Board's estimate of the inshell handler carryover of filberts on August 1 of such year, segregated as to the quantity subject to regulation and not subject to regulation;

(iii) The Board's recommendation for inshell handler carryover of filberts on July 31 of such year which may be available for handling as inshell filberts thereafter;

(iv) The Board's estimate of the inshell trade demand for filberts for such year, taking into consideration trade carryover at the beginning and end of the year, imports, prices, prospective shelled filbert market conditions and other factors affecting inshell trade demand during such year; and

(v) The board's recommendation as to the free and restricted percentages to be established for such year.

(2) *Grade and size regulations.* The Board shall review the grade and size regulations in effect and may recommend modifications thereof.

(b) *Revisions.* At any time prior to February 15 of each fiscal year the Board, or two or more handlers who during the preceding fiscal year handled at least 10 percent of all filberts handled, may recommend to the Secretary revisions in the marketing policy for such year.

§ 997.41 Free and restricted percentages.

Whenever the Secretary finds, on the basis of the Board's recommendation or other information, that limiting the quantity of merchantable filberts which may be handled during a fiscal year would tend to effectuate the declared policy of the act, he shall establish a free percentage to prescribe the portion of such filberts which may be handled as inshell filberts and a restricted percentage to prescribe the portion that must be withheld from such handling. In establishing such percentages the Secretary shall consider the ratio of (a) the sum of estimated inshell trade demand and the inshell handler carryover at the end of the year, less that portion of the inshell handler carryover at the beginning of the year not subject to regulation, to (b) the estimated supply of merchantable filberts subject to regulation and other relevant factors. In the same manner the free percentage may be increased and the restricted percentage may be decreased by the Secretary, and such revised percentages shall remain in effect until superseded. Until free and restricted percentages are established by the Secretary for a fiscal year, the percentages in effect at the end of the previous year shall be applicable.

GRADE AND SIZE REGULATION

§ 997.45 Establishment of grade and size regulations.

(a) *Minimum standards.* No handler shall handle any inshell or shelled fil-

berts unless such inshell filberts meet requirements of Oregon No. 1 grade and medium size (as defined in the Oregon Grades and Standards for Walnuts and Filberts), and such shelled filberts meet such requirements as are established by the Secretary on the basis of a recommendation of the Board, except as may be otherwise provided in § 997.57. These minimum standards may be modified by the Secretary on the basis of a recommendation of the Board or other information whenever he finds that such modification would tend to effectuate the declared policy of the act. Such minimum standards and the provisions of this part relating to the administration thereof shall continue in effect irrespective of whether the season average price of filberts is above the parity level specified in section 2(1) of the act.

(b) *Additional grade and size regulations.* When the season average price of filberts is not determined to be above parity, the Secretary may establish additional grade and size regulations for inshell filberts in the form of a more restrictive minimum standard than that specified in paragraph (a) of this section, or pack specifications as to grades and sizes that may be handled, if he finds, on the basis of a recommendation of the Board or other information, that such regulations would tend to effectuate the declared policy of the act.

§ 997.46 Inspection and certification.

(a) Before or upon handling any filberts, or before any inshell filberts are credited (pursuant to § 997.50 or § 997.51) in satisfaction of a restricted obligation, each handler shall, at his own expense, cause such filberts to be inspected and certified by the Federal-State Inspection Service as meeting the then effective grade and size regulations or, if inshell filberts are withheld pursuant to § 997.51, the requirements specified therein. The handler obtaining such inspection of filberts shall cause a copy of the certificate issued by such inspection service applicable to such filberts to be furnished to the Board.

(b) All filberts so inspected and certified shall be identified by seals, stamps, tags or other identification prescribed by the Board. Such identification shall be affixed to the filbert containers by the handler under direction and supervision of the Board or the Federal-State Inspection Service, and shall not be removed or altered by any person except as directed by the Board.

(c) Whenever the Board determines that the length of time in storage and conditions of storage of any lot of certified merchantable filberts have been or are such as to normally cause deterioration, it may require that such lot of filberts be reinspected at the handler's expense prior to handling.

CONTROL OF DISTRIBUTION

§ 997.50 Restricted obligation.

(a) No handler shall handle inshell filberts unless prior to or upon shipment thereof, he (1) has withheld from handling a quantity, by weight, of certified merchantable filberts determined by dividing the quantity handled or to be

handled by the free percentage and multiplying the quotient by the restricted percentage or (2) has withheld from handling an equivalent quantity of creditable ungraded inshell filberts pursuant to § 997.51: *Provided*, That such withholding may be temporarily deferred pursuant to the bonding provisions in § 997.54. The quantity of filberts so required to be withheld shall be the restricted obligation. Certified merchantable filberts handled in accordance with the provisions of this subpart shall be deemed to be such handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

(b) Inshell filberts withheld by a handler in satisfaction of his restricted obligation shall not be handled and shall be held by him subject to examination by, and accounting control of, the Board until disposed of pursuant to this part.

(c) A handler having certified merchantable filberts which have not been handled at the end of a fiscal year may elect to have such filberts bear the restricted and assessment obligations of such year or of the fiscal year in which handled. The Board shall establish such procedures as are necessary to facilitate the administration of this option among handlers.

(d) Whenever the restricted percentage for a fiscal year is reduced, each handler's restricted obligation shall be reduced to conform with the new restricted percentage. Any handler who, upon such reduction, is withholding restricted filberts in excess of his new restricted obligation may have the excess freed from withholding by complying with such procedures as the Board may require to insure identification of the remaining filberts withheld.

§ 997.51 Restricted credit for ungraded filberts.

A handler may withhold ungraded filberts in lieu of certified merchantable filberts in satisfaction of his restricted obligation, and the weight on which credit may be received shall be the total weight less the cumulative total percentage, by weight, of (a) all internal defects, (b) all external defects in excess of 10 percent and (c) all small-sized filberts in excess of five percent (as defined in the Oregon Grades and Standards for Walnuts and Filberts); *Provided*, That any lot of ungraded filberts having a creditable weight of less than 50 percent of its total weight, or not meeting the moisture requirements for certified merchantable filberts shall not be eligible for credit. All such determination as to defects and small-sized filberts shall be made by the Federal-State Inspection Service at the handler's expense. Filberts so withheld shall be subject to the applicable requirements of § 997.50. The provisions of this section may be modified by the Secretary on the basis of a recommendation of the Board or other information.

§ 997.52 Disposition of restricted filberts.

Filberts withheld from handling as inshell filberts pursuant to §§ 997.50 and 997.51 may be disposed of as follows:

(a) *Shelling*. Any handler may dispose of such filberts by shelling them under the direction or supervision of the Board or by delivering them to an authorized sheller. Any person who desires to become an authorized sheller in any fiscal year may submit a written application during such year to the Board. Such application shall be granted only upon condition that the applicant agrees:

(1) To use such restricted filberts as he may receive for no purpose other than shelling;

(2) To dispose of or deliver such restricted filberts, as inshell filberts, to no one other than another authorized sheller;

(3) To comply fully with all laws and regulations applicable to the shelling of filberts; and

(4) To make such reports, certified to the Board and to the Secretary as to their correctness, as the Board may require.

(b) *Export*. Sales of certified merchantable restricted filberts for shipment or export to destinations outside the Continental United States shall be made only by the Board. Any handler desiring to export any part or all of his certified merchantable restricted filberts shall deliver to the Board the certified merchantable restricted filberts to be exported, but the Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Board only on execution of an agreement to prevent reimportation into the Continental United States. A handler may be permitted to act as agent of the Board, upon such terms and conditions as the Board may specify, in negotiating export sales, and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f.o.b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose certified merchantable restricted filberts are so sold by the Board.

(c) *Other outlets*. In addition to the dispositions authorized in paragraphs (a) and (b) of this section, the Board may designate such other outlets into which such filberts may be disposed, which it determines are noncompetitive with normal market outlets for inshell filberts. Such dispositions shall be made under the direction or supervision of the Board.

§ 997.53 Substandard filberts.

The Board shall, with the approval of the Secretary, establish such reporting and disposition procedures as it deems necessary to insure that filberts which do not meet the effective inshell or shelled filbert minimum standards do not enter normal market outlets for certified filberts.

§ 997.54 Deferment of restricted obligation.

(a) *Bonding*. Compliance by any handler with the requirements of § 997.50 as to the time when restricted filberts shall be withheld shall be temporarily deferred to any date desired by the handler, but not later than January 31 of the fiscal year, upon the voluntary execution and delivery by such handler to the Board, before he handles any merchantable filberts of such fiscal year, of a written undertaking, secured by a bond or bonds with a surety or sureties acceptable to the Board, that on or prior to such date he will have fully satisfied his restricted obligation required by § 997.50.

(b) *Bonding requirement*. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the handler's deferred restricted obligation. The bonding value shall be the deferred restricted obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the handler filing same.

(c) *Bonding rate*. Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to handler f.o.b. shipping point which shall be computed at the opening price for such pack announced by the handler or handlers who during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding fiscal year, using the minimum number of handlers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more handlers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding fiscal year by each such handler.

(d) *Filbert purchases*. Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers, as provided in this paragraph, a quantity of certified merchantable filberts on which the restricted obligation has been met, not to exceed the total quantity represented by the sums collected. The Board shall at all times purchase the lowest priced packs offered, and the purchases shall be made from the various handlers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(e) *Unexpended sums*. Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a fiscal year shall be used to reimburse the Board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of filberts as provided in paragraph (d) of this section. Any balance

remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of certified merchantable filberts handled by them during the fiscal year in which the default occurred.

(f) *Transfer of filbert purchases.* Filberts purchased as provided in this section shall be turned over to those handlers who have defaulted on their bonds, for disposal by them as restricted filberts. The quantity delivered to each handler shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various handlers on the basis of the ratio of the quantity of filberts to be delivered to each handler to the total quantity purchased by the Board with bonding funds.

(g) *Collection upon bonds.* Collection upon any defaulted bond shall be deemed a satisfaction of the restricted obligation represented by the collection.

§ 997.55 Exchange of certified merchantable filberts withheld.

Any handler who has withheld from handling certified merchantable filberts pursuant to the requirements of § 997.50 may exchange therefor an equal quantity, by weight, of other certified merchantable filberts. Any such exchange shall be made under the direction or supervision of the Board.

§ 997.56 Interhandler transfers.

Within the area of production, interhandler transfers of filberts may be made as follows:

(a) Uncertified inshell filberts may be sold or delivered by one handler to another for packing or shelling, and the receiving handler shall be responsible for compliance with the regulations effective pursuant to this part with respect to such filberts.

(b) Restricted filberts withheld by a handler may be sold or delivered to another handler for shelling, export, or other authorized outlet subject to the disposition requirements set forth in § 997.52.

(c) Certified filberts other than restricted filberts may be sold or delivered by one handler to another and the transferring handler shall be responsible for compliance with the requirements effective pursuant to this part, unless specified and agreed upon in writing by both handlers that the receiving handler shall be responsible for such compliance and a copy of such agreement is furnished to the Board.

(d) The Board, with the approval of the Secretary, shall establish procedures, including necessary reports, for such transfers.

§ 997.57 Exemptions.

The Board, with the approval of the Secretary, may exempt from any or all requirements pursuant to this part such quantities of filberts or types of shipment as do not interfere with the volume and quality control objectives of this part, and shall require such reports, certifications or other conditions as are necessary to ensure that such filberts are handled or used only as authorized.

EXPENSES AND ASSESSMENTS

§ 997.60 Expenses.

The Board is authorized to incur such expenses including maintenance of an operating reserve fund as the Secretary may find are reasonable and likely to be incurred by it during each fiscal year, for the maintenance and functioning of the Board and for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the Board as to the expenses and size of the operating reserve for each such fiscal year, together with all data supporting such recommendations, shall be submitted to the Secretary at the beginning of the fiscal year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as provided in § 997.61.

§ 997.61 Assessments.

For each fiscal year, the Secretary shall fix an assessment rate per pound of filberts handled and withheld, including the creditable weight of ungraded restricted filberts withheld pursuant to § 997.51 and, when subject to regulation pursuant to § 997.45, the inshell equivalent of shelled filberts certified which are produced from other than restricted filberts, that will provide sufficient funds to meet the authorized expenses and reserve requirements of the Board. At any time during or after a fiscal year when he determines, on the basis of a Board recommendation or other information, that a different rate is necessary, the Secretary may modify the assessment rate and the new rate shall be applicable to all such filberts. Each handler shall pay to the Board on demand, assessments on all such assessable filberts at the rate fixed by the Secretary.

§ 997.62 Accounting.

(a) *Operating reserve.* The Board, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed 50 percent of the average fiscal year Board expenses for the most recent five preceding fiscal years, except that when recomputation of 50 percent of such average fiscal year Board expenses results in a figure lower than the amount then in the reserve, the reserve need not thereupon be reduced to conform with the new average. Funds in such reserve shall be available for use by the Board for expenses authorized pursuant to § 997.60.

(b) *Refunds.* At the end of a fiscal year, funds in excess of the fiscal year's expenses and reserve requirements shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments he has paid in excess of his pro rata share of expenses of the Board. However, excess funds may be used by the Board for a period of 4 months subsequent to the fiscal year; but within 5 months from the beginning of the subsequent fiscal year the Board shall refund to each handler upon request, or credit to his account with the Board, his share of such excess.

(c) *Termination.* Upon termination of this subpart any money remaining unexpended in possession of the Board shall be distributed in such manner as the Secretary may direct; *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

RECORDS AND REPORTS

§ 997.65 Carryover reports.

On or before January 15 and August 5 of each year each handler shall report to the Board his inventory of inshell and shelled filberts as of January 1 and August 1 respectively of such year. Such reports shall be certified to the Board and the Secretary as to their accuracy and completeness and shall show, among other items, the following: (a) Certified merchantable filberts on which the restricted obligation has been met; (b) merchantable filberts on which the restricted obligation has not been met; (c) the merchantable equivalent of any filberts intended for handling as inshell filberts; and (d) restricted filberts withheld.

§ 997.66 Shipment reports.

Each handler shall report to the Board the respective quantities of inshell and shelled filberts handled by him during such periods and in such manner as are prescribed by the Board with the approval of the Secretary.

§ 997.67 Reports of disposition of restricted filberts.

(a) Each handler, before he disposes of any quantity of restricted filberts held by him, shall file with the Board a report of his intention to dispose of such quantity of restricted filberts. This report shall be filed not less than five days prior to the date on which the restricted filberts are disposed of, unless the five-day period is expressly waived by the Board.

(b) Each handler, within 15 days after the disposition of any quantity of restricted filberts, shall file with the Board a report of the actual disposition of such quantity of restricted filberts. Such reports shall be certified to the Board and to the Secretary as to their correctness and accuracy.

(c) All reports required by this section shall show the quantity, pack, and location of the filberts covered by such reports; the applicable handler's storage lot and inspection certificate numbers; and the disposition of the restricted filberts which is intended or which has been accomplished.

§ 997.68 Other reports.

Each handler shall furnish to the Board such other reports as the Board, with the approval of the Secretary, may require to enable it to exercise its powers and to perform its duties.

§ 997.69 Verification of reports.

For the purpose of checking and verifying reports submitted by handlers, the Board, through its duly authorized agents, shall have access to each handler's premises at any time during reasonable business hours, and shall be permitted to inspect any filberts held by

such handler and all records of the handler with respect to filberts held or disposed of by such handler. Each handler shall furnish all labor necessary to facilitate such inspections as the Board may make of such handler's holdings of any filberts. Each handler shall store filberts in such manner as to facilitate inspection, and shall maintain adequate storage records which will permit accurate identification of all such filberts held.

§ 997.70 Confidential information.

All reports and records furnished or submitted by handlers to the Board, which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received, shall be kept in the custody and under the control of one or more employees of the Board, and shall be disclosed to no person except the Secretary.

§ 997.71 Records.

Each handler shall maintain such records of filberts received, held and disposed of by him as may be prescribed by the Board in order to perform its functions under this part. Such records shall be retained and be available for examination by authorized representatives of the Board or the Secretary for a period of two years after the end of the fiscal year in which the transactions occurred.

MISCELLANEOUS PROVISIONS

§ 997.80 Right of the Secretary.

The members of the Board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the Board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every order, regulation, decision, determination, or other act of the Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 997.81 Personal liability.

No member or alternate member of the Board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent or employee, except for acts of dishonesty.

§ 997.82 Separability.

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

§ 997.83 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation

or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 997.84 Duration of immunities.

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

§ 997.85 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 997.86 Effective time, termination or suspension.

(a) *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this section.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding fiscal year have been engaged in the production for market of filberts in the States of Oregon and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current fiscal year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements

and deliver all property on hand, together with all books and records of the Board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the joint trustees pursuant to this subpart.

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

§ 997.87 Effect of termination or amendment.

(a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any right or remedies of the Secretary or of any other person, with respect to any such violation.

(b) All rules and regulations in this part which are in effect immediately prior to this amendment of this subpart and not inconsistent with such amendment shall continue in effect until otherwise prescribed pursuant to this subpart.

§ 997.88 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the Board.

Dated: July 28, 1959, to become effective upon publication in the FEDERAL REGISTER.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-6341; Filed, July 31, 1959; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 74; Amdt. 24]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSED, AND APPLIANCES

TSO-C10b, Aircraft Altimeter

A proposed amendment to the Technical Standard Order which establishes minimum performance standards for aircraft altimeters, pressure actuated sensitive type, used on civil aircraft of the United States, was published in 24 F.R. 3699.

Interested persons have been afforded an opportunity to participate in the making of the amendment, and due consideration has been given to all relevant matter presented. Since minor revisions made in the amendment as a result of the comments received are not substantive in nature, republication for further comment is not necessary.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.20 is amended to read as follows:

§ 514.20 Aircraft altimeter, pressure actuated, sensitive type—TSO-C10h.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft altimeters which specifically are required to be approved for use on civil aircraft of the United States. New models of altimeters manufactured for such use on or after September 1, 1959, shall meet the standards set forth in SAE Aeronautical Standard AS 392C, "Altimeter, Pressure Actuated Sensitive Type," revision date February 1, 1959,² with the exceptions listed in subparagraph (2) of this paragraph. Altimeters approved under prior issuances of this section may continue to be manufactured under the earlier provisions.

(2) *Exceptions.* (i) The following specifically numbered paragraphs in AS 392C do not concern minimum performance and therefore are not essential to compliance with this section: 3.1, 3.1.1, 3.1.2, 3.2, 3.2(a) (b) (c) (d) (e) (f).

(ii) In lieu of section 7. in AS 392C, it is a requirement that the altimeters covered by this section be capable of successfully passing the tests in paragraphs 7.1 through 7.5 and an External Case Pressure Test which is as follows:

External Case Pressure Test. The static pressure source of the instrument shall be sealed when an ambient temperature of 25°C and an ambient pressure of 29.92 inches (absolute) of mercury have been achieved. The ambient pressure shall then be increased at a rate of 20 inches of mercury in two seconds to 50 inches (absolute) of mercury and held at that pressure for three minutes. There shall be no adverse effect on the instrument or its accuracy.

(iii) The "Reference Section" under Table II of AS 392C is not applicable.

(b) *Marking.* In lieu of the weight specified in paragraph (c) of § 514.3, the range shall be shown.

(c) *Data requirements.* One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C.:

¹ Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

² In addition to the performance standards herein, altimeters when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Civil Air Regulations.

(1) Manufacturer's operating instructions.

(2) Complete set of instrument's drawings of major components and a test report.

(3) Installation procedures with applicable schematic drawings.

(d) *Effective date.* September 1, 1959.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 22, 1959.

BURLEIGH PUTNAM,

Acting Director,

Bureau of Flight Standards.

[F.R. Doc. 59-6328; Filed, July 31, 1959; 8:45 a.m.]

[Regulatory Docket No. 78; Amdt. 26]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Airborne Radio Equipment

Proposed amendments to Technical Standard Orders which establish minimum performance standards for radio equipment used on civil aircraft of the United States engaged in air carrier operations were published in 24 F.R. 3882 to 3886, inclusive.

Interested persons have been afforded an opportunity to participate in the making of the rules. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows effective on the dates indicated:

1. Section 514.58 is added as follows:

§ 514.58 High frequency (HF) radio communication transmitting equipment operating within the radio frequency range of 1.5-30 megacycles (for air carrier aircraft)—TSO-C31b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne high frequency radio communication transmitting equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne HF radio communication transmitting equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Radio Communication Transmitting Equipment Operating Within the Radio-Frequency Range of 1.5-30 Megacycles," as amended (Paper 14-53/DO-48 dated January 26, 1953, and amendment, Paper 247-

58/EC-357, dated November 13, 1958).¹ Radio Technical Commission for Aeronautics' Paper 100-54/DO-60¹ which is incorporated by reference in and thus is a part of Paper 14-53/DO-48 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne high frequency radio communication transmitting equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished to the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne high frequency radio communication transmitting equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

2. Section 514.59 is added as follows:

§ 514.59 High frequency (HF) radio communication receiving equipment operating within the radio frequency range of 1.5-30 megacycles (for air carrier aircraft)—TSO-C32b.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne high frequency radio communication receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne HF radio communication receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics'

¹ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 14-53/DO-48, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

Paper entitled "Minimum Performance Standards Airborne Radio Communication Receiving Equipment Operating Within the Radio Frequency Range of 1.5-30 Megacycles," as amended (Paper 15-53/DO-49 dated January 26, 1953, and amendment, Paper 248-58/EC-358 dated November 13, 1958).² Radio Technical Commission for Aeronautics' Paper 100-54/DO-60³ which is incorporated by reference in and thus is a part of Paper 15-53/DO-49 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne high frequency radio communication receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne high frequency radio communication receiving equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

3. Section 514.60 is added as follows:

§ 514.60 ILS glide slope receiving equipment (for air carrier aircraft)—TSO-C34a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ILS glide slope receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS glide slope receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the mini-

mum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne ILS Glide Slope Receiving Equipment," (Paper 222-58/DO-89 dated October 14, 1958).² Radio Technical Commission for Aeronautics' Paper 100-54/DO-60³ which is incorporated by reference in and thus is a part of Paper 222-58/DO-89 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne ILS glide slope receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5-50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements

outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne ILS glide slope receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

4. Section 514.37 is added as follows:

§ 514.37 Radio marker receiving equipment operating on 75 Mc (for air carrier aircraft)—TSO-C35b.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radio marker receiving equipment operating on 75 Mc which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio marker receiving equipment operating on 75 Mc manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Marker Receiving Equipment Operating on 75 Mc," as amended (Paper 87-54/DO-57 dated April 13, 1954, retyped February 12, 1958, and amendment, Paper 249-58/EC-359 dated November 13, 1958).⁴ Radio Technical Commission for Aeronautics' Paper 100-54/DO-60³ which is incorporated by reference in and thus is a part of Paper 87-54/DO-57 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne radio marker receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be

² Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 15-53/DO-49, 25 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

³ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 222-58/DO-89, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

⁴ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 87-54/DO-57, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5-50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A-I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne radio marker receiving equipment operating on 75 Mc approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

5. Section 514.61 is added as follows:

§ 514.61 ILS localizer receiving equipment (for air carrier aircraft)—TSO-C36a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne ILS localizer receiving equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne ILS localizer receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne ILS Localizer Receiving Equipment," as amended, (Paper 89-54/DO-59 dated July 15, 1954, and amendments, Paper 7-55/EC-245 dated January 13, 1955, Paper 250-58/EC-360 dated November

13, 1958)* Radio Technical Commission for Aeronautics' Paper 100-54/DO-60* which is incorporated by reference in and thus is a part of Paper 89-54/DO-59 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne ILS localizer receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5-50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A-I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing

Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne ILS localizer receiving equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

6. Section 514.62 is added as follows:

§ 514.62 Very high frequency (VHF) radio communication transmitting equipment operating within the radio-frequency range of 118-132 megacycles (for air carrier aircraft)—TSO-C37a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne very high frequency radio communication transmitting equipment operating within the radio-frequency range of 118-132 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne very high frequency radio communication transmitting equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Communication Transmitting Equipment Operating Within the Radio-Frequency Range of 118-132 Megacycles," as amended (Paper 88-55/DO-65 dated May 9, 1955, and amendment, Paper 252-58/EC-362 dated November 13, 1958)* Radio Technical Commission for Aeronautics' Paper 100-54/DO-60* which is incorporated by reference in and thus is a part of Paper 88-55/DO-65 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne very high frequency radio communication transmitting equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if

* Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 89-54/DO-59, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

* Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 88-55/DO-65, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5-50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne VHF radio communication transmitting equipment operating within the radio-frequency range of 118-132 megacycles approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

7. Section 514.63 is added as follows:

§ 514.63 Very high frequency (VHF) radio communication receiving equipment operating within the radio-frequency range of 118-132 megacycles—TSO-C38a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne very high frequency radio communication receiving equipment operating within the radio-frequency range of 118-132 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne very high frequency radio communication receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio

Communication Receiving Equipment Operating Within the Radio-Frequency Range of 118-132 Megacycles," as amended (Paper 87-55/DO-64 dated May 9, 1955, and amendment, Paper 251-58/EC-361 dated November 13, 1958).⁷ Radio Technical Commission for Aeronautics' Paper 100-54/DO-60⁷ which is incorporated by reference in and thus is a part of Paper 87-55/DO-64 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne very high frequency radio communication receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5-50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements

outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne VHF radio communication receiving equipment operating within the radio-frequency range of 118-132 megacycles approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

8. Section 514.38 is amended as follows:

§ 514.38 VOR radio receiving equipment operating within the radio-frequency range of 108-118 megacycles (for air carrier aircraft)—TSO-C40a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VOR radio receiving equipment operating within the radio-frequency range of 108-118 megacycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne VOR radio receiving equipment manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne VOR Receiving Equipment Operating Within the Radio Frequency Range of 108-118 Megacycles," as amended (Paper 225-55/DO-69 dated December 13, 1955, and amendment, Paper 253-58/EC-363 dated November 13, 1958).⁸ Radio Technical Commission for Aeronautics' Paper 100-54/DO-60⁸ which is incorporated by reference in and thus is a part of Paper 225-55/DO-69 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne VOR radio receiving equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/

⁷ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 87-55/DO-64, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

⁸ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 225-55/DO-69, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5-50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne VOR radio receiving equipment approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

9. Section 514.39 is amended as follows:

§ 514.39 Airborne radio receiving and direction finding equipment operating within the radio frequency range of 200-415 kilocycles (for air carrier aircraft)—TSO-C41a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radio receiving and direction finding equipment operating within the radio frequency range of 200-415 kilocycles which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne radio receiving and direction finding equipment manufac-

tured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Receiving and Direction Finding Equipment Operating Within the Radio-Frequency Range of 200-415 Kilocycles," as amended (Paper 83-56/DO-70 dated April 25, 1956, and amendment, Paper 254-58/EC-364 dated November 13, 1958).⁹ Radio Technical Commission for Aeronautics' Paper 100-54/DO-60¹⁰ which is incorporated by reference in and thus is a part of Paper 83-56/DO-70 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne radio receiving and direction finding equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 5-50 cps.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be

marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A—I.P.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne radio receiving and direction finding equipment operating within the radio-frequency range of 200-415 kilocycles approved prior to September 1, 1959, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date.* September 1, 1959.

10. Section 514.49 is amended as follows:

§ 514.49 Aircraft audio and interphone amplifiers (for air carrier aircraft)—TSO-C50a.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft audio and interphone amplifiers which are to be used on civil aircraft of the United States engaged in air carrier operation. New models of aircraft audio and interphone amplifiers manufactured for use on civil air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Aircraft Audio and Interphone Amplifiers," as amended (Paper 45-57/DO-78 dated March 15, 1957, and amendment, Paper 255-58/EC-365 dated November 13, 1958).¹⁰ Radio Technical Commission for Aeronautics' Paper 100-54/DO-60¹⁰ which is incorporated in by reference and thus is a part of Paper 45-57/DO-78 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only aircraft audio and interphone amplifiers which meet the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, are eligible under this section.

⁹ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 83-56/DO-70, 40 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

¹⁰ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 45-57/DO-78, 25 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment.* Airborne audio and interphone amplifiers approved prior to September 1, 1959, may continue to be manufactured under the provisions of their original approval.

(e) *Effective date.* September 1, 1959. (Secs. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 27, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6330; Filed, July 31, 1959; 8:45 a.m.]

[Regulatory Docket No. 77; Amdt. 25]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO-C61, Portable Aircraft Emergency Communications Equipment

Proposed § 514.66 establishing minimum performance standards for portable aircraft emergency communications equipment for use on civil aircraft of the United States engaged in particular air carrier operations was published in 24 F.R. 4343.

Interested persons have been afforded an opportunity to participate in the making of the rules. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

1. Section 514.66 is added as follows:

§ 514.66 Portable aircraft emergency communications equipment operating within the radio-frequency range of 450 to 8500 kilocycles (for air carrier aircraft)—TSO-C61.

(a) *Applicability.*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for portable aircraft emergency communications equipment which specifically is required to be carried on civil

aircraft of the United States engaged in particular air carrier operations. The radio frequencies to be utilized by such equipment shall be selected from 500 or 8364 kilocycles. A single frequency or a combination of the above frequencies may be used. New models of portable aircraft emergency communications equipment manufactured for use on air carrier aircraft on or after September 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics Paper entitled "Minimum Performance Standards—Portable Aircraft Emergency Communications Equipment Operating Within the Radio-Frequency Range 450 to 8500 Kilocycles" (Paper 49-59/DO-95¹ dated March 10, 1959). Radio Technical Commission for Aeronautics Paper 100-54/DO-60¹ which is incorporated by reference in and thus is a part of Paper 49-59/DO-95 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.

(2) *Exception.* Radio Technical Commission for Aeronautics Paper 100-54/DO-60 and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only portable aircraft emergency communications equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* One copy each of the manufacturer's operating instructions and schematic diagrams shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Effective date.* September 1, 1959. (Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 27, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

[F.R. Doc. 59-6329; Filed, July 31, 1959; 8:45 a.m.]

¹ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 49-59/DO-95, 30 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7378 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Gladdings, Inc., and Leonard E. Johnson

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Sales below cost. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *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, Gladdings, Inc., et al., Providence, R.I., Docket 7378, July 8, 1959]

In the Matter of Gladdings, Inc., a Corporation, and Leonard E. Johnson, Individually and as President of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Providence, R.I., with violating the Fur Products Labeling Act by labeling fur products with fictitious prices represented as regular retail prices; by failing to comply in other respects with labeling and invoicing requirements; and by advertising in newspapers which failed to disclose the names of animals producing certain furs or that products contained artificially colored furs, failed to use the term "Dyed Broadtail-processed Lamb" as required, and falsely represented prices of fur products as "below the furrier's original cost".

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on July 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents, Gladdings, Inc., a corporation, and its officers, and Leonard E. Johnson, individually, and as president 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, offering for sale, 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 'com-

merce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

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

B. Failing to affix labels to fur products showing:

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

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

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

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

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

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

C. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, mingled with non-required information;

D. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder, in the required sequence;

2. Falsely or deceptively invoicing fur products by:

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

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

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

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

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

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

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

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

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

A. Fails to disclose:

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

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

B. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required;

C. Represents, directly or by implication, that prices of fur products are "below the furrier's original cost", or words of similar import and meaning, when such is not the fact.

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

It is ordered, That Respondents Gladings, Inc., a corporation, and Leonard E. Johnson, individually and as president of said corporation, 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: June 9, 1959.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-6335; Filed, July 31, 1959;
8:46 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6404]

PART 40—MANUFACTURERS AND RETAILERS EXCISE TAXES

Exemption From Manufacturers Excise Tax for Articles Sold for Use in Fur- ther Manufacture

On October 10, 1958, notice of proposed rule making with respect to regulations under section 4220 of the Internal Revenue Code of 1954, as amended, relating to the exemption from the manufacturers excise tax for articles sold for use in further manufacture was published in the FEDERAL REGISTER (23 F.R. 7855). After consideration of all such relevant matter as was presented by interested persons regarding the rules

proposed, the regulations as so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The last sentence of § 40.4220-1(c) is revised to read as follows: "See section 6416(c) as in effect prior to January 1, 1959, with respect to the credit provided when these articles are sold prior to such date on or in connection with, or with the sale of, an article taxable under section 4061(a) (relating to automobiles, trucks, etc.)."

PAR. 2. Section 40.4220-2(e) is revised by striking "and the regulations thereunder contained in Subpart H".

PAR. 3. Section 40.4220-3 is revised as follows:

(A) By striking "and the regulations under such sections contained in the regulations on procedure and administration (Part 301 of this chapter) and in Subpart N of this chapter, respectively" in the last sentence of paragraph (b).

(B) By striking "and the regulations thereunder contained in Subpart N of this part" in the third sentence of paragraph (c).

PAR. 4. Section 40.4220-4 is revised as follows:

(A) By striking "and the regulations under such sections contained in the regulations on procedure and administration (Part 301 of this chapter) and in Subpart N of this part, respectively" in the last sentence of paragraph (b).

(B) By striking "and the regulations under such sections contained in the regulations on procedure and administration (Part 301 of this chapter) and in Subpart N of this part, respectively" in the last sentence of paragraph (d).

(C) By striking "and the regulations thereunder contained in Subpart N of this part" in the last sentence of paragraph (e).

(D) By striking "and the regulations thereunder contained in Subpart N" in the penultimate sentence of paragraph (f).

PAR. 5. Section 40.4220-8 is revised by striking "and the regulations thereunder contained in this subpart" appearing at the end of the section and inserting in lieu thereof "as in effect prior to January 1, 1959".

(Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL]

DANA LATHAM,
Commissioner of Internal Revenue.

Approved: July 28, 1959.

FRED C. SCHNEER, JR.,
Acting Secretary of the Treasury.

PARAGRAPH 1. Section 40.0-3 of the manufacturers and retailers excise tax regulations (26 CFR Part 40) is hereby amended by striking paragraph (1) and inserting in lieu thereof the following:

(1) Subpart M. Sections 40.4220 to 40.4220-8 of the regulations contained in Subpart M of this part, relating to the exemption from the manufacturers excise tax for sales or resales to manufacturers for further manufacture, apply to sales made by a manufacturer, producer, or importer on or after September 1, 1955.

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

PAR. 2. The regulations as adopted under section 4220 of the Internal Revenue Code of 1954, are as follows:

Sec.	Statutory provisions; exemption for sales or resales to manufacturers.
40.4220-1	Exemption for sales or resales for further manufacture.
40.4220-2	Registration for tax-free sales and resales.
40.4220-3	Evidence of tax-free sales to manufacturers.
40.4220-4	Evidence of tax-free sales for resale to manufacturers.
40.4220-5	Information to be shown on invoices.
40.4220-6	Liability of purchasing manufacturer.
40.4220-7	Duty of vendor to ascertain use of exemption certificate.
40.4220-8	Other tax-free sales.

AUTHORITY: §§ 40.4220 to 40.4220-8, incl., issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 40.4220 Statutory provisions; exemption for sales or resales to manufacturers.

SEC. 4220. *Exemption for sales or resales to manufacturers.* Under regulations prescribed by the Secretary or his delegate, no tax under this chapter shall be imposed with respect to the sale of—

(1) Any article (other than an automobile part or accessory taxable under section 4061(b), a refrigerator component taxable under section 4111, a radio or television component taxable under section 4141, or a camera lens taxable under section 4171)—

(A) For use by the vendee as material in the manufacture or production of, or as a component part of, an article enumerated in this chapter; or

(B) For resale by the vendee for such use by his vendee, if such article is in due course so resold; or

(2) An automobile part or accessory taxable under section 4061(b), a refrigerator component taxable under section 4111, a radio or television component taxable under section 4141, or a camera lens taxable under section 4171—

(A) For use by the vendee as material in the manufacture or production of, or as a component part of, any article; or

(B) For resale by the vendee for such use by his vendee, if such article is in due course so resold.

For purposes of this chapter, the manufacturer or producer to whom an article is sold under paragraph (1)(A) or (2)(A) or resold under paragraph (1)(B) or (2)(B) shall be considered the manufacturer or producer of such article. The provisions of paragraphs (1) and (2) shall not apply with respect to tires, inner tubes, or automobile radio or television receiving sets taxable under section 4141.

[Sec. 4220 as amended by sec. 1 (c), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 689)]

§ 40.4220-1 Exemption for sales or resales for further manufacture.

(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, no tax attaches under chapter 32 of the Internal Revenue Code to the sale by the manufacturer, producer, or importer of an article—

(1) For use by the vendee as material in the manufacture or production of, or as a component part of, an article taxable under chapter 32 of the Code; or

(2) For resale by the vendee for such use by his vendee if the article is in due course so resold.

(b) *Automobile parts or accessories, refrigerator components, radio or television components, and camera lenses.* No tax attaches under chapter 32 of the Internal Revenue Code to the sale by the manufacturer, producer, or importer of an automobile part or accessory taxable under section 4061(b), a refrigerator component taxable under section 4111, a radio or television component taxable under section 4141, or a camera lens taxable under section 4171—

(1) For use by the vendee as material in the manufacture or production of, or as a component part of, any article (whether taxable or nontaxable); or

(2) For resale by the vendee for such use by his vendee, if the article is in due course so resold.

(c) *Tires, inner tubes, automobile radio or television receiving sets.* The provisions of section 4220 (1) and (2) and paragraphs (a) and (b) of this section do not apply with respect to tires and inner tubes taxable under section 4071, or automobile radio or automobile television receiving sets taxable under section 4141. Therefore, these articles may not be sold tax free for use in the manufacture or production of, or as component parts of, any article (whether taxable or nontaxable), or for resale for such use. See section 6416(c) as in effect prior to January 1, 1959, with respect to the credit provided when these articles are sold prior to such date on or in connection with, or with the sale of, an article taxable under section 4061(a) (relating to automobiles, trucks, etc.).

(d) *Use in further manufacture.* An article is used as material in the manufacture or production of, or as a component part of, another article, if it is incorporated in, or is a part or accessory of, the other article when such other article is sold by the manufacturer, producer, or importer thereof. However, an article which is consumed in the manufacturing process so that it is not a physical part of the manufactured article when sold by the manufacturer is not used as material in the manufacture or production of, or as a component part of, such other article. Thus, lubricating oil or gasoline consumed in testing automobile engines, or in operating plant machinery, in the manufacture of automobiles, is not used as material in the manufacture or production of, or as a component part of, the automobile, inasmuch as the oil or gasoline is not part of the automobile when sold by the manufacturer but was consumed in the manufacturing process.

§ 40.4220-2 Registration for tax-free sales and resales.

(a) *Registration and exemption certificate required.* No article subject to tax under chapter 32 of the Code may be sold tax free under section 4220 and § 40.4220-1 unless the vendor and the vendee have each registered with the district director for the district in which is located his principal place of business (or if he has no principal place of business in the United States, with the Director of International Operations, Internal Revenue Service, Washington 25, D.C.) and unless an exemption certi-

cate, as prescribed in § 40.4220-3 or § 40.4220-4, as the case may be; showing the registration number of the vendee is obtained by the vendor.

(b) *Registration eligibility and procedure.* (1) Any person may be granted a registration certificate upon application to the district director for his district, or the Director of International Operations, as the case may be, if he qualifies—

(i) As a manufacturer, producer, or importer of articles taxable under chapter 32 of the Code;

(ii) As a manufacturer or producer of articles not taxable under such chapter 32 who purchases automobile parts or accessories, refrigerator components, radio or television components, or camera lenses, for use as material in the manufacture or production of, or as component parts of, such nontaxable articles; or

(iii) As a vendee with an established place of business reselling articles taxable under chapter 32 of the Code for use by his vendee as material in the further manufacture or production of another article under the conditions set forth in paragraph (a) or (b) of § 40.4220-1.

(2) Each person making application for a registration number must attach to his application a statement showing in detail the nature of his business, the articles produced or sold by him, and in the case of a vendee purchasing for resale, the type of business conducted by the manufacturers or producers to whom the articles purchased tax free will be resold.

(3) District directors or the Director of International Operations, as the case may be, shall issue certificates of registry and assign registration numbers to all persons whose applications are approved.

(4) A jobber, dealer, or other vendee purchasing for resale who does not establish that he is in the business of selling articles direct to manufacturers or producers for use in further manufacture under the conditions set forth in paragraph (a) or (b) of § 40.4220-1 may not purchase tax free under section 4220 and will not be granted a registration certificate.

(c) *Cancellation of registration.* The district director or the Director of International Operations, as the case may be, is authorized to cancel a registration certificate and to deny the right to sell or purchase articles tax free in any case when he is satisfied that the registrant is not a bona fide manufacturer, producer, or importer or a vendee reselling direct to manufacturers as provided in paragraph (a) or (b) of § 40.4220-1, or when tax-free sales or purchases are being made for purposes not authorized by the law and the regulations in this part.

(d) *Prior registration.* Any person—

(1) Who has previously been issued a certificate of registry under the regulations promulgated under corresponding provisions of the Internal Revenue Code of 1939 or prior revenue laws authorizing him either to sell or purchase articles tax free for use in further manufacture of other articles, or for resale for such use, and

(2) Whose prior certificate of registry has not been canceled,

need not register again under the provisions of the regulations in this subpart, and shall use the registration number so assigned to him on exemption certificates prescribed by the regulations in this subpart.

(e) *Other registrations.* Registration of producers or importers of gasoline or manufacturers or producers of lubricating oil pursuant to section 4101 constitutes compliance with the registration requirement prescribed in the regulations promulgated under section 4220.

§ 40.4220-3 Evidence of tax-free sales to manufacturers.

(a) *Exemption certificates.* To establish the right to exemption under section 4220 with respect to a taxable article (other than a tire, inner tube, or automobile radio or television set) sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another article, the manufacturer, producer, or importer must obtain from his vendee and retain in his possession a properly executed exemption certificate in the form prescribed in paragraph (d) of this section.

(b) *Sales without certificates.* If a sale is otherwise exempt from tax under section 4220 but the exemption certificate is not obtained prior to the time the manufacturer, producer, or importer files a return covering excise taxes for the period during which the sale was made, the manufacturer, producer, or importer must include the tax on such sale in his return for that period. However, if the certificate is later obtained, a claim for refund of the tax paid on such sale may be filed on Form 843, or a credit taken upon a subsequent return, in accordance with the provisions of section 6402 (a) and 6416 (a).

(c) *Frequency of certificates.* Where only occasional sales are made to a purchaser for further manufacture, a separate exemption certificate should be furnished for each order. However, where sales are regularly or frequently made to a purchaser for further manufacture, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001. If the records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax is payable on such sale.

(d) *Form of certificate.* The following form of exemption certificate will be acceptable for purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(To support tax-free sales of taxable articles by the manufacturer, producer, or importer thereof for use by the purchaser in the manufacture of other articles (section

4220 (1) or (2) of the Internal Revenue Code).)

-----, 19--
(Date)

The undersigned certifies that he himself, or the

(Name of purchaser if other than undersigned) of which he is

(Title)
is a manufacturer or producer and holds certificate of registry No. ----- issued by the District Director of Internal Revenue at -----, and that the article or articles specified in the accompanying order or contract will be used by the undersigned as material in the manufacture or production of, or as a component part of, an article or articles taxable under chapter 32 of the Internal Revenue Code to be manufactured or produced by the undersigned, or if the articles specified in the accompanying order or contract are automobile parts or accessories, refrigerator components, radio or television components, or camera lenses, they will be used by him as material in the manufacture or production of, or as component parts of, any article or articles to be manufactured or produced by the undersigned.

It is understood that for all the purposes of chapter 32 of the Internal Revenue Code the undersigned will be considered the manufacturer or producer of the articles to which this certificate relates and (except as otherwise provided by law) must pay tax on the resale or use, otherwise than as specified above, of such articles. The undersigned understands that the fraudulent use of this certificate for the purpose of securing this exemption will subject him and all guilty parties to revocation of the privilege of purchasing tax free and to a fine of not more than \$10,000, or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The purchaser also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article or articles purchased under this certificate were used.

(Signature)

(Address)

§ 40.4220-4 Evidence of tax-free sales for resale to manufacturers.

(a) *In general.* To establish the right to exemption under section 4220 with respect to a taxable article (other than a tire, inner tube, or automobile radio or television set) sold by the manufacturer, producer, or importer thereof to any person (either a jobber, dealer, or another manufacturer or producer) for resale, without change in form, direct to a manufacturer or producer for use by him as material in the manufacture or production of, or as a component part of, another article, it is necessary that—

(1) The manufacturer, producer, or importer obtain from his vendee (hereinafter referred to as dealer) and retain in his possession a properly executed exemption certificate in the form prescribed in paragraph (g) of this section; and

(2) The manufacturer, producer, or importer obtain from the dealer evidence that the article has been so resold by the dealer.

(b) *Sales without certificate.* If a sale is otherwise exempt from tax under section 4220 but the exemption certificate from the dealer is not obtained prior to the time the manufacturer, producer, or importer files a return covering excise taxes for the period during which the sale was made, the manufacturer, pro-

ducer, or importer must include the tax on such sale in his return for that period. However, if the certificate is later obtained and the condition prescribed in paragraph (c) of this section is met, a claim for refund of the tax paid on such sale may be filed on Form 843, or a credit taken upon a subsequent return, in accordance with the provisions of sections 6402(a) and 6416(a).

(c) *Additional evidence required.* Evidence that the article has been resold by the dealer as required under paragraph (a) (2) of this section shall be either—

(1) A certificate as prescribed in paragraph (d) of § 40.4220-3 obtained by the dealer from his vendee showing that such vendee purchased the article for further manufacture as authorized in paragraph (a) or (b) of § 40.4220-1 and not for resale, or

(2) A statement by the dealer that he has obtained from his vendee, and has in his possession, such a certificate.

The certificate required by paragraph (a) (1) of this section suspends liability for the payment of the tax by the manufacturer, producer, or importer on the sale of such article for the period specified in paragraph (d) of this section.

(d) *Suspension of liability.* If, prior to the date of filing his excise tax return for the period immediately following the tax-return period in which the tax-free sale was made to the dealer, the manufacturer, producer, or importer has not received the evidence referred to in paragraph (c) of this section, then the temporary suspension of liability for the payment of the tax ceases. The manufacturer, producer, or importer in such case shall include the tax on the sale of such article in his return for the period in which the temporary suspension of tax liability expired. If the evidence referred to in paragraph (c) of this section is later obtained, a claim for refund of the tax paid may be filed on Form 843, or a credit taken upon a subsequent return, in accordance with the provisions of sections 6402(a) and 6416(a).

(e) *Only one intervening sale permitted.* The exemption for resale is permitted only where there is not more than one intervening sale between the manufacturer, producer, or importer of the article and the manufacturer or producer purchasing it for further manufacture. If a manufacturer, producer, or importer sells an article to a dealer for resale for further manufacture and such article is sold by the dealer other than for use by his purchaser in further manufacture, the tax must be paid by the manufacturer, producer, or importer who made the sale to the dealer. However, in such case the manufacturer or producer who used the article for further manufacture may claim credit or refund as provided in section 6416(b)(3).

(f) *Frequency of certificates.* Where only occasional sales are made to a dealer for resale to a purchaser for further manufacture, a separate exemption certificate should be furnished for each order. However, where sales are regularly or frequently made to a dealer for resale to a purchaser for further manufacture, a certificate covering all orders for a

specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be readily accessible for inspection by internal revenue officers and retained as provided in section 6001. If the records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax is payable on such sale.

(g) *Form of certificate.* The following form of exemption certificate will be acceptable for purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(To support tax-free sales of taxable articles by the manufacturer, producer, or importer thereof for resale for use in the manufacture of other articles (section 4220 (1) or (2) of the Internal Revenue Code).)

-----, 19--
(Date)

The undersigned certifies that he himself, or the -----

(Name of purchaser if other than ----- of which he is -----
(Title)

is in the business of selling direct to manufacturers or producers of articles and holds certificate of registry No. ----- issued by the District Director of Internal Revenue at -----, and that the article or articles specified in the accompanying order or contract will be resold by the undersigned for use by his vendee as material in the manufacture or production of, or as a component part of, an article or articles taxable under chapter 32 of the Internal Revenue Code to be manufactured or produced by the vendee of the undersigned, or if the articles specified in the accompanying order or contract are automobile parts or accessories, refrigerator components, radio or television components, or camera lenses, they will be resold by the undersigned only for use by the vendee of the undersigned as material in the manufacture or production of, or as component parts of, any article or articles to be manufactured or produced by the vendee of the undersigned.

The undersigned understands that the fraudulent use of this certificate for the purpose of securing exemption will subject him and all guilty parties to revocation of the privilege of purchasing tax free and to a fine of not more than \$10,000 or to imprisonment for not more than 5 years, or both, together with costs of prosecution. The purchaser also understands that he must be prepared to establish by satisfactory evidence the per-

son or persons to whom and the purpose for which the article or articles purchased under this certificate were resold.

(Signature)

(Address)

§ 40.4220-5 Information to be shown on invoices.

When taxable articles are sold tax free as provided in section 4220, it will be necessary that the invoices with respect to such articles indicate that they were sold tax free under exemption certificates.

§ 40.4220-6 Liability of purchasing manufacturer.

A manufacturer or producer who purchases an article tax free under an exemption certificate for use in the manufacture or production of another article shall be considered the manufacturer or producer of the article so purchased, and is liable for tax on his use or resale of the article unless the exempt character of the use or resale is established.

§ 40.4220-7 Duty of vendor to ascertain use of exemption certificate.

A manufacturer, producer, importer, or dealer making a sale under an exemption certificate must use reasonable diligence to satisfy himself that the use of the certificate is warranted by law. If the original vendor has knowledge at the time of his sale that the article sold by him is not intended for use or resale as specified in the certificate given by the vendee, the original vendor is liable for the tax and is not relieved of liability by the exemption certificate.

§ 40.4220-8 Other tax-free sales.

For provisions relating to other tax-free sales of articles, see—

(a) Section 4222, relating to sales for use as supplies for certain vessels and airplanes;

(b) Section 4224, relating to articles sold for the exclusive use of a State or local government; and

(c) Section 4225, relating to sales for export;

as in effect prior to January 1, 1959.

[F.R. Doc. 59-6350; Filed, July 31, 1959; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order 926-A]

PART 95—CAR SERVICE

Weatherford, Mineral Wells and Northwestern Railway Co. Authorization To Operate Over Certain Trackage of Gulf, Colorado and Santa Fe Railway Co.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 27th day of July A.D. 1959.

Upon further consideration of Service Order No. 926 (24 F.R. 1793) and good cause appearing therefor:

It is ordered, That:

Section 95.926 *The Weatherford, Mineral Wells and Northwestern Railway Company authorized to operate over certain trackage of the Gulf, Colorado and Santa Fe Railway Company*, be and it is hereby vacated and set aside.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10-17), 15 (4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That this order shall become effective at 4:00 p.m., July 28, 1959; that a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6346; Filed, July 31, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 237, 242, 243, 299]

DEPORTATION OF ALIENS

Notice of Proposed Rule Making

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 rules pertaining to a request by an alien

for a stay of deportation or for withholding of deportation under section 243(h) of the Immigration and Nationality Act. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 767, 119 D Street NE., Washington 25, D.C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 30 days following the day of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

§ 103.7 [Amendment].

The twelfth and nineteenth items of paragraph (c) of § 103.7 *Records and fees* are amended, and a new item is added, so that when taken with the introductory material they will read as follows:

(c) *Additional fees.* In addition to the fees enumerated in sections 281 and 344 of the Act, the following fees and charges are prescribed:

* * * * *

For filing appeal from, or motion to reopen or reconsider, any decision under the immigration laws, except a decision in an exclusion or deportation proceeding or one denying a request for withholding of deportation under section 243(h) of the Act. (The minimum fee of \$10 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)-----\$10.00

For filing application for stay of deportation pursuant to § 243.3(a) of this chapter, except when made concurrently with a motion to reopen or reconsider a decision in a deportation proceeding-----25.00

For filing appeal from a denial of a request for withholding of deportation pursuant to § 243.3(b) of this chapter-----25.00

PART 237—DEPORTATION OF EXCLUDED ALIENS

§ 237.4 [Amendment]

Section 237.4 *Notice to transportation line of alien's exclusion* is amended by the deletion of the last sentence thereof.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Section 242.16a is added to read as follows:

§ 242.16a Information as to place of deportation.

At the close of the hearing the special inquiry officer shall request the respondent to designate a country, as provided in section 243(a) of the Act, to which he wishes to be deported if he is finally ordered deported. The special inquiry officer shall request the respondent to state whether he has any reason to claim that he would be subject to physical persecution in the country designated by him or in any other country named by the special inquiry officer to which his deportation is likely to be directed when it cannot be accomplished pursuant to respondent's designation. No evidence or argument shall be presented in the proceedings under this part respecting any affirmative claim of physical persecution made by the respondent; any further action thereon shall be taken only in accordance with the provisions of § 243.3 (b) of this chapter.

PART 243—DEPORTATION OF ALIENS

1. The headnote to Part 243 is amended to read as set out above.
2. Part 243 is amended to read as follows:

Sec.
243.1 Warrant of deportation.
243.2 Expulsion.
243.3 Stay or withholding of deportation.
243.4 Self-deportation.

AUTHORITY: §§ 243.1 to 243.4 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies sec. 243, 66 Stat. 212; 8 U.S.C. 1253.

§ 243.1 Warrant of deportation.

A warrant of deportation based upon the final administrative order of deportation in the alien's case shall be issued by a district director. The district director shall exercise the authority contained in section 243 of the Act to designate the port of deportation, the country to which and at whose expense the alien shall be deported, and whether his mental or physical condition requires personal care and attendance en route to his destination. The district director's decision is not appealable.

§ 243.2 Expulsion.

Immediately after the issuance of a warrant of deportation or as promptly as the circumstances permit, the alien, if not in the physical custody of the Service, shall be taken into such custody under the authority of the warrant of deportation and deported.

§ 243.3 Stay or withholding of deportation.

(a) *General.* Except as otherwise provided in paragraph (b) of this section, any request by an alien under a final administrative order of deportation for a stay of deportation shall be made on Form I-246 and shall be filed with the district director having jurisdiction over the alien's place of residence. The district director shall, in the exercise of his discretion, render a final decision based upon the submitted application, any supporting documents, and other evidence or information in his possession. Written notice of the district director's decision shall be served upon the alien, and no appeal may be taken therefrom.

(b) *Claim of physical persecution under section 243(h).*—(1) *Claim made in deportation proceedings.* An alien who has made an affirmative claim of physical persecution under § 242.16a of this chapter shall have a period of 10 days after the special inquiry officer's decision in the deportation proceedings is served upon him, regardless of its nature, within which to request withholding of deportation under section 243(h) of the Act. The request on Form I-252 shall be filed with the district director having jurisdiction over the alien's place of residence and may be supported by such documents or written statements as the alien thinks pertinent. The request shall be considered and determined by the district director pursuant to paragraph (a) of this section; but the decision of the district director, written notice of which shall be served on the alien, shall be appealable to the regional commissioner in accordance with the provisions of Part 103 of this chapter upon payment of a \$25 fee. Except as hereinafter provided in this section, the foregoing shall be the sole method for requesting withholding of deportation under section 243(h) of the Act.

(2) *Claim not made in deportation proceedings; changed country.* An alien under a final administrative order of deportation who has not been given an opportunity to assert a claim of physical persecution in accordance with § 242.16a of this chapter, or an alien who is notified by the Service that his deportation has been directed to a country other than the one designated by him and other than a country named by the special inquiry officer pursuant to § 242.16a, shall have 10 days after receipt of the notice on Form I-294 regarding place of deportation within which to request withholding of deportation to the country named therein. In all other respects, the procedure in subparagraph (1) of this paragraph shall be followed.

(c) *Pending requests.* A request for withholding of deportation under section 243(h) of the Act pending on the effective date of this section shall be acted upon by the regional commissioner under the regulations heretofore in effect if the alien has been served with a copy of the special inquiry officer's recommended decision; otherwise, such a request shall be referred to the district director for determination under paragraph (b) of this section, provided, that an alien who has paid the fee heretofore required for filing a request for withholding of deportation under section 243(h) of the Act shall be exempt from payment of further fee if an appeal is taken to the regional commissioner.

§ 243.4 Self-deportation.

A district director may permit an alien ordered deported to deport himself, at his own expense and to a destination of his own choice. Any alien who has left the United States while such an order is outstanding is considered to have been deported in pursuance of law.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amendment]

Section 299.1 *Prescribed forms* is amended in the following respects:

1. The following form and reference thereto is deleted:

Form No.	Title and Description
I-287	Alien Requiring Special Care and Attention.

2. The following forms and references thereto are added in numerical sequence:

Form No.	Title and Description
I-246	Application for stay of deportation.
I-252	Application for withholding of deportation under section 243(h) of the Immigration and Nationality Act.
I-294	Notice to alien of country to which his deportation has been directed.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: July 29, 1959.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 59-6349; Filed, July 31, 1959; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

FRESH FRUITS, VEGETABLES AND
OTHER PRODUCTS (INSPECTION,
CERTIFICATION AND STANDARDS)United States Standards for Shelled
Runner Type Peanuts¹

On May 9, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 3761) regarding a proposed revision of United States Standards for Shelled Runner Type Peanuts (7 CFR 51.2710 to 51.2721), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

After consideration of all relevant matters presented, it is hereby determined that the proposed revised standards will not be promulgated. Accordingly, the United States Standards for Shelled Runner Type Peanuts (7 CFR 51.2710-51.2721) effective July 31, 1956, remain in full force and effect:

Dated: July 29, 1959.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 59-6342; Filed, July 31, 1959;
8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 59-WA-49]

CONTROL ZONES

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

An ADF Standard Instrument Approach Procedure has been established to provide approaches to the Municipal Airport, Anniston, Ala., based on the Anniston Radio Beacon located on the airport. No control zone is designated at this location. A scheduled air carrier has recently inaugurated service into Anniston, consisting of two flights daily. In order to provide controlled airspace for aircraft conducting instrument approaches to this airport, it is proposed to designate a control zone within a five mile radius of the airport, with an extension to the southwest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All

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

communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the Office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to designate a control zone at Anniston, Ala., by amending Part 601 (14 CFR, 1958, Supp., Part 601) by adding the following section:

§ 601.2385 Anniston, Ala., control zone.

Within a 5-mile radius of the Anniston, Ala., Municipal Airport and within 2 miles either side of a line bearing 232° True extending from the Anniston Radio Beacon to a point 10 miles southwest.

Issued in Washington, D.C., on July 28, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6331; Filed, July 31, 1959;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-50]

CONTROL ZONES

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

VOR instrument approach procedures presently exist for runways two and twenty-seven at Athens, Ga., Municipal Airport. Approximately one hundred instrument approaches were recorded in the calendar year 1958. In order to provide controlled airspace for aircraft conducting such approaches, it is proposed to designate a control zone within a five-mile radius of the airport, with extensions to the east and southwest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be

submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to establish a control zone at Athens, Ga., by amending Part 601 (14 CFR, 1958 Supp., Part 601), by adding section as follows:

§ 601.2452 Athens, Ga., control zone.

Within a 5-mile radius of Athens, Ga., Airport; within 2 miles either side of the 78° radial of the Athens, Ga., VOR, extending from the VOR to a point 12 miles east; within 2 miles either side of the 194° radial of the Athens, Ga., VOR, extending from the VOR to a point 12 miles southwest.

Issued in Washington, D.C., on July 28, 1959.

GEORGE S. CASSADY,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 59-6332; Filed, July 31, 1959;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-57]

CONTROL ZONE

Designation of a Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, as hereinafter set forth.

The Federal Aviation Agency has under consideration the designation of a control zone at Fullerton, Calif. The Fullerton Airport is in a high density air traffic area and is located in close proximity to the Long Beach Airport, Long Beach, Calif., and the Naval Air Station, Los Alamitos, Calif. In order to

effectively control air traffic in this complex, it is proposed to designate a control zone within a three-mile radius of the Fullerton, Calif., Airport, excluding that portion which would overlie the Long Beach, Calif., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials

may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to establish a control zone at Fullerton Airport, Fullerton, Calif., by amending Part 601 (14 CFR, 1958 Supp., Part 601) by adding a section as follows:

§ 601.2458 Fullerton, Calif., control zone.

Within a 3-mile radius of the Fullerton Airport, excluding that portion which overlaps the Long Beach, Calif., control zone.

Issued in Washington, D.C., on July 28, 1959.

GEORGE S. CASSADY,
Acting Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-6333; Filed, July 31, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[445.87]

COLUMBIUM CONCENTRATES

Notice of Proposed Tariff Classification

JULY 27, 1959.

It appears that certain so-called columbium concentrates obtained by subjecting raw ore to crushing, grinding, tabling, flotation, and magnetic separation and treating the resultant product by leaching with nitric acid are properly classifiable under paragraph 214, Tariff Act of 1930, as an earthy or mineral substance, partly manufactured, not specially provided for, not decorated in any manner, and dutiable at the rate of 15 percent ad valorem under that paragraph, as modified.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that the existing practice of classifying this merchandise free of duty under paragraph 1719 as minerals, crude or not advanced in condition or value by grinding, refining, or other process of manufacture, not specially provided for, is under review in the Bureau.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct dutiable status of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 59-6345; Filed, July 31, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 23, 1959.

The National Park Service of the Department of the Interior has filed an application, Serial Number Colorado 017977, for the withdrawal of the lands described below from all forms of appropriation except grazing permits issued under Section 3 of the Taylor Grazing Act, subject to valid existing rights. The applicant desires the land for development of headquarters facilities, including residential and utility areas and the relocation of the entrance road for Mesa Verde National Park.

For a period of thirty 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, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

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:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 36 N., R. 14 W.,

Sec. 30, All portions of the N $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ lying south of the right-of-way for U.S. Highway 160.

The above area aggregates approximately 98 acres of public land.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-6337; Filed, July 31, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service FORT PAYNE LIVESTOCK SALES ET AL.

Posted Stockyards

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

ALABAMA

Fort Payne Livestock Sales, Fort Payne; July 1, 1959.

Monroe County Stockyard, Monroeville; June 18, 1959.

GEORGIA

La Grange Stockyard, Inc., La Grange; June 16, 1959.

IOWA

Mapleton Sale Barn, Mapleton; June 25, 1959.

KANSAS

Belleville Sale Barn, Belleville; May 28, 1959.

Giger Sale Co., Emporia; June 24, 1959.

Harper Live Stock Sale, Harper; June 8, 1959.

MICHIGAN

Adrian Livestock Co., Adrian; June 2, 1959.
Andy Adams Sale Barn, Hillsdale (formerly Hillsdale Sale Barn); April 27, 1959.

NEBRASKA

North Bend Auction Co., North Bend; July 3, 1959.

NORTH CAROLINA

Farmers Livestock Barn, Concord; July 6, 1959.

Norlina Stock Yards, Norlina; July 1, 1959.
Oxford Livestock Market, Oxford; June 29, 1959.

Raleigh Stock Yards, Raleigh; June 1, 1959.

SOUTH DAKOTA

Leola Livestock Sales Co., Leola; June 18, 1959.

Menno Livestock Auction Co., Menno; June 3, 1959.

Parker Dairy Cattle Exchange, Parker; June 11, 1959.

Wessington Springs Livestock Auction Co., Wessington; June 20, 1959.

Willow Lake Sales Co., Willow Lake; June 24, 1959.

TENNESSEE

Covington Sales Co., Covington; June 19, 1959.

Hall's Stockyards, Inc., Crossville; June 30, 1959.

Farmers Auction Co., Fayetteville; June 29, 1959.

Middleton Sales Company, Middleton (formerly Cross Road Sales); June 19, 1959.

Viola Stockyards, Inc., Viola; May 6, 1959.

VIRGINIA

The Culpeper Live Stock Order Buying Yard, Inc., Culpeper; July 7, 1959.

Loudoun County Live Stock Market, Leesburg; July 7, 1959.

Louisa Live Stock Market Company, Louisa; July 7, 1959.

WISCONSIN

Bancroft Livestock Exchange, Bancroft; May 14, 1959.

Farmer's Livestock Exchange, Reeseville; June 30, 1959.

Done at Washington, D.C., this 28th day of July, 1959.

DAVID M. PETTUS,

Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-6363; Filed, July 31, 1959;
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL; TREATMENT WORKS NEEDS OF STATES, MUNICIPALITIES, INTER-STATE AND INTERMUNICIPAL AGENCIES

Amendment of List of Locations

Notice is hereby given that the list of locations of treatment works needs, included in comprehensive programs prepared or developed pursuant to section 2 of the Federal Water Pollution Control Act (70 Stat. 498, 33 U.S.C. 468a) which was published at 21 F.R. 8670 on Novem-

ber 9, 1956 and thereafter amended (22 F.R. 678, 22 F.R. 2784) is hereby revised as set forth below. This list may be further revised from time to time by the Surgeon General of the Public Health Service. Copies of such comprehensive programs are available for inspection at the regional offices of the Department of Health, Education, and Welfare.

Dated: July 21, 1959.

[SEAL]

L. E. BURNEY,
Surgeon General.

Approved: July 28, 1959.

ARTHUR S. FLEMMING,
Secretary of Health, Education,
and Welfare.

ALABAMA

Add

Ala. A & M School (Huntsville).

Alabaster.

Albertville.

Alexander City.

Bayou La Batre.

Boaz.

Chickasaw.

Childersburg.

Citronelle.

Cullman.

Faulkville.

Fort Deposit.

Hanceville.

Heflin.

Jasper.

Leeds.

Notasulga.

Oakman.

Oneonta.

Opelika.

Reform.

Sylacauga.

Talladega.

Trussville.

Warrior.

Delete

Bemiston.

Clanton.

Cordova (Mill Village).

Lister Hill.

Troy.

Troy State Teachers College.

ALASKA

Add

Akutan.

Anchorage.

College.

Cordova.

Craig.

Dillingham.

Douglas.

Fairbanks.

Fairbanks Ind. School District.

Fairview PUD (Anchorage).

Fort Yukon.

Haines.

Hamilton Acres PUD.

Hamilton Acres.

Homer.

Hoonah.

Hydaburg.

Island Homes (Fairbanks).

Juneau.

Kake.

Kenai PUD No. 1 (Homer).

Ketchikan.

King Cove.

Klawock.

Kodiak.

Kotzebue.

Metlakatla.

Naknek.

Nenana.

Nome.

Palmer.

Pelican.

Petersburg.
Port Chilkoot.
Sand Point.
Saxman.
Seldovia.
Seward.
Seward Sanitorium.
Sitka.
Skagway.
Spennard.
Tanana.
Territorial Dept. of Education.
Unalaska.
University of Alaska.
Valdez.
Wrangell.

ARIZONA

Add

Ashfork.
Benson.
Bisbee.
Buckeye.
Clarkdale.
Clifton.
Coolidge.
Douglas.
East Flagstaff.
Eloy.
Flagstaff.
Florence.
Goodyear.
Inspiration.
Iron Springs.
Jerome.
Litchfield Park.
Lowell.
Mammoth.
Mesa.
Prescott.
Ray & Sonora.
Safford.
Sanitary District No. 1 of Pima County.
San Manuel.
Sedona.
Sunnyslope.
Thatcher.
Williams.
Winkelman.

Delete

Avondale-Goodyear.
Casa Grande.
Glendale.
Hilltop.
Phoenix.
Scottsdale.
Sedona Lodge.
Sonora-Ray.
Sunnyside.
Tempe.
Wickenburg.
Winslow.

ARKANSAS

Add

Benton.
Blytheville.
Decatur.
Green Forest.
Malvern.
McRae.
Texarkana.

Delete

Benton State Hospital.
Elaine.
Holly Grove.
Hot Springs (Stokes Creek).
Huttig.
Jacksonville.
Jonesboro.
Lake Village.
Marshall.
McGehee.
Mena.
Monticello A & M College (State).
Morrilton.
Murfreesboro.
Pangburn.
Parkin.
Russellville.
Searcy.

Sparkman.
Springdale.
Warren.
Weiner.
West Helena.

CALIFORNIA

Add

Alisal Sanitary District.
Aptos County Sanitation District.
Avalon.
Camarillo State Hospital.
Contra Costa County Sanitation District No. 7A—Improvement District No. 1.
Del Monte Park County Sanitation District.
Desert Shores Community Services District (Salton Sea).
East Cliff County Sanitation District.
Fillmore.
Gilroy.
Kelseyville County Waterworks District No. 3.
King City Airport.
Lake Arrowhead Sanitation District.
(Under) Los Angeles Sanitation Districts (Bellflower, Bradbury, Downey, Duarte, Industry, Irwindale, Norwalk, Paramount, Rolling Hills, Rolling Hills Estates, Santa Fe Springs).
McFarland County Sanitary District.
Meadow Farms Community Services District.
Monterey.
Monte Sereno.
Pacifica.
Pacific Grove.
Perris.
Richmond Municipal Sewer District No. 1.
Ridgecrest Sanitation District.
San Luis Obispo.
Seaside County Sanitation District.
Solvang Municipal Improvement District.
South Tahoe Public Utility District.
Twenty-second District Agricultural Association.
Woodside.

Delete

Big Bear Lake Sanitation District.
Bonita (San Diego County).
Cardiff Sanitation District.
Danville Community Services District.
East Blythe Sanitary District.
Florin Community Services District.
Fontana.
Isla Vista Sanitary District.
Mount Helix-Grossmont (San Diego County).
Nestor (San Diego County).
North Tahoe Public Utilities District.
Oldale.
San Onofre (San Diego County).
Spring Valley Sanitation District.

Change

Buttonville County Water District to Buttonwillow County Water District.
Crockett to Crockett-Vaona Sanitary District.
El Cajon (Fletcher Hills Sanitation District) to El Cajon (Annexed).
Fields Landing to Fields Landing Community Services District.
Freedom Sewer Maintenance District to Freedom County Sanitation District.
Mariposa to Mariposa Public Utility District.
McFarlands Sanitary District to McFarland.
North Ukiah, Millview, Mendocino County Water District to Millview County Water District, North Ukiah.
Parkway Estates Sewer Maintenance District to Florin Road Sewer Assessment District.
Port Hueneme to Port Hueneme Sanitary District.
Poway Valley (San Diego County) to Poway Sanitation District and Pomerado County Water District.
Rohnert Park District to Rohnert Park Community Services District.
Santee (San Diego County) to Santee County Water District (San Diego County).
Shore Acres to Shore Acres Sewer Maintenance District.

Summerland County Water District to Summerland Sanitary District.
Tomas to Tomas Sewer Maintenance District.
Weaverville to Weaverville Sanitary District.

COLORADO

Add

Altura Sanitation District.
Arvada.
Avondale.
Beulah.
Boone.
Brighton.
Bristol.
Byers Water and Sanitation District.
East Lake.
East Mesa Sanitation District.
Hasty.
Littleton.
North Suburban Sanitation District (El Paso County).
Vineland.
West Craig Water and Sanitation District.
Westminster Sanitation District.

Delete

Aspen.
Basalt.
Bayfield.
Boulder.
Brighton Sanitary District No. 24.
Canon City.
Carbondale.
Climax.
Dove Creek.
Eckley.
Fleming.
Frederick.
Haxtun.
Hillrose.
Holyoke.
Keenesburg.
Lakeside (Jefferson County).
Log Lane Village.
Loretta Heights College.
North College Avenue Sanitation District.
Paoli.
Peetz.
Sedgwick.
South Adams County Water and Sanitary District.
Thornton.
Wide Acres.

Change

Baker Metropolitan Sanitary District No. 22 to Baker Metropolitan Water and Sanitary District.
Clear Creek Sanitary District to Clear Creek Valley Sanitary District.
North Washington Street Sanitary District No. 26 to North Washington Street Water and Sanitary District.

CONNECTICUT

Delete

Bridgeport.
Darien.
Fairfield.
East Hartford, Hartford, Rocky Hill (under Hartford Metropolitan District).
New Haven.
New London.
Norwalk.
Norwich.
Portland.
Southington.
Stamford.
Waterbury.
West Haven.
Willimantic (City).
Winsted.

DELAWARE

Add

Milford.
New Castle County.

Delete

Blades.
Georgetown.

Milton.
Seaford.
Selbyville.

FLORIDA

Add

Dunedin (Pinellas County).
Hollywood (Broward County).
Indian Rocks Beach, South Shore (Pinellas County).
Macclenny (Baker County).
Madeira Beach City (Pinellas County).
Pinellas County (South Cross Bayou Sanitary District).

IDAHO

Change

Boise (Urban and Suburban Area) to Bench Sewer District (near Boise).

ILLINOIS

Add

De Sota.
Fairview.
Highland Hills Sanitary District.
Litchfield.
Maquon.
Mascoutah.
Richmond.
Schram City.
Shabbona.

Delete

Addison.
Barrington.
Bloomington and Normal Sanitary District.
Bourbonnais.
Carly.
Charleston.
Chicago Heights.
Danville Sanitary District.
Decatur Sanitary District.
DeKalb Sanitary District.
Downers Grove No. 1.
Edwardsville.
Effingham.
Eureka.
Farmer City.
Flossmoor.
Geneseo.
Geneva.
Glen Ellyn.
Greenville.
Highland Park.
Homewood.
Hutsonville.
Joliet.
Kewanee.
Lake Villa.
Lake Zurich.
Lansing.
Lincoln.
Lombard.
Manteno.
Marine Sanitary District.
Mattoon.
McHenry.
Mokena.
Morton.
Mount Carmel.
Mulberry Grove Sanitary District.
Naperville.
O'Fallon.
Ottawa.
Rantoul.
Roselle.
Salem.
South Beloit.
Springfield.
Springfield Sanitary District.
Steger.
Sterling.
Toledo.
Toluca.
Urbana and Champaign Sanitary District.
Watseka.
Wheaton Sanitary District.
Wheeling.
Winnebago.
Wooddale.
Yorkville-Bristol Sanitary District.

INDIANA

Add

Garrett.
Hagerstown.
Haubstadt.
Markleville.
Nashville.
Richmond.
Schereville.
Southport.

Delete

Alexandria.
Crown Point (Lincoln Park Heights Addition).
Culver (Military Academy).
Decatur.
Evansville.
Fairmount.
Fremont.
Galveston.
Huntingburg.
Jonesboro.
Lagrange.
Lebanon.
Monon.
Morristown.
New Albany.
New Castle.
Osgood.
Paoli.
Petersburg.
Richmond (Smith-Esteb Hospital).
South Bend (County Infirmary).
South Bend (Healthwin Hospital).
Terre Haute (Glen Home).
Terre Haute (Vigo County Home).
Tipton.
Vincennes.
Winchester.

Change

Red Key to Redkey.

IOWA

Add

Albion.
Atkins.
Bondurant.
Breda.
Buffalo.
Center Point.
Churdam.
Clarion.
Clermont.
Elkhart.
Elma.
Fort Atkinson.
Grafton.
Grand Junction.
Granger.
Hiawatha.
Humboldt.
Huxley.
Kensett.
Kirkville.
Latimer.
Lawton.
Lytton.
Macedonia.
Manilla.
Marble Rock.
Massena.
Morning Sun.
Nevada.
Oxford.
Palmer.
Radcliffe.
Rockford.
Scranton.
Stanhope.
Storm Lake.
Waucoma.
Whittemore.

Delete

Bedford.
Birmingham.
Dubuque.
Eagle Grove.
Eldridge.
Fonda.

Garnavillo.
Hopkington.
Ireton.
Ottumwa.
Sibley.
Sioux Rapids.
Springville.
Sumner.
Villisca.
Washington.

KANSAS

Add

Andover.
Countryside.
Cullison.
Derby.
Dwight.
Elwood.
Gardner.
Lenexa.
Milford.
Moscow.
Newton.
Ogden.
Walton.
Woodbine.

Delete

Belle Plaine.
Burton.
Elk City.
Garfield.
Leawood.
Lenora.
Lewis.
Moundridge.
Mullinville.
Nickerson.
Nortonville.
Onaga.
Pretty Prairie.
Tonganoxie.
Topeka.

Change

Leonardville to Leonardsville.
Mission Township Sewer District No. 2 to
Indian Creek Sewer District No. 1.

KENTUCKY

Add

Berea (Madison County).
Highland Heights (town).
Mayfield (Graves County).
Muldraugh.

Delete

Cynthiana.
Hopkinsville.
Jeffersonton.
Madisonville.
Murray.
Owensboro.

LOUISIANA

Add

Caddo Parish Sewerage District No. 2.
East Baton Rouge Parish.
Elton.
Jefferson Parish Sewerage District No. 4.
Lake Arthur.
Leesville.
Saint Charles Parish Sewerage District No. 1.
Saint James Sewerage District No. 1.
Terrebonne Parish Sewerage District No. 12
(Houma).
Welsh.

Delete

Abbeville.
Abita Springs.
Addis.
Alexandria.
Bonita.
Calcasieu Sewerage District No. 2.
Chatham.
Church Point.
Clarks.
Crowley.
Denham Springs (unincorporated Area,
Dodge City, etc.).
East Baton Rouge Parish (unincorporated
areas adjusted to City).
Eunice.

Fordoche.
Franklin.
Franklinton.
Gilbert.
Hackberry.
Harrisonburg.
Jeanerette.
Junction City.
Kentwood.
Lafayette.
Lake Charles.
Lockport.
Madisonville.
Marion.
Metalrie.
Minden.
Morringsport.
Natchitoches.
New Iberia.
New Llano.
Oakdale.
Oak Ridge.
Opelousas.
Palmetto.
Patterson.
Pearl River.
Pineville.
Pollock.
Rayne.
Ruston.
Saint Bernard Parish Sewerage Districts.
Saint Martinville.
Saline.
Sikes.
Tallulah.
Thibodaux.
Tullos.
Urania.
Villa Platte.
Winnfield.

Change

Hodge (Jackson County) to Hodge (Jackson
Parish).
LePlace to LaPlace.

MAINE

Delete

Kennebunk.

Change

Saco to Saco (Sanitary District).
Winthrop to Winthrop (Water District).

MARYLAND

Add

Annapolis.
Centerville (Queen Anne's County).
Glenn Dale Sanatoria (Prince Georges
County).
Howard County Sanitary District.

Delete

Hagerstown.
Laurel.
Leonardtown.
Middletown.
Rockville.
Salisbury.

MASSACHUSETTS

Add

Avon.
Bedford.
Boston.
Braintree.
Concord.
Fitchburg.
Gill.
Ludlow.
Mansfield.
Medfield.
Medfield State Hospital.
Middlesex County House of Correction (Bil-
lerica).
Milford.
Monson State Hospital.
Nantucket (T).
Oxford-Rochdale Sewer District.
Stockbridge.
Westwood.
Weymouth.

NOTICES

Wilmington.
Worcester.

Delete

Barnstable.
Easthampton.
East Longmeadow.
Longmeadow.
Northampton.

MICHIGAN

Add

Bridgeport Township.
East China Township.
Estral Beach.
Gibraltar.
Newage.
Oakland County Department of Public Works.

Delete

Albion.
Almont.
Armada.
Benton Township.
Big Rapids.
Blissfield.
Brighton.
Bronson.
Carleton.
Caro.
Chesaning.
Clinton Township.
Corunna.
Croswell.
Decatur.
Dundee.
Elberta.
Essexville.
Ewart.
Farmington.
Frankenmuth.
Flushing (under Genesee County Sanitary District).
Grand Rapids.
Harbor Beach.
Holly.
Imlay City.
Ironwood.
L'Anse.
Lapeer.
Leslie.
Manchester.
Marine City.
Marlette.
Mount Pleasant.
Newago.
Olivet.
Ontonagon.
Portland.
Port Sanilac.
Roscommon.
Saint Clair.
Saint Johns.
Sandusky.
Warren Township (under South Macomb Sanitary District).
Stambaugh.
Standish.
Vernon.
Vicksburg.
Warren.
Warren Township.

MINNESOTA

Add

Carlos.
Forest Lake.
Hayfield.
Hibbing.
Marietta.
Moose Lake.
Spring Valley.
Victoria.
Waseca.
West St. Paul.
Winton.

Delete

Lake Wilson.
Slayton.

Change

Byron to Byron.
Hectoe to Hector.
Hordon to Jordon.
Jamesville to Janesville.
La Sueur to Le Sueur.
Northrup to Northrop.
Saulk Centre to Sauk Centre.

MISSISSIPPI

Add

Alcorn A & M.
Belmont.
Booneville.
Cleveland.
Como.
Crenshaw.
Florence.
Mississippi State University (State College).
New Houlika.
Ruleville.
Taylorsville.
Walnut Grove.
Whitfield State Hospital.

Delete

Bay Springs.

Change

Itta Bena State School to Mississippi Vocational College (Itta Bena).

MISSOURI

Add

Cabool.
Ellisville.
Missouri State Prison (Jefferson City).
Monette.
Northdale.
Shelbyville.
State Hospital No. 4 (Farmington).

Delete

Leawood.
Union.

Change

Boonville (State Boys Home) to Boonville (State Training School for Boys).

MONTANA

Add

Metropolitan Sanitary and Storm Sewer District No. 1 (Silver Bow County).
Montana State Orphans Home (Twin Bridges).
Redstone.
Rural Improvement District No. 10, Dawson County (Glendive).

Delete

Butte.
Conrad.
Hingham.
Medicine Lodge.
Melstone.

NEBRASKA

Add

Clatonia.
Clay Center.
David City.
Hallam.
Kimball.
Omaha Sanitary & Improvement District No. 31.
Shelton.

NEVADA

Add

Hawthorne.
North Las Vegas.

Delete

Clark County.
Fallon.
Las Vegas.
McDermitt.
New Ruth.
Tonopah.

Change

Douglas County to Douglas County-Tahoe.

NEW HAMPSHIRE

Add

Amherst.
Andover.
Belknap County Farm (Laconia).
Belmont.
Boscawen.
Carroll County Farm (Ossipee).
Cheshire County Farm (Westmoreland).
Cheshire County Home.
Contoocook.
Coos County Farm (West Stewartstown).
Enfield.
Grafton County Farm (Woodsville).
Hampton.
Hill.
Hillsboro County Farm (Grasmere).
Meredith.
Milton.
Newbury (T).
New Hampton.
North Woodstock.
Rockingham County Farm (Brentwood).
Strafford County Farm (Farmington).
Sullivan County Farm (Newport).

Delete

Goffstown.
Jaffrey.

NEW JERSEY

Add

Asbury Park (City).
Bergen County.
Bergen Pines.
Bridgewater Township.
Camden.
Ewing-Lawrence Sewerage Authority.
Lower Penns Neck Township.
Monroe Township Sewerage Authority.
Mount Ephraim.
Passaic Township.
Pitman.
Somerdale.
Somerset-Raritan Valley Sewerage Authority.
Spring Lake.
Township of North Brunswick.
West Caldwell.

Delete

Avalon.
Beach Haven.
Burlington.
Caldwell.
Florence Township.
Keansburg.
Lyndhurst.
Millville.
North Arlington.
North Wildwood.
Plainfield.
Raritan.
Ridgewood.
Ship Bottom.
Somerville.
Trenton.
Ventnor-Margate.

NEW MEXICO

Add

Abiquiu.
Bluewater.
Chama.
Columbus.
Costilla.
El Rito.
Fairview.
Fruitland.
Glorieta.
Greenfield.
Hot Springs.
Jemez Springs.
Kirtland.
Lincoln.
Logan.
Milan.
Ojo Caliente.
Organ.
Penasco.
Red River.
Santa Cruz.

Talpa.
Watrous.

Delete

Carriazo.
Fort Sumner.
Las Vegas.

NEW YORK*

Add

Addison (v).
Bedford (t).
Briarcliff Manor (v).
Brighton Sewer Commission No. 2.
Buchanan (v).
Buffalo (c).
Busti (t).
Cayuga Heights (v).
Chemung County.
Churchville (v).
Coeymans (t).
Colonie (v).
DeWitt (t).
Fort Johnson (v).
Freeport (v).
Glen Cove (c).
Hilton (v).
Hobart (v).
Kings Point (v).
Lyons (v).
Manchester (v).
Marlborough (t).
Middletown (c).
Monroe County.
Montrose.
Niagara County.
Nyack (v).
Orchard Park (t).
Painted Post (v).
Pawling.
Penfield (t).
Phelps (v).
Pittsford (t).
Port Ewen.
Schenectady (c).
Southampton (t).
Stony Point (t).
Tonawanda (c).
Webster (t).
Westfield (v).

Delete

Alfred.
Altamont (v).
Bethlehem (t).
Binghamton (c).
Clyde (v).
East Greenbush.
Geneseo (v).
Geneva (c).
Gowanda (v).
Greenport (t).
Irvington (v).
Lewiston (v).
Massena (v).
Mayville (v).
New Paltz (v).
Poughkeepsie (c).
Poughkeepsie (t).
Richmondville.
Rouses Point (v).
Suffern (v).
Webster (v).

Change

Riverhead (v) to Riverhead (t).

NORTH CAROLINA

Add

Granite Quarry.
Haw River Sanitary District (Alamance County).
North Asheboro Central Falls.
Parkton.
Royal Oakes.
White Lake.
Wingate.

Delete

Ayden.
Caledonia Prison Farm.
Chowan County School.
Durham.

Farmville.
Fayetteville.
Gastonia.
Gibsonville.
Lexington.
Liberty.
Louisburg.
Mocksville.
Mount Olive.
North Wilkesboro.
Rocky Mount.
Wadesboro.

NORTH DAKOTA

Add

Carpio.
Coleharbor.
Crystal.
Emerado.
Fairdale.
Lignite.
Medora.
Mooreton.
Munich.
Nech.
Osnabrock.
Park River.
Petersburg.
Selfridge.
State School for the Feeble-minded (Grafton).
Tolna.
Tuttle.
Verona.
Wing.

Delete

Dickinson.
Dodge.
Fort Lincoln.
Granville.
Lansford.
Reeder.

OHIO

Add

Alliance.
Canal Winchester.
Leroy.
Mahoning County, Milton Sewer District No. 11.
Northfield.
Sylvania.

Delete

Amherst.
Ashland.
Bedford Heights.
Brewster.
Campbell.
Canal Fulton.
Cincinnati (Addyston, Amberley, Arlington Heights, Blue Ash, Cheviot, Deer Park, Elmwood Place, Evendale, Fairfax, Golf Manor, Greenhills, Indian Hill, Lincoln Heights, Lockland, Madeira, Mariemont, Mount Healthy, North College Hill, Northwood, Reading, Saint Bernard, Sharonville, Silverton, Woodlawn, Wyoming).
Columbus (Bexley, Grandview Heights, Hanford, Marble Cliff, Riverlea, Upper Arlington, Valley View, Whitehall, Worthington).
Continental.
Delta.
East Liverpool.
Eaton.
Euclid Highland Heights, Richmond Heights, Wickliffe, Willowick.
Flushing.
Gahanna.
Hamilton.
Jefferson.
Lepsic.
Lowellville.
Mansfield.
Maumee.
Middlefield.
Millersburg.

(Under) Montgomery County: Beaver Creek Sewer District.
Montpelier.
New Boston.
Oak Harbor.
Painesville.

Perrysburg.
Piqua.
Reynoldsburg.
Rockford.
Sandusky.
Seamen.
Shiloh.
South Zanesville.
Steubenville.
Swanton.
Tiltonsville.
Vermillion-on-the-Lake.
Waterville.
Waynesburg.
Wellsville.
Willoughby (Eastlake, Timberlake).
Yorkville.

OKLAHOMA

Add

Butler.
Copan.
Elmore City.
Fargo.
Oklahoma County Utility Services Authority.
South Coffeyville.
Tulaga.
Tyrone.

Delete

Achille.
Ada.
Adair.
Albany.
Alderson.
Alex.
Alva.
Arkoma.
Avant.
Beaver.
Bennington.
Billings.
Blackwell.
Blair.
Boise City.
Bokchito.
Boley.
Boswell.
Bowlegs.
Boynton.
Briggs.
Bristow.
Bromide.
Buffalo.
Burbank.
Cache.
Caddo.
Calera.
Calvin.
Canadian.
Canton.
Canute.
Cardin.
Carmen.
Carnegie.
Cherokee.
Cheyenne.
Choctaw.
Clayton.
Clinton (Western T.B. Hospital).
Coalgate.
Colony.
Comanche.
Commerce.
Cordell.
Corn.
Cottonwood.
Countyline.
Cromwell.
Crowder.
Custer City.
Cyril.
Davis.
Delaware.
Depew.
Devol.
Dewey.
Dougherty.
Drumright.
Dustin.
Eagletown.
Eakley.

*NOTE: (c)—city; (t)—town; (v)—village.

Eldorado.
Enid.
Fairfax.
Fairland.
Fairview.
Pittstown.
Francis.
Frederick.
Freedom.
Garber.
Geary.
Geronimo.
Gore.
Gowen.
Granite.
Granite (State Reformatory).
Grant.
Guymon.
Hannah.
Harden City.
Hartshorne.
Hastings.
Headrick.
Healdton.
Heavener.
Hennessey.
Hinton.
Hobart.
Hochatown.
Hollis.
Hoyt.
Hugo.
Hulbert.
Hydro.
Idabel.
Indiahoma.
Indianola.
Kaw City.
Keyes.
Kiefer.
Kingfisher.
Kingston.
Kloma.
Konawa.
Krebs.
Lamont.
Lehigh.
Little City.
Madill.
Manitou.
Mannsville.
Marcella.
Marshall.
Maysville.
McAlester.
McCurtain.
Midwest City.
Milburn.
Mill Creek.
Minco.
Monroe.
Moore.
Mooreland.
Mountain View.
Muse.
Newcastle.
Nichols Hills.
Nicoma Park.
Noble.
Oakland.
Orlanda.
Paden.
Page.
Paul's Valley (State Hospital).
Pernell.
Pharoah.
Pine Valley.
Pittsburg.
Poteau.
Quapaw.
Ralston.
Ravia.
Red Oak.
Ripley.
Roosevelt.
Ross.
Salina.
Sasakwa.
Savanna.
Shady Point.
Soper.

Southland.
Spencer.
Springer.
Stratford.
Supply.
Taft (Deaf, Blind, and Orphans School).
Talihina.
Terral.
Texhoma.
Texola.
Thackerville.
Tonkawa.
Tupelo.
Tuskahoma.
Vernon.
Vici.
Vinita.
Wakita.
Wapanucka.
Warr Acres.
Washington.
Welch.
Weleetka.
Wellston.
Whitefield.
Williams.
Willow.
Wirt.

Change

Barnsdale to Barnsdall.
Benger to Binger.
Byers to Byars.
Sapula to Sapulpa.
Spavenaw to Spavinaw.
Wetureka to Wetumka.

OREGON

Add

Lakeview.
Prineville.
South Suburban Sanitary District.

Delete

Albany.
Berrydale Sanitary District.
Burns.
Clatskanie.
Drain.
Fairview.
Fairview Sewer District.
Government Camp Sanitary District.
Klamath Falls.
Lebanon.
Milton-Freewater.
North Bend.
Prairie City.
Roseburg.
South East Klamath Falls.
St. Helens.
Sunset Valley Sanitary District.
Tigard Sanitary District.
Tillamook.
Weston.

Change

Oak Grove Sanitary District to Oak Lodge Sanitary District.

PENNSYLVANIA

Add

Aldan.
Amity Township.
Annville.
Bessemer.
Birdsboro.
Brighton Township.
Butler Township.
Cambridge Springs.
Centre Township.
Cherry Tree.
Chippewa Township.
Clarendon.
Clarion.
Clymer.
Cochran.
Colebrook Township (Berks County).
Collingdale.
Colwyn.
Conneautville.
Cranberry Township.
Cranesville.
Cumru.

Darby.
Darby Township.
Darlington.
Dayton.
Derry.
Eastvale.
Folcroft.
Franklin Township.
Girard.
Glade Township.
Glenaldan.
Harborcreek Township.
Haverford Township.
Jenks Township.
Koppel.
Lansdowne.
Lower Alsace.
Lower Paxton Township.
Lyonsville.
Macungie.
Manheim.
Manor.
Manor Township.
Manorville.
Marietta.
McAdoo.
Mead Township.
Mercer.
Middleboro.
Middlesex Township.
Millcreek Township.
Millersville.
Morton.
Neshannock Township.
Nether Providence Township.
Neville Township.
New Holland.
Norward.
Paxtang.
Penbrook.
Pine Grove.
Pleasant Township.
Prospect Park.
Quarryville.
Ridley Park.
Ridley Township.
Roseto.
Rural Valley.
Rutledge.
Saegertown.
Saltsboro.
Sharon Hill.
Shenango Township.
Shoemakersville.
Spring Township.
State College.
Stoneboro.
Sugar Creek Township.
Summerville.
Swatara Township.
Swarthmore.
Taylor Township.
Tower City.
Townville.
Union Township.
Upper Darby Township.
Vernon Township.
Wernersville.
West Kittanning.
West Mead Township.
West Middlesex.
West Mifflin.
White Township.
Woodward Township.
Yeadon.

Delete

Allegheny County Sanitary District.
Berwick.
Bethel.
Conway.
Corry.
Edinboro.
Elizabeth (Allegheny County).
Galeton.
Greenville.
Harrisburg.
Hawley.
Hickory Township.
Hopewell Township.
Oil City.
Osborne.

Titusville.
Warren.
White Haven.

Change

Hemfield to Hempfield Township.
Jefferson to Jefferson Township.

PUERTO RICO

Change

Narajito to Naranjito.

RHODE ISLAND

Add

Cranston.
Narragansett Town.

Delete

Exeter State Hospital (Exeter).
Providence (Providence City).

SOUTH CAROLINA

Add

Darlington.
Greenville County Marketing Commission.
Greenwood.
Johnsonville.
Pendleton.
Saint Andrews Public Service District Commission (Charleston).
School District of Aiken County.
Summerton (Clarendon Co.).
Union.
Whitten Village (Clinton).

SOUTH DAKOTA

Add

Chancellor.
Clark.
Custer State Park.
Milbank.
Morristown.
South Dakota State Sanatorium (Senator).

Delete

Bowdle.
Brookings.
Eagle Butte.
Kodaka.
Mission.
Parkston.
Springfield.

Change

Alaska to Akaska.

TENNESSEE

Add

Bradford.
Clinton.
Erin.
Kenton.
Lafayette (Macon County).
Madisonville.
Monterey.
Pikeville (Bledsoe County).
Smithville.
Tullahoma.

Delete

Adamsville.
Davidson County Hospital.
Decherd.
Frayser.
Johnson City.
Jordonla (State Boys Vocational School).
Kingsport.
Kingston.
Knoxville (State East Tennessee T.B. Hospital).
Knoxville (State Eastern St. Hospital).
Maryville.
Selmer.
Smyrna (Rutherford County).
Waynesboro.

Change

Red Bank to Red Bank-White Oak.

TEXAS

Add

Anthony.
Crowley.

Galveston County Water Control & Improvement District No. 1 (Dickinson).
Galveston County Water Control & Improvement District No. 7 (Hitchcock).
Metropolitan Sanitary Sewer District of South Jefferson County.
North Tarrant County Municipal Water District (Keller).
Trinity River Authority of Texas.
Wallis.

Delete

Hallettsville.
Uvalde.

UTAH

Add

Kearns Improvement District (Kearns).

Delete

Central Weber Sewer Improvement District (Ogden).
Davis County Metropolitan Sewer District.
Midvale.
Moab.
North Davis County.
Ogden.
Salt Lake County Cottonwood Sanitary District.
Salt Lake County Sewer Districts.
South Ogden.
South Salt Lake.
Vernal.

VIRGINIA

Add

Boone's Mill.
Cedar Bluff.
Fincastle.
Goshen.
Henrico County.
James City County.
Lorton Reformatory (Lorton).
Lynchburg.
Norfolk.
Prince William County.
Shenandoah.
Tazewell County.
Woodbridge.
York County Sanitary District.

Delete

Buena Vista.
Clifton Forge.
Colonial Beach.
Crewe.
Drakes Branch.
Elkton.
Fairfax.
Glasgow.
Herndon.
Warm Springs Sanitary District.

WASHINGTON

Delete

Asotin.
Bellevue Sewer District.
Black Diamond.
Bothell.
Buckley.
Bucoda.
Camas.
Carbonada.
Carnation.
Centralia.
Clarkston.
Colfax.
College Place.
Colton.
Colville.
Conconully.
Concrete.
Connell.
Cowiche (SD).
Creston.
Darrington.
Dayton.
Duvall.
East Mercer Island (SD).
Edmonds.
Elberton.
Ellensburg.

Elma.
Entiat.
Everson.
Farmington.
Forks.
Gig Harbor.
Goldendale.
Gold Bar.
Hamilton.
Harrah.
Hartline.
Hoquiam.
Ilwaco.
Index.
Kahlotus.
Kalama.
Kennewick.
Kittitas.
Krupp.
La Center.
La Conner.
Lake City (Sanitary District).
Lamont.
Langley.
Latah.
Lind.
Long Beach.
Longview.
Lyman.
Malden.
Mansfield.
Marcus.
McCleary.
Mesa.
Milton.
Montesano.
Morton.
Moxee City.
Mossyrock.
Mount Vernon.
Mukilteo.
Naches.
Napavine.
Nespelem.
Nooksack.
Oakville.
Olympia.
Omak.
Palouse.
Pasco.
Pe Ell.
Poulsbo.
Prescott.
Pullman.
Puyallup.
Ranier.
Ranier Vista (Sanitary District).
Redmond.
Republic.
Riverside.
Rockford.
Rock Island.
Roy.
Ruston.
Sedro Woolley.
Selah.
Sequim.
Silverdale (SD).
South Prairie.
Southwest Suburban (Sanitary District).
Spangle.
Sprague.
Springdale.
Starbuck.
Sumas.
Sumner.
Sunnyside.
Tekoa.
Tieton.
Tonasket.
Toppenish.
Twisp.
Uniontown.
Vancouver.
Vashon (Sanitary District).
Warden.
Washougal.
Washtucna.
Waterville.
Waverly.
Wenatchee.

Wilkeson.
Wilson Creek.
Winlock.
Winslow.
Winthrop.
Wishram.
Woodland.
Yacolt.
Yakima.
Yelm.

Change

Pacific Beach S.D. to Pacific Beach (Sewer Improvement District).
Reardon to Reardan.
Valvue (Sanitary District) to Val Vue.

*WEST VIRGINIA**Add*

Oakville Public Service District.

Delete

New Martinsville.
Ravenswood.
Williamstown.

Change

Nutter Fork to Nutter Fort.

*WISCONSIN**Add*

Barron.
Blanchardville.
Cadott.
Cassville (Village).
Cottage Grove.
Darlen.
Dickeyville.
Fond du Lac.
Franklin.
Fredonia.
Greenfield.
Ionia Sanitary District No. 1.
Marathon County (Mount View Sanatorium).
Menasha Sanitary District No. 4.
Mount Hope.
Musioda.
Plain.
Plainfield.
Ridgeland.
Saint Nazianz.
Salem.
Shiocton.
Sullivan.
Thiensville.
Two Rivers.
Unity.
Waterford.
Wautoma.
Wauzeka.
Withee.

Delete

Athens.
Bayfield.
Beloit.
Brodhead.
Cambria.
Casco.
Clinton.
De Pere (Hickory Grove Sanatorium).
Devils Lake State Park.
Dodgeville.
Ellsworth.
Florence (Town).
Fountain City.
Genoa City.
Gillett.
Hales Corner.
Independence.
Jefferson.
Johnson Creek.
Kewaunee.
La Farge.
Lake Delton.
Lake Mills.
Lomira.
Madison Metropolitan Sewer District.
Mayville.
Mazomanie.
Menomonie.
Merrillan.
Milwaukee.
Mishicot.

Mount Horeb.
New Glarus.
Osceola.
Phillips.
Portage.
Port Washington.
Prairie du Chien.
Rib Lake.
Sheboygan.
Stratford.
Sturtevant.
Superior.
Twin Lakes.
Viola.
Washburn.
West Salem.
West Salem (La Crosse County Hospital).
Whitehall.
Whitewater.
Williams Bay.
Woodruff Sanitary District.

Change

Lennon to Lannon.

*WYOMING**Add*

Buffalo.
Evanston.
Jackson.
Lusk.
Rock Springs.

Delete

Brooks Community (Casper).
Burns.
Bryon.
Cheyenne.
Clearmont.
Cokeville.
Cowley.
Dayton.
Deaver.
Diamondville.
Dixon.
East Thermopolis.
Edgerton.
Elk Mountain.
Elmo.
Evansville.
Frontier.
Gillette.
Granger.
Hanna.
Hulett.
Kaycee.
Kirby.
Lagrange.
Lyman.
Manderson.
Manville.
Medicine Bow.
Meeteetse.
Midwest.
Moorcroft.
Orchard Valley.
Quealy.
Rawlins.
Riverside.
Rock River.
Thayne.
Upton.
Van Tassell.
Yoder.

Change

Ten Sleep to Tensleep.

[F.R. Doc. 59-6351; Filed, July 31, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING CO.**Amendment to Construction Permit**

Please take notice that the Atomic Energy Commission has issued to Allis-

Chalmers Manufacturing Company, Amendment No. 1, set forth below, to Construction Permit No. CPCX-14 extending the latest date for completion of construction of the critical experiments facility to be located in Greendale, Milwaukee County, Wisconsin, to November 1, 1959.

Dated at Germantown, Md., this 24th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[Construction Permit No. CPCX-14; Amdt. 1]

Condition 1. of Construction Permit No. CPCX-14, is hereby amended by changing the second sentence thereof to read as follows: The latest date for completion of the facility is November 1, 1959.

Date of issuance: July 24, 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 59-6324; Filed, July 31, 1959; 8:45 a.m.]

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.**Issuance of Amendment to Construction Permit**

Please take notice that no request for a formal hearing having been filed following the filing of notice of the proposed action with the Federal Register Division on June 1, 1959, the Atomic Energy Commission has issued Amendment No. 2 to Construction Permit No. CPPR-1. The amendment approves as technical specifications, subject to conditions described in the amendment, the mechanical design of the containment vessel, the arrangement inside the containment vessel, and the leakage analysis of the containment vessel for the reactor to be located at Indian Point, New York, as described in the applicant's amendment No. 6 to its application for license. Notice of the proposed action was published in the FEDERAL REGISTER on June 2, 1959, 24 F.R. 4498.

Dated at Germantown, Md., this 24th day of July 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-6325; Filed, July 31, 1959; 8:45 a.m.]

[Docket No. 50-73]

GENERAL ELECTRIC CO.**Proposed Issuance of Order and Amendment of Utilization Facility License**

Please take notice that the Atomic Energy Commission proposes to issue.

substantially as set forth below, (1) an order rescinding the Commission's order dated August 13, 1958 which prohibited loading fuel into the Nuclear Test Reactor until certain conditions were satisfied and (2) an amendment to Facility License No. R-33, which will permit the resumption of operations in the facility, unless within 15 days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). The proposed amendment would authorize changes in the reactor design and operating procedures to overcome the difficulties previously encountered in the operation of the Nuclear Test Reactor, and authorize operation of the reactor. Prior to issuance of the order and the license amendment, the facility will be inspected by representatives of the Commission to determine that the reactor has been constructed in compliance with the applicable terms and conditions of the construction permit and application.

For further details see (1) application Nos. 2, 3 and 4 for license amendment dated October 28, 1958, March 10, 1959, and April 10, 1959, respectively, submitted by the General Electric Company and (2) a hazards analysis of the proposed operation of the reactor prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of July 1959.

For the Atomic Energy Commission,

H. L. PRICE,
Director, Division of,
Licensing and Regulation.

ORDER

By an order dated August 13, 1958, in which General Electric Company consented, the Commission ordered that special nuclear material not be loaded into the licensee's Nuclear Test Reactor (NTR) until the licensee submitted to the Commission a comprehensive report describing and evaluating proposed changes in the design of the facility and proposed changes in procedures for its future operation and until the Commission has authorized such loading.

The Commission has found that the licensee has satisfied the requirements of the order. It is hereby ordered that the order dated August 13, 1958 is rescinded and the licensee is authorized to load special nuclear material into the facility.

For the Atomic Energy Commission,

[License No. R-33; Amdt. 1]

Effective as of the date of issuance specified below, License No. R-33 is amended to read as follows:

1. This license applies to the nuclear reactor designated by General Electric Company as the "Nuclear Test Reactor" (hereinafter referred to as "the reactor") which is owned by the Company and located at its Vallecitos Atomic Laboratory

in Alameda County, California, and described in applications for license amendment No. 2 dated October 28, 1958, No. 3 dated March 10, 1959, and No. 4 dated April 10, 1959 (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor authorized for construction by Construction Permit No. CPRR-19, issued to General Electric Company, has been constructed and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated without endangering the health and safety of the public;

C. General Electric Company is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material, to undertake and carry out the proposed use of such material for a reasonable period of time, and to engage in the proposed activities in accordance with the Commission's regulations;

D. The issuance of a license to General Electric Company to possess and operate the reactor will not be inimical to the common defense and security or to the health and safety of the public; and

E. General Electric Company has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, The Commission hereby licenses General Electric Company:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use four kilograms of contained uranium 235 as fuel for operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect and to the additional conditions specified below:

A. General Electric Company shall not operate the reactor at power levels in excess of 30 kilowatts (thermal).

B. In addition to those otherwise required under this license and applicable regulations, General Electric Company shall keep the following records:

(1) Reactor operating records, including power levels;

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of General Electric Company as measured at the point of such release or discharge;

(3) Records of emergency scrams, including reasons for emergency shutdowns; and

(4) Records containing a description of each change, test or experiment authorized by the Manager-Critical Assemblies or Laboratory Safeguards Group and a summary statement of bases for the conclusions reached by the Manager or the Group; and a description of each evaluation required by paragraph 5.B.(2).

C. General Electric Company shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

D. General Electric Company shall submit to the Commission an annual report of operating experience pertinent to safety. This report shall describe, among other things, the changes, tests or experiments authorized by the Manager-Critical Assemblies or the Laboratory Safeguards Group. The first such report shall be filed thirteen months after the date of issuance of this license amendment.

5.A. As used in this license, "Summary Safeguards Report" means "GEAP-3068, Summary Safeguards Report for the Nuclear Test Reactor Vallecitos Atomic Laboratory, Pleasanton, California," dated October 7, 1958, as amended by applications for license amendment Nos. 3 and 4.

B.(1) Unless otherwise authorized by the Commission in writing; the General Electric Company shall:

(a) Observe all limits and requirements specified in paragraphs 4.A. through 4.D., inclusive, of this license;

(b) Observe all limits and requirements specified in section 1 of the Summary Safeguards Report;

(c) Make no change in the basic design concept or use of the reactor;

(d) Make no change with respect to any design value, limit or procedure, and conduct no experiment as to which the application states will not be made or conducted without the prior approval of the Commission.

(2) The General Electric Company may make other changes in the facility design, core design, or in the limits or procedures specified in the application, and may conduct tests or experiments in the reactor only in accordance with the following procedures:

(a) Prior to making any such changes or conducting any such test or experiment the Manager-Critical Experiments shall evaluate the hazards involved in the proposed change, test, or experiment and the effect of such change, test or experiment on each of the accidents analyzed in section 7 of the Summary Safeguards Report.

(b)(i) If the Manager-Critical Experiments determines that the proposed change, test, or experiment involves hazards less than, and not different from, those analyzed in section 7 of the Summary Safeguards Report, or does not involve nuclear safety considerations, no further approval shall be required.

(ii) If the Manager-Critical Experiments does not make the determination described in subparagraph (i) above, the General Electric Company Laboratory Safeguards Group shall evaluate the effect of the proposed change, test, or experiment on each of the accidents analyzed in section 7 of the Summary Safeguards Report. If the Laboratory Safeguards Group determines that the hazards involved in the proposed change, test, or experiment are not greater than, and not different from, those analyzed in section 7 of the Summary Safeguards Report, no further approval shall be required for the proposed change, test, or experiment.

(iii) If the Laboratory Safeguards Group determines that the hazards involved are or may be different from, or greater than, those analyzed in section 7 of the Summary Safeguards Report, the General Electric Company shall provide the Commission with a report describing the proposed change, test, or experiment and including a hazards evaluation of such proposed change, test, or experiment.

(iv) If, within 15 days after the date of acknowledgment by the Division of Licensing and Regulation of receipt of such report, the Commission does not issue any notice to the contrary to the General Electric Com-

pany, the Company may make or conduct such change, test, or experiment without further approval.

(v) If, within 15 days after the date of acknowledgment by the Division of Licensing and Regulation of receipt of such report, the Commission issues a notice to the General Electric Company that, in the Commission's opinion, the hazards involved may be greater than or materially different from those analyzed in section 7 of the Summary Safeguards Report, the change, test, or experiment shall not be made or conducted until after such change, test, or experiment has been authorized in writing by the Commission. The report submitted by General Electric Company shall constitute an application for a license amendment.

(3) For purposes of paragraph 5.B.(2), a proposed change, test, or experiment shall be deemed to involve "hazards less than, and not different from, those analyzed in section 7" if (1) the probability of the types of accident analyzed in section 7 would be decreased; and (2) the consequences of the types of accidents analyzed in section 7 would be decreased; and (3) such change, test, or experiment would not create a credible probability of an accident of a different type than any analyzed in section 7. A proposed change, test, or experiment shall be deemed to involve hazards "not greater than, and not different from, those analyzed in section 7", if (1) the probability of the types of accidents analyzed in section 7 of the Summary Safeguards Report would not be increased; and (2) the possible consequences of the types of accidents analyzed in section 7 of the report would not be increased; and (3) such change, test, or experiment would not create a credible probability of an accident of a different type than any analyzed in section 7. A proposed change, test, or experiment shall be deemed to involve hazards "greater than or materially different from those analyzed in section 7" if (1) the probability of a type of accident analyzed in section 7 would be increased; or (2) if the consequences of any type of accident analyzed in section 7 would be increased; or (3) if such change, test, or experiment might create a credible probability of an accident of a materially different type than any analyzed in section 7.

6. This license amendment is effective as of the date of issuance and the license shall expire at midnight October 25, 1967.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 59-6326; Filed, July 31, 1959; 8:45 a.m.]

[Docket 50-142]

UNIVERSITY OF CALIFORNIA AT LOS ANGELES

Application for Facility License

Please take notice that University of California at Los Angeles, California, under Section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a 10 kilowatt (thermal) Argonaut type training and research reactor on the University's campus near Beverly Hills, California. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 24th day of July 1959.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 59-6327; Filed, July 31, 1959; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order No. E-14282]

[Docket No. 10747]

DELTA AIR LINES, INC.

Order of Investigation and Suspension of Off-Peak Fare

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of July 1959.

Delta Air Lines, Inc. (Delta), by tariff revision effective July 31, 1959, proposes to establish an "off-peak" coach fare of \$26.90 between Dallas/Fort Worth, Texas and New Orleans, Louisiana. The proposed fare is the same as Delta's presently effective day coach fare. The latter fare was recently increased by \$1.00 along with Delta's other standard day coach fares and, at the same time, meal service was instituted on day coach flights. No meal service, however, will be offered in the night or "off-peak" coach service.

The Board permitted the recent increases in day coach fares to become effective on the grounds that the additional costs of the furnishing of meals justified the increase in fare. No such justification is present with respect to night coach service in which meals are not offered. Accordingly, we find that Delta's proposed fare may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1953, particularly sections 204a, 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation be and hereby is instituted to determine whether the fares and provisions between Dallas and Ft. Worth, on the one hand, and New Orleans, on the other, appearing on 4th and 5th Revised Pages 122-B of Agent C. C. Squire's C.A.B. No. 44 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. Pending such investigation, hearing, and decision by the Board, the fares and provisions between Dallas and Ft. Worth, on the one hand, and New Orleans, on the other, appearing on 4th and 5th Revised Pages 122-B of Agent C. C. Squire's C.A.B. No. 44 be and hereby are suspended and their use deferred to and including October 28, 1959, unless

otherwise ordered by the Board, and that no changes whatsoever be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. Copies of this order be filed with Agent C. C. Squire's C.A.B. No. 44 and a copy be served upon Delta Air Lines, Inc., which is hereby made a party to this proceeding. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

MABEL MCCART,
Acting Secretary.

[F.R. Doc. 59-6352; Filed, July 31, 1959; 8:48 a.m.]

COMMITTEE FOR RECIPROCITY INFORMATION

NOTICE OF PUBLIC HEARING REGARDING RENEGOTIATION OF TARIFF CONCESSIONS BY CUBA

Submission of Information

Closing date for application to be heard, September 4, 1959.

Closing date for submission of briefs by persons desiring to be heard, September 4, 1959.

Closing date for submission of briefs by persons not desiring to be heard, September 15, 1959.

Public hearings open, September 15, 1959.

Notice is hereby given by the Committee for Reciprocity Information that a public hearing will be held before the Committee in order to obtain the views of interested persons in connection with United States participation in tariff renegotiations by the Government of Cuba looking toward the modification of Schedule IX (Cuba) of the General Agreement on Tariffs and Trade.

The Cuban Government has for the past several years been engaged in studies leading to a revision of its customs tariff. It is availing itself of the opportunity provided in Article XXVIII of the General Agreement whereby a contracting party wishing to modify or withdraw concessions in its schedule might enter into negotiations for that purpose. The Cuban Government in 1957 invoked paragraph 5 of Article XXVIII in order to permit it to take such action after January 1, 1958. Early in 1958 the Cuban Government put into effect the new nomenclature and rates of duty applicable to imports from countries with which it does not have trade agreements or commercial arrangements. It also announced that it would continue in effect the old nomenclature and rates of duty for imports from other countries pending the completion of the proposed tariff negotiations.

Under the provisions of Article XXVIII of the General Agreement, a contracting

party proposing to renegotiate a concession by modifying or withdrawing it is required to negotiate regarding compensatory adjustment with the country with which the concession was originally negotiated and with any other country having a principal supplying interest in the concession. It is also required to consult with countries having a substantial trade interest therein. In such negotiations, the country proposing the modification or withdrawal usually offers new concessions by way of compensation. If no settlement is possible on the basis of such new concessions as may be offered, the countries adversely affected are authorized to withdraw or make upward adjustment of concessions initially negotiated with the first country which are of a value substantially equivalent to the concessions which the first country is modifying or withdrawing.

In preparation for the proposed negotiations with Cuba, the Committee for Reciprocity Information would welcome views from interested parties with regard to the possible effect on United States trade of modification or withdrawal of concessions in Schedule IX (Cuba) to the General Agreement. (See list below.) In addition, the Committee invites the submission of views regarding concessions which the United States might seek from Cuba as compensation, as well as views concerning the possible withdrawal or upward adjustment of concessions in Schedule XX (United States) initially negotiated with Cuba.

All applications for oral presentation of views in regard to these matters shall be submitted to the Committee for Reciprocity Information not later than September 4, 1959. The application must indicate the product or products on which the individual or group desires to be heard and an estimate of the time required for oral presentation. Persons who desire to be heard orally shall also submit written statements to the Committee not later than September 4, 1959. Written statements of persons who do not desire to be heard orally shall be submitted not later than September 15, 1959. Such communications shall be addressed to: Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C. Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked: For Official Use Only of Committee for Reciprocity Information.

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 10:00 a.m., September 15, 1959, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington 25, D.C. Witnesses who make applications to be heard will be advised regarding the time and place of their individual appearances.

Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

All communications regarding this notice, including requests for appearance at hearings before the Committee for Reciprocity Information, should be addressed to the Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D.C.

Requests for information concerning commodity classifications and applicable rates of duty under the old Cuban customs tariff and also regarding the new Cuban commodity classifications and new tariff nomenclature should be addressed to the American Republics Division, Bureau of Foreign Commerce, United States Department of Commerce, Washington 25, D.C.

Annexed to this notice is a list of the commodity groups or principal commodities in Schedule IX (Cuba) to the General Agreement on Tariffs and Trade which the Cuban Government proposes to renegotiate.

By direction of the Committee for Reciprocity Information this 30th day of July 1959.

EDWARD YARDLEY,
Secretary, Committee for
Reciprocity Information.

LIST OF COMMODITY GROUPS OR PRINCIPAL
COMMODITIES IN SCHEDULE IX TO THE GEN-
ERAL AGREEMENT WHICH THE CUBAN GOV-
ERNMENT PROPOSES TO RENEGOTIATE

Cement.
Coal and coke.
Lubricating oils and vaseline.
Glass and glassware, including electric lamps.
Iron and steel manufactures.
Manufactures of copper, except plain wire,
and other metals and alloys.
Rosin and turpentine.
Colors, dyes, varnishes and inks.
Chemical and pharmaceutical products.
Soaps and cosmetics.
Starches and adhesives.
Raw cotton and manufactures.
Synthetic fibers and manufactures.
Knitted wool sportswear.
Silk yarn, fabrics and wearing apparel.
Paper, cardboard and manufactures.
Certain lumber and manufactures.
Leather and manufactures.
Certain musical instruments, phonographs,
radio and television sets, motion picture
projection apparatus, accessories and parts
of the foregoing.
Clocks.
Agricultural and industrial machinery and
instruments and parts and accessories.
Office and household machines and appli-
ances.
Automotive vehicles, parts and accessories.
Wagons, carts, and parts and accessories for
railway cars.
Airplanes and parts.
Plastics and manufactures.
Rubber manufactures.
Transmission belting.
Oilcloth and linoleum.
Games and toys.
Tires and tubes.
Photograph film.
Miscellaneous manufactured articles.
Meats.

Lard.
Prepared milk.
Cereals, including rice, wheat and wheat
flour.
Fruits and vegetables, fresh, dried, and pre-
pared.
Edible and inedible oils.
Canned fish.
Other preserved foods.
Beverages.
Miscellaneous food products, including con-
fectionery.
Cigarettes and smoking tobacco.

[F.R. Doc. 59-6389; Filed, July 31, 1959;
8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12854, 12855; FCC 59M-956]

GOLETA BROADCASTING ASSOCIATES ET AL.

Order Continuing Hearing Conference

In re applications of Thomas J. Davis, Jr. and Robert Sherman d/b as Goleta Broadcasting Associates, Goleta, California, Docket No. 12854, File No. BP-12044; Bert Williamson and Lester W. Spillane, a co-partnership, Santa Barbara, California, Docket No. 12855, File No. BP-12154; for construction permits.

The Hearing Examiner having under consideration a petition filed on July 28, 1959, by Bert Williamson and Lester W. Spillane, a co-partnership, requesting that the prehearing conference in the above-entitled proceeding presently scheduled for this date be continued to September 9, 1959;

It appearing that counsel for the other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and consented to a grant of the instant petition;

It is ordered, This 28th day of July 1959, that the petition be and it is hereby granted; and the prehearing conference in the above-entitled proceeding be and it is hereby continued to September 9, 1959, at 10 a.m., in Washington, D.C.

Released: July 28, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6353; Filed, July 31, 1959;
8:48 a.m.]

[Docket No. 12954; FCC 59M-962]

DAWKINS ESPY

Order Scheduling Hearing

In re application of Dawkins Espy, Glendale, California, Docket No. 12954, File No. BPH-2365; for construction permit for new FM broadcast station.

It is ordered, This 28th day of July 1959, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on October 5, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6354; Filed, July 31, 1959;
8:48 a.m.]

[Docket Nos. 12985, 12986; FCC 59-760]

EASTERN IDAHO BROADCASTING AND TELEVISION CO. AND SAM H. BENNION

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Eastern Idaho Broadcasting and Television Company, Idaho Falls, Idaho, Docket No. 12985, File No. BPCT-2390; Sam H. Bennion, Idaho Falls, Idaho, Docket No. 12986, File No. BPCT-2597; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8, assigned to Idaho Falls, Idaho; and

It appearing that the applications of Eastern Idaho Broadcasting and Television Company and Sam H. Bennion are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that Eastern Idaho Broadcasting and Television Company has requested a waiver of § 3.613(a) of the rules to locate its main studio outside of Idaho Falls, and has shown good cause for the requested waiver; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, Eastern Idaho Broadcasting and Television Company and Sam H. Bennion, were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Sam H. Bennion is legally, technically, financially and otherwise qualified to construct, own and operate the proposed television broadcast station; and that Eastern Idaho Broadcasting and Television Company is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "1" below.

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of Eastern Idaho Broadcasting and Television Company and Sam H. Bennion, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the antenna system and site proposed by Eastern Idaho Broadcasting and Television Company would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast station.

c. The programming service proposed in each of the above-captioned applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Eastern Idaho Broadcasting and Television Company and Sam H. Bennion, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (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.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6355; Filed, July 31, 1959;
8:48 a.m.]

[Docket No. 12414, etc.; FCC 59M-961]

ALKIMA BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Austin E. Harkins, John P. Weis, Ned Goode, Lila W. Goode, Charles E. Lucas, Jr., and Mar-

shall L. Jones, d/b as Alkima Broadcasting Company, West Chester, Pennsylvania, Docket No. 12414, File No. BP-10640; Herman Handloff, Newark, Delaware, Docket No. 12711, File No. BP-12190; Howard Wasserman, West Chester, Pennsylvania, Docket No. 12712, File No. BP-12208; for construction permits.

Because of a likelihood of conflict in hearing schedules: *It is ordered,* By the Hearing Examiner, on his own motion, this 28th day of July 1959, that the hearing in the above-entitled matter, now scheduled to commence on September 15, 1959, is hereby rescheduled to commence at 10:00 a.m., September 21, 1959, in the Commission's offices in Washington, D.C.

Released: July 28, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6356; Filed, July 31, 1959;
8:48 a.m.]

[Docket Nos. 12950, 12951; FCC 59M-964]

ISLAND TELERADIO SERVICE, INC. AND WPRA, INC. (WPRA)

Order Scheduling Hearing

In re applications of Island Teleradio Service, Inc., Charlotte Amalie, St. Thomas, Virgin Islands, Docket No. 12950, File No. BP-11801; WPRA, Inc. (WPRA), Guaynabo, Puerto Rico, Docket No. 12951, File No. BP-12551; for construction permits.

It is ordered, This 28th day of July 1959, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6357; Filed, July 31, 1959;
8:48 a.m.]

[Docket No. 12824; FCC 59M-955]

INTER-CITIES BROADCASTING CO.

Order Scheduling Hearing

In re application of Theodore A. Kolasa, Henry J. Kolasa, Mitchell A. Kolasa, and Alphonse R. Deresz, d/b as Inter-Cities Broadcasting Company, Livonia, Michigan, Docket No. 12824, File No. BP-10991; for construction permit for a new standard broadcast station.

It is ordered, This 27th day of July 1959, that the "Petition of Inter-Cities Broadcasting Company for Change of Certain Dates," filed July 21, 1959 is, without objection from any other party, granted; and the following changes in dates governing future steps in this proceeding are herewith effected:

From; To; For

July 27, 1959; August 3, 1959; Inter-Cities Broadcasting Company's non-engineering (Issue 3) direct written presentation to be furnished other parties and the Examiner; August 3, 1959; August 5, 1959; Informal Engineering Conference;

August 14, 1959; August 21, 1959; In the event Station WGAR proposes to make rebuttal showing, that showing will be reduced to writing and copies furnished to other parties and to the Examiner.

Released: July 28, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6358; Filed, July 31, 1959; 8:48 a.m.]

[Docket No. 12949; FCC 59M-965]

SOUTH MINNEAPOLIS BROADCASTERS

Order Scheduling Hearing

In re application of Charles Niles and Marie Niles, d/b as South Minneapolis Broadcasters, Bloomington, Minnesota, Docket No. 12949, File No. BP-11632; for construction permit for a new standard broadcast station.

It is ordered, This 28th day of July 1959, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1959, in Washington, D.C.

Released: July 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc 59-6359; Filed, July 31, 1959; 8:48 a.m.]

[Docket No. 12615, etc.; FCC 59-758]

COOKEVILLE BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issue

In re applications of—

Hamilton Parks tr/as Cookeville Broadcasting Company, Cookeville, Tennessee, Docket No. 12615, File No. BP-11518, Requests: 1550 kc, 250 w, Day;

Springhill Broadcasting Co., Inc., Mobile, Alabama, Docket No. 12960, File No. BP-11528, Requests: 1550 kc, 50 kw, DA, Day;

Ernest Hillard Reynolds, Jr., D. T. Pethel, Jr., and Bob Phillip Gordon d/b as Hall County Broadcasting Company (WLBA), Gainesville, Georgia, Docket No. 12961, File No. BP-11642, Has: 1580 kc, 1 kw, 5 kw (C.R.), Day, Requests: 1550 kc, 10 kw, Day;

Alpha B. Martin, tr/as Dixieland Broadcasters, Tampa, Florida, Docket No. 12962, File No. BP-12285, Requests: 1550 kc, 10 kw, Day;

Henry G. Bartol, Jr., and Gertrude S. Taylor, Executrix of the Estate of Graves Taylor, Deceased, d/b as Polk County Broadcasters, Tryon, North Carolina, Docket No. 12963, File No. BP-12302, Has: 1580 kc, 250 w, Day, Requests: 1550 kc, 1 kw, Day;

Southeastern Enterprises, Inc. (WCLE), Cleveland, Tennessee, Docket No. 12964, File No. BP-12334, Has: 1570 kc, 1 kw, Day, Requests: 1550 kc, 10 kw, DA-D;

Mitchell Melof, Smyrna, Georgia, Docket No. 12965, File No. BP-12367, Requests: 1550 kc, 10 kw, Day;

Robin H. Mathis, Marvin L. Mathis, Ralph C. Mathis and John B. Skelton, Jr., d/b as Northwest Mississippi Broadcasting Company, Senatobia, Mississippi, Docket No. 12966, File No. BP-12431, Requests: 1550 kc, 10 kw, Day;

E. O. Roden, W. I. Dove, James E. Reese, Bruce H. Gresham, Zane D. Roden, T. L. Estess, and Uler J. Gilbert, d/b as Star Group Broadcasting Company, Jackson, Mississippi, Docket No. 12967, File No. BP-12448, Requests: 1550 kc, 10 kw, Day;

KGMO Radio-Television, Incorporated (KGMO), Cape Girardeau, Missouri, Docket No. 12968, File No. BP-12483, Has: 1220 kc, 250 w, Day, Requests: 1550 kc, 10 kw, DA, Day;

South C. Bevins, tr/as Irvanna Broadcasting Company, Irvine, Kentucky, Docket No. 12969, File No. BP-12523, Requests: 1550 kc, 1 kw, Day;

R. L. Turner, W. B. Kelly and J. B. Crawley, d/b as Union County Broadcasting Company, Morganfield, Kentucky, Docket No. 12970, File No. BP-12562, Requests: 1550 kc, 250 w, Day;

James E. Connolly, tr/as Connolly Broadcasting Company, Bessemer, Alabama, Docket No. 12971, File No. BP-12582, Requests: 1550 kc, 1 kw, Day;

Philip B. Rosenthal, tr/as Cosmopolitan Broadcasting Co., New Orleans, Louisiana, Docket No. 12972, File No. BP-12614, Requests: 1550 kc, 10 kw, Day.

Philip B. Rosenthal, tr/as Cosmopolitan Broadcasting Co., Memphis, Tennessee, Docket No. 12973, File No. BP-12666, Requests: 1550 kc, 10 kw, Day;

James A. Noe, Baton Rouge, Louisiana, Docket No. 12974, File No. BP-12859, Requests: 1550 kc, 5 kw, Day;

Central State Broadcasters, Inc., Flora, Illinois, Docket No. 12975, File No. BP-12893, Requests: 1550 kc, 250 w, Day;

John K. Rogers, Bristol, Tennessee, Docket No. 12976, File No. BP-12915, Requests: 1550 kc, 1 kw, Day;

Gertrude Baker, Poplar Bluff, Missouri, Docket No. 12977, File No. BP-12988, Requests: 1550 kc, 10 kw, Day;

John M. McLendon, tr/as Radio Mississippi, Jackson, Mississippi, Docket No. 12978, File No. BP-13020, Requests: 1550 kc, 10 kw, 50 kw-LS, DA-2, U;

College Park Broadcasting Company, Inc. (WCPK), College Park, Georgia, Docket No. 12979, File No. BP-13069, Has: 1570 kc, 1 kw, Day, Requests: 1550 kc, 5 kw, Day;

Kingsport Broadcasting Company, Inc. (WKPT), Kingsport, Tennessee, Docket No. 12980, File No. BP-13070, Has: 1400 kc, 250 w, U, Requests: 1550 kc, 10 kw, Day;

Sioux Broadcasting Corporation, Coral Gables, Florida, Docket No. 12981, File No. BP-13071, Requests: 1550 kc, 10 kw, DA-Day;

Farley W. Warner, Charles R. Rudolph, Mary Cobb, and Richard S. Cobb d/b as Birmingham Broadcasting Company, Birmingham, Alabama, Docket No. 12982, File No. BP-13076, Requests: 1550 kc, 50 kw, DA-Day;

James R. Stockton, Richard C. Fel-lows, Ernest R. Currie and Robert R. Feagin, d/b as Broadcasting Associates, Dunedin, Florida, Docket No. 12983, File No. BP-13128, Requests: 1550 kc, 5 kw, DA-Day;

Mary Cobb, Richard S. Cobb, Farley W. Warner and Charles R. Rudolph d/b as Port Allen Broadcasting Company, Port Allen-Baton Rouge, Louisiana, Docket No. 12984, File No. BP-13144, Requests: 1550 kc, 10 kw, DA-Day;

For Construction Permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal with the exceptions that Union County Broadcasting Company (File No. BP-12562) and College Park Broadcasting Co., Inc. (File No. BP-13069) may not be financially qualified; and

It further appearing that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 26, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues herein-after specified; and

It further appearing that, in an amendment filed on July 16, 1959, Radio Mississippi (BP-13020) claims that its proposal would not cause objectionable daytime interference to Station KENT, Shreveport, Louisiana; but that we are of the opinion that the distance to the KENT 0.5 mv/m contour in the direction of N. 135° E., on the basis of the KENT proof of performance measured conductivity in this direction, in conjunction with figure M-3 conductivities, is approximately 63 miles rather than 57 miles shown by the applicant; and that a substantial question of objectionable interference to KENT still obtains; and that the applicant has submitted information to the effect that the proposed antenna

system will be capable of adjustment and maintenance in the manner proposed in the said application; that the applicant appears to be aware of the problems which may be encountered in the adjustment of the proposed antenna system; and that, therefore, in the event of a grant of the instant application, the construction permit should contain a condition that a satisfactory proof of performance be submitted prior to the issuance of any authority for program tests, and that properly designed monitors capable of continuously and correctly indicating the amplitude and phase of current in the several elements of the directional antenna system shall be installed; and

It further appearing, that, in its reply of July 16, 1959, Central States Broadcasters, Incorporated (BP-12893) claims that the Commission "acted with undue haste" in designating for hearing (on March 4, 1959) those applications on 1550 kilocycles including Sullivan, Indiana (BP-12370), "with which the instant proposal involves mutual interference"; that the applicant should be able to expect "consistent and uniform treatment" in order to file a "timely application"; and that the applicant requests additional time to petition against "this ruling" that its application was not timely filed for consolidation with the above-referenced application of Central States Broadcasters, Incorporated, and requests a "status" in the said hearing; but that we see no foundation to the claim that the said applications were designated with undue haste, inasmuch as the section 309(b) letter to the applicants therein was dated January 26, 1959 and stated that, after the 30 day reply period, the applications would be designated for hearing on the issues then obtaining, and the applications were designated on March 4, 1959; that the applicant's complaint about insufficient time to file a competing application is without merit because the application of Sullivan County Broadcasters, Inc. had been on file since September 16, 1958; that the instant application was not filed until March 9, 1959, five days late for consolidation in the said hearing pursuant to the provisions of § 1.106 of the Commission rules; and that, accordingly, the said requests for additional time and consolidation in the above-referenced hearing should be denied; and

It further appearing that, in its above-referenced letter of June 26, 1959, the Commission indicated that Sioux Broadcasting Corporation may not be financially qualified; but that, in an amendment filed on July 20, 1959, the said applicant showed stock subscription agreements totalling \$150,000, which we find sufficient to meet the \$125,000 necessary for construction of the proposed station and working capital; and that the said applicant, therefore, is found to be financially qualified; and

It further appearing that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for

hearing in a consolidated proceeding on the issues specified below; and

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals for a new broadcast station, 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 each of the instant proposals 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 instant proposals of Radio Mississippi (BP-13020) and Central State Broadcasters, Inc. (BP-12893) would involve objectionable interference with, respectively, KENT, Shreveport, Louisiana and the proposal of Sullivan County Broadcasters, Inc. for a new standard broadcast station at Sullivan, Indiana, File No. BP-12370, Docket No. 12799, or any other standard broadcast station, 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.

6. To determine whether a grant of the instant proposal of College Park Broadcasting Company, Inc. (BP-13069) would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

7. To determine whether Union County Broadcasting Company, Inc. (BP-12562) and College Park Broadcasting Company, Inc. (BP-13069) are financially qualified to construct and operate their respective stations as proposed.

8. To determine whether the antenna system proposed by each of the following applicants would constitute a hazard to air navigation:

Mitchell Melof (BP-12367).

Gertrude Baker (BP-12988).

Radio Mississippi (BP-13020).

Kingsport Broadcasting Company, Inc. (BP-13070).

Birmingham Broadcasting Company (BP-13076).

Broadcasting Associates (BP-13128).

Port Allen Broadcasting Company (BP-13144).

9. To determine whether the instant proposals of Cosmopolitan Broadcasting Co. for New Orleans, Louisiana (BP-12614) and Memphis, Tennessee (BP-12666) would provide the coverage of the city sought to be served, as required by § 3.183(b) (2) of the Commission rules.

10. 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.

11. To determine on a comparative basis, in the event that Jackson, Mississippi, and/or Baton Rouge, Louisiana is selected as having the greater need pursuant to section 307(b), which of the competing applicants for that city would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

12. 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 Radio Shreveport, Inc., licensee of Station KENT (Shreveport, Louisiana), and Sullivan County Broadcasters, Inc., applicant for a new standard broadcast station at Sullivan, Indiana, File No. BP-12370, Docket No. 12799, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Radio Mississippi, the construction permit shall contain a condition that program tests will not be authorized until the permittee has shown that John M. McLendon has divested all interest in, and severed all connection with, Station WOKJ, Jackson, Mississippi.

It is further ordered, That, in the event of a grant of the instant proposal of James A. Noe (BP-12859), it shall be without prejudice to whatever action the Commission may deem necessary as a result of the final determination on his presently pending applications for renewal of licenses of Stations KNOE-TV, KNOE, and WNOE.

It is further ordered, That, in the event of a grant of the application of Broadcasting Associates (BP-13128), the construction permit shall contain a condition that, prior to the issuance of any transmission authority, satisfactory data, pursuant to §§ 3.48 and 2.524 of the Commission rules be submitted for the RCA-BTA-5R transmitter.

It is further ordered, That the above referenced requests of Central States Broadcasters, Incorporated (BP-12893)

for (a) additional time to object to its instant application's not being consolidated in the hearing on the application of Sullivan County Broadcasters, Inc. and for (b) consolidation in the said hearing are denied.

It is further ordered, That, in the event of a grant of the application of Radio Mississippi (BP-13020) the construction permit shall contain a condition that the permittee shall submit a satisfactory proof-of-performance before program tests are authorized, and that properly designed monitors capable of continuously and correctly indicating the amplitude and phase of the current in the several elements of the directional antenna system be installed.

It is further ordered, That, in the event of a grant of the application of Sioux Broadcasting Corp. (BP-13071), the construction permit shall contain a condition that the permittee submit a satisfactory proof of performance before program tests are authorized.

It is further ordered, That the "Petition for Waiver of § 1.106(b) of the Commission Rules And For Other Relief," filed on September 10, 1958 by Mitchell Melof (BP-12367), is dismissed as moot, since he amended his instant proposal to eliminate the question of 2 mv/m and 25 mv/m overlap with the 1 kw operation of Station WCPK.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicants and parties 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.

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.

Released: July 29, 1959.

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

[F.R. Doc. 59-6360; Filed, July 31, 1959;
8:48 a.m.]

[Docket Nos. 12955, 12956; FCC 59M-966]

BALD EAGLE-NITTANY BROADCASTERS AND SUBURBAN BROADCASTING CORP.

Order Scheduling Hearing

In re applications of W. K. Ulerich, Milton J. Bergstein and John A. Dame,

¹Statement of Commissioner Bartley filed as part of the original document.

No. 150—6

d/b as Bald Eagle-Nittany Broadcasters, Bellefonte, Pennsylvania, Docket No. 12955, File No. BP-11998; Suburban Broadcasting Corp., State College, Pennsylvania, Docket No. 12956, File No. BP-12007; for construction permits.

It is ordered, This 28th day of July 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 7, 1959, in Washington, D.C.

Released: July 29, 1959.

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

[F.R. Doc. 59-6361; Filed, July 31, 1959;
8:48 a.m.]

[Docket Nos. 12952, 12953; FCC 59M-963]

WBUD, INC., AND CONCERT NETWORK, INC.

Order Scheduling Hearing

In re applications of WBUD, Inc., Trenton, New Jersey, Docket No. 12952, File No. BPH-2600; Concert Network, Inc., Trenton, New Jersey, Docket No. 12953, File No. BPH-2619; for construction permits for new FM broadcast stations.

It is ordered, This 28th day of July 1959, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 12, 1959, in Washington, D.C.

Released: July 29, 1959.

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

[F.R. Doc. 59-6362; Filed, July 31, 1959;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6892]

ARKANSAS POWER & LIGHT CO.

Notice of Application

JULY 28, 1959.

Take notice that on July 21, 1959, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Arkansas Power & Light Company ("Applicant"), seeking an order authorizing the acquisition of the electric distribution facilities of Marshall Ice and Electric Company ("Marshall") of the State of Arkansas. Applicant, having its principal business office at Little Rock, Arkansas, is a corporation organized under the laws of the State of Arkansas. Applicant's operations are almost wholly in the State of Arkansas, but it does business in the States of Tennessee, Missouri, and Louisiana. Applicant is engaged in the generation, transmission, purchase, distribution and sale of electricity. Marshall is a corporation organized under the laws of the State of Arkansas

and has leased to Applicant since 1948 an electric distribution system in the Towns of Marshall and Leslie, in Searcy County, Arkansas, and in suburban or rural areas immediately adjacent to said towns. The distribution system, which includes a distribution line approximately seven miles in length, serving 74 customers adjacent to the line, comprises all of the electric facilities of Marshall. Applicant has entered into a contract with Marshall to acquire this system, which is now leased, for a total cash consideration of \$130,000. Following the acquisition of Marshall's property, Applicant proposes to operate the system in the same manner as it has heretofore been operated under the aforesaid lease. Applicant further states that consummation of the proposed transactions will not affect any of the contract for the purchase, sale or interchange of electric energy.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of August 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 59-6300; Filed, July 31, 1959;
8:45 a.m.]

[Docket No. G-18732]

COLORADO-WYOMING GAS CO.

Notice of Application and Date of Hearing

JULY 27, 1959.

Take notice that on June 8, 1959, Colorado-Wyoming Gas Company (Applicant) filed in Docket No. G-18732 an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3 miles of 4- and 6-inch lateral pipeline to extend from Applicant's main pipeline near Longmont, Colorado, to a sugar beet processing plant of the Great Western Sugar Company (Great Western), and a meter station, for the delivery and sale of natural gas on an interruptible basis to Great Western; and for permission and approval to abandon the Eloffson-Kaltenberger tap on Applicant's existing 3-inch lateral pipeline serving Longmont, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The proposed facilities to serve Great Western are estimated to cost \$59,710, which will be defrayed from cash on hand.

The estimated maximum day requirement of the Great Western sugar plant is 3,650 Mcf. The gas will be used for processing purposes and for incidental fuel.

The facilities to be abandoned are stated to be unnecessary because Public

Service Company of Colorado (Public Service), which has been purchasing gas from Applicant at the subject tap for resale in the Longmont area, has constructed new distribution facilities from which customers in this area may be more easily served.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 10, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6334; Filed, July 31, 1959;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1208]

INVESTORS DIVERSIFIED SERVICES, INC., ET AL.

Notice of Filing of Request for Modification of Order Exempting Sale by Open-End Companies of Their Shares to Associations on Basis of Reduced Sales Load

JULY 27, 1959.

In the matter of Investors Diversified Services, Inc., Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc., Investors Group Canadian Fund, Ltd., File No. 812-1208.

Notice is hereby given that Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc., and Investors Group Canadian Fund Ltd., open-end investment companies registered under the Investment Com-

pany Act of 1940 ("Act") and Investors Diversified Services, Inc., a registered face-amount certificate investment company and principal underwriter and distributor for the named open-end companies (all collectively referred to herein as "Applicants") have filed an amendment to the application heretofore filed in this matter seeking a modification of the order heretofore issued.

On March 26, 1959 the Commission granted an order exempting the Applicants from the operations of Rule 22d-1 in respect of sales of shares of the applicant open-end investment companies to Los Angeles Physicians Retirement Association, Los Angeles Dentists Retirement Association and University Retirement-Investment Association, for a temporary period to and including August 20, 1959.

Subsequently, the Applicants filed a further application (File No. 812-1231), requesting that this temporary exemption be made permanent. A public hearing on this application was held on July 9, 1959. Participants at this hearing have until July 30, 1959 to file briefs following which the matter will be submitted to the Commission for determination.

It has now been requested of the Applicants that modification of the time limit specified in the present temporary exemption order be sought in order to facilitate the operations of the associations pending final disposition of the request for permanent exemption, to prevent an unnecessary hiatus in operations should a permanent exemption be granted subsequent to August 20, 1959, and to permit an orderly termination of the acceptance of investments by the custodians, on the present basis, should the request for permanent exemption be denied. While the custodian for each association makes the investment for all members only once each month, funds come in to the custodian from the members on various dates during the month. What is here involved is the desire on the part of the associations to avoid the confusion that could result among the more than 1800 members of the three associations should the Commission deny the request on a date just prior to August 20 or be unable to arrive at a final determination of this matter until after August 20, 1959; further, to avoid unnecessary effort and expense on the part of the associations in trying to keep their numerous members exactly informed from day to day on the status of this situation so that funds will not be in transit for investment which will have to be returned to members. Accordingly, it is desired that the temporary exemption order under which the associations are now operating be modified to continue such exemption not to a fixed date (presently August 20, 1959) but for a period through and including thirty-one (31) days after the date on which the Commission issues its order in respect of the application for permanent exemption (File No. 812-1231). This would permit the associations to give timely notification to their members of the status of their programs after such status has been determined.

In the light of the foregoing, Applicants have requested that the order of the Commission dated March 26, 1959 be modified so as to delete therefrom the following paragraph:

It is ordered, Effective forthwith, that the sale of shares by the respective open-end funds and by their principal underwriter and distributor to the named Associations, as described in the application, be, and the same hereby is, exempted from the provisions of section 22(d) of the Act and Rule 22d-1 up to and including August 20, 1959.

and to insert in lieu thereof:

It is ordered, Effective forthwith, that the sale of shares by the respective open-end funds and by their principal underwriter and distributor to the named Associations, as described in the application, be, and same hereby is, exempted from the provisions of section 22(d) of the Act and Rule 22d-1 for a period ending at the close of business thirty-one (31) days after the date of issuance of an order by the Commission granting or denying the exemption requested by Application File No. 812-1231.

Notice is further given that any interested person may, not later than August 14, 1959 at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N.W., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6339; Filed, July 31, 1959;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 160]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 29, 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 62188. By order of July 23, 1959, the Transfer Board approved the transfer to Ritzenthaler Bus Lines, Inc., Route 1, Box 145, Prairie View, Ill., of Certificate in No. MC 116623, issued April 30, 1958 to Richard Byrne and Bruce Ritzenthaler, a partnership, doing business as Ritzenthaler Bus Service, Route 1, Box 145, Prairie View, Ill., authorizing the transportation of: Passengers and their baggage, in charter operations, beginning and ending at Prairie View, Ill., and points in Illinois within ten miles thereof, and extending to points in Wisconsin.

No. MC-FC 62261. By order of July 23, 1959, the Transfer Board approved the transfer to Main Line Bus Company, Inc., Springfield, Mo., of a portion of Certificate No. MC 52882 and the entire of Certificate No. MC 52882 Sub 6, issued February 11, 1958 and May 29, 1958, respectively, acquired by Smitty's Bus Line, Inc., Springfield, Mo., pursuant to MC-FC 61561, authorizing the transportation of: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Fort Scott, Kans., and Springfield, Mo., between junction Arkansas Highway 5 and Arkansas Highway 178, and the site of the Flippin Material Company, between Sedalia, Mo., and Springfield, Mo., between Sedalia, Mo., and South Lineville, Mo., between South Lineville, Mo., and Des Moines, Iowa, and between Monett, Mo., and Neosho, Mo.; passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Joplin, Mo., and Neosho, Mo., between junction U.S. Highway 60 and Missouri Highway 97, and Forest Park, Mo., and between Springfield, Mo., and the Missouri-Arkansas State line; passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between junction U.S. Highways 60 and 66, and Seneca, Mo., between Fairland, Okla., and junction U.S. Highways 60 and 66, between Seneca, Mo., and Springfield, Mo., between junction U.S. Highways 60 and 71, and Camp Crowder, Mo., between Springfield, Mo., and Lebanon, Mo., and between Springfield, Mo., and Republic, Mo., as an alternate route for operating convenience only. Roland V. Cox, 824 Landers Building, Springfield, Mo., for applicants.

No. MC-FC 62276. By order of July 23, 1959, the Transfer Board approved the transfer to J. T. Robinson of Brush, Colorado, Certificate No. MC 114589 issued January 19, 1956 to Art Keseling of Sterling, Colorado, authorizing the transportation, over irregular routes, of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with pipelines; machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, main-

tenance, and dismantling of pipelines, including the stringing, and picking up thereof, except the stringing or picking up of pipe in connection with main or trunklines, between points in Colorado within 75 miles of Sterling, Colo., including Sterling. Barry, Dawkins and Boyle, 738 Majestic Building, Denver 2, Colorado.

No. MC-FC 62298. By order of July 23, 1959, the Transfer Board approved the transfer to Bestway Van Lines, Inc., Lawton, Oklahoma, of certificates in Nos. MC 59393, MC 59393 Sub 4, and MC 59393 Sub 5, issued April 30, 1956, July 2, 1952 and July 18, 1955, respectively, to John M. Hunter, doing business as Bestway Freight Lines, Lawton, Oklahoma, authorizing the transportation of: Household goods and emigrant movables between Hobart, Okla., and points within 20 miles thereof, and points in Oklahoma, Kansas and Texas, and household goods between Tillman County, Okla., within a 50-mile radius of said county on the one hand, and, on the other, points in Texas; household goods between points in Kiowa County, Okla., and points within 50 miles of Kiowa County on the one hand, and, on the other, points in Arkansas, Colorado and New Mexico, between points in Kiowa County, Okla., and points within 50 miles thereof, on the one hand, and, on the other, points in Kansas and Texas; emigrant movables between Kiowa County, Okla., and points within 50 miles of Kiowa County on the one hand, and, on the other, points in Arkansas, Colorado, and New Mexico; between points in Kiowa County, Okla., and points within 50 miles thereof, with exceptions, and points in Kansas and Texas, and household goods between points in Lamar, Red River, Delta and Fannin Counties, Texas on the one hand, and, on the other, points in Arkansas and Louisiana. W. T. Brunson, Attorney for joint parties, 508 Leonhardt Building, Oklahoma City, Okla.

No. MC-FC 62316. By order of July 23, 1959, the Transfer Board approved the transfer to Merrimack River Navigation Co., Inc., Haverhill, Mass., of the operating rights in Certificate No. MC 5159, issued February 15, 1941, to Cashman Brothers Company, a Corporation, Newburyport, Mass., authorizing the transportation of road building and grading materials, machinery, and alcoholic beverages, over irregular routes, between Newburyport, Mass., on the one hand, and, on the other, points in Massachusetts and those in a described portion of New Hampshire. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., for applicants.

No. MC-FC 62321. By order of July 23, 1959, the Transfer Board approved the transfer to John Himmer Transfer, Inc., of Certificate in No. MC 76663, issued October 19, 1949, to Peter Himmer and Edward Himmer, a partnership, doing business as John Himmer Transfer, Pittsburgh, Pennsylvania, authorizing the transportation of: Iron and steel, cement products, building contractors' equipment and such commodities as require specialized handling or rigging because of size or weight be-

tween points in Allegheny and Beaver Counties, Pa., on the one hand, and, on the other, points in West Virginia and Ohio. Arthur J. Diskin, Attorney, 302 Frick Building, Pittsburgh 19, Pa.

No. MC-FC 62383. By order of July 23, 1959, the Transfer Board approved the transfer to Seifert Trucking Co., Inc., East Paterson, New Jersey, of the operating rights in Certificate No. MC 9268 Sub 9, issued March 15, 1957, to Albert Fillmore, doing business as Fillmore Transportation, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Bergen, Passaic, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in a specified portion of New York, hand mirrors, from Paterson, N.J., to Schwenksville and Pennsylvania, Pa., and Middletown, N.Y., and paper napkins, sanitary napkins, and toilet tissues, from Glens Falls and South Glens Falls, N.Y., to points in Middlesex County, N.J. David W. Dowd, 10 Plaza Place, Livingston, N.J., for applicants.

No. MC-FC 62409. By order of July 23, 1959, the Transfer Board approved the transfer to James W. Rugh, Howard G. Wallace, and Dean W. Matchett, a Partnership, doing business as Witt Trucking Co., Jeannette, Pennsylvania, of the operating rights in Certificate No. MC 111382, issued March 23, 1950, to W. A. Henderson, Raymond C. Henderson, and Joseph W. Henderson, a partnership, doing business as W. A. Henderson and Sons, Jeannette, Pa., authorizing the transportation, over irregular routes, of clay products, from Waynesburg, Ohio, and points within 10 miles thereof, to points in a described portion of New York and West Virginia, wooden pallets, from the portion of New York and West Virginia referred to above to Waynesburg and points within 10 miles thereof, clay products and materials, equipment, and supplies used in or in connection with the manufacture and distribution of clay products, between points in Stark, Carroll, and Tuscarawas Counties, Ohio, on the one hand, and, on the other, points in Marshall, Ohio, Brooks, and Hancock Counties, W. Va., and in a described portion of Pennsylvania, and common brick, face brick, and tile, from Winchester, Va., to points in Pennsylvania. Paul R. Butler, 620 Bakewell Building, Pittsburgh 19, Pa., for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.[F.R. Doc. 59-6347; Filed, July 31, 1959;
8:47 a.m.]

TARIFF COMMISSION

[Investigation 21]

ALMONDS

Investigation Instituted and Hearing Set

Investigation instituted. By direction of the President, in a letter dated July

28, 1959, the United States Tariff Commission, on the 29th day of July 1959, instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, (7 U.S.C. 624) and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether shelled almonds and blanched, roasted or otherwise prepared or preserved almonds are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the United States Department of Agriculture's marketing order

program under Federal Marketing Order No. 9, or to reduce substantially the amount of products processed in the United States from domestically produced almonds with respect to which such program is being undertaken.

Hearing. A public hearing in this investigation will be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t. on August 25, 1959. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at such hearing.

Request to appear at hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least three days in advance of the date set for the hearing.

Issued: July 29, 1959.

By order of the Commission:

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 59-6368; Filed, July 31, 1959;
8:49 a.m.]





