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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (h) of § 6.302 is redesignated to read "Bureau of Near Eastern and South Asian Affairs," paragraph (h) (6) is revoked, and paragraph (t) (1) and (2) is added as set out below.

§ 6.302 *Department of State.* * * *

(t) *Bureau of African Affairs.* (1) Deputy Assistant Secretary.

(2) One Private Secretary to the Assistant Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-9649; Filed, Nov. 19, 1958; 8:53 a. m.]

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

APPENDIX A—LIST OF OFFICERS EXCLUDED FROM COVERAGE PURSUANT TO SECTION 202 (c) (1) (C) OF THE ANNUAL AND SICK LEAVE ACT OF 1951, AS AMENDED

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, the following positions are added to Appendix A:

TREASURY DEPARTMENT

* * * * *

2. Commissioner of Narcotics.
3. Treasurer of the United States.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-9648; Filed, Nov. 19, 1958; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter B—Loans, Purchases, and Other Operations

[1958 CCC Tung Bulletin]

PART 443—OILSEEDS

SUBPART—1958 CROP TUNG NUT PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1958 crop Tung Nut Price Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as "CCC" and "CSS", respectively).

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AUTHORITY: §§ 443.1461 to 443.1483 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 1421.

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FEDERAL REGISTER

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§ 443.1461 *Administration.* (a) The program will be administered by the Oils and Peanut Division, CSS, under the general direction and supervision of the Executive Vice President, CCC, or the Vice President, CCC, who is Deputy Administrator for Price Support, CSS. In the field, the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and the Dallas CSS Commodity Office.

(b) It will be the responsibility of the State committee in each State to carry out the provisions of the 1958 tung nut price support program in such a manner that price support will be available to all eligible producers of tung nuts.

(c) Forms will be distributed through the offices of State and county committees. All documents in connection with warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be approved by the county committee which will retain copies of all such documents. The county committee may authorize the county office manager to prepare and approve purchase agreement and loan documents on behalf of the committee.

(d) State and county committees and the Commodity office do not have authority to modify or waive any of the provisions of this bulletin or any amendments or supplements hereto.

§ 443.1462 *Availability*—(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1958, through January 31, 1959. Loans and purchase agreements covering tung oil will be available from November 1, 1958, through June 30, 1959.

(c) *Where to apply.* Application for price support should be made through the office of the county committee which keeps the farm program records for the farm.

§ 443.1463 *Methods of price support.* Price support will be available to eligible producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and non-recourse loans on eligible tung oil stored in approved storage facilities.

§ 443.1464 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, estate, or other legal entity producing tung nuts of the 1958 crop as landowner, landlord, tenant, or share-cropper. The beneficial interest in the tung nuts tendered for purchase under a purchase agreement, and in the tung nuts and the resultant tung oil tendered for a loan or for purchase under a purchase agreement, must be in the producer making such tender, and must have always been in him or in him and a former producer whom he succeeded either as landowner, landlord, tenant, or share-cropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing, on the form or forms approved by CCC, an agent to act on the producer's behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association of producers (hereinafter called "co-operative") which normally handles or crushes tung nuts delivered to it by eligible producers or markets tung oil delivered to it by eligible producers shall also be considered an eligible producer with respect to the oil produced from 1958 crop tung nuts delivered to it by eligible producers or with respect to eligible tung oil delivered to it by eligible producers provided all the following requirements are met:

(1) The beneficial interest in the tung oil and the tung nuts from which such tung oil was extracted is and always has been in the eligible producers who deliver the tung nuts or tung oil to the cooperative or in such producers and former producers whom such producers succeeded either as landowner, landlord, tenant, or sharecropper, before the tung nuts were harvested;

(2) The major part of the tung oil handled or marketed by the cooperative is extracted from tung nuts grown by members who are eligible producers;

(3) The eligible producers share proportionately in the proceeds from marketings of eligible tung oil according to the quantity and quality of eligible tung nuts or tung oil each delivers to the cooperative;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreements;

(5) The cooperative shall maintain a record showing separately (i) the total quantity of tung oil processed by it from 1958 crop tung nuts obtained from all sources, (ii) the total quantity of tung oil obtained from all sources, (iii) the total quantity of tung oil processed by it from 1958 crop tung nuts obtained from all eligible producers, (iv) the total quantity of tung oil obtained from all eligible producers, (v) the total quantity of tung oil processed from 1958 crop tung nuts obtained from eligible producer-members, and (vi) the total quantity of tung oil obtained from eligible producer-members. The cooperative shall make its records available to CCC for inspection at all reasonable times through June 1961.

§ 443.1465 *Eligible tung nuts and tung oil*—(a) *Tung nuts.* Tung nuts must be from the 1958 crop, and must be matured, air dried with hard hulls dark in color and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from 1958 crop tung nuts and must meet sections 3 and 4 of Federal Specification TT-T-775, Tung Oil, Raw (Chinawood) dated May 28, 1957 (hereinafter referred to as Federal Specifications). The eligibility of tung oil delivered under this program must be evidenced by a certification, signed by the producer or an agent designated as provided in § 443.1469 (f) or in the case of a cooperative by an authorized officer thereof, in the form prescribed in § 443.1469 (d) or (e), whichever form is appropriate.

§ 443.1466 *Disbursement of loans.* Disbursement of loans on tung oil will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans of Certain Commodities (§§ 421.3801 to 421.3811 of this chapter; 23 F. R. 3913) and any amendments or supplements thereto, or by sight drafts drawn on CCC by the county office. Disbursement shall not

be made later than 15 days after the final date of the availability of loans, unless authorized by the Executive Vice President, CCC, or the Vice President, CCC, who is the Deputy Administrator for Price Support, CSS. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil is not in existence and in good condition at the time of disbursement, the loan proceeds shall be refused or promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

§ 443.1467 *Approved storage facilities.* Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on Commodity Credit Corporation Form 77 for the 1958 crop has been entered into with CCC through the Dallas CSS Commodity Office. The names of owners or operators of approved facilities may be obtained from the Dallas CSS Commodity Office and State and county ASC offices.

§ 443.1468 *Maturity date of loans and period of notification to sell under purchase agreement.* (a) Loans on tung oil mature on October 31, 1959, or on such earlier date as may be determined by CCC.

(b) Producers who elect to sell tung nuts under a purchase agreement must notify the county committee of their intentions within a 30-day period ending March 31, 1959, or ending on such earlier date as may be determined by CCC. Producers who elect to sell tung oil under a purchase agreement must notify the county committee of their intentions within the 30-day period ending October 31, 1959, or ending on such earlier date as may be determined by CCC.

§ 443.1469 *Applicable forms.* The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required, which together with the provisions of this bulletin, and any supplements and amendments hereto, govern the rights and responsibilities of the producer. Note and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreement or loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement, Form CP–1; Commodity Delivery Notice, Form CCC Grain 50; Purchase Agreement Settlement, Form CP–4; Lien Waiver for Purchases, Commodity Purchase Form 5; and other applicable forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement, Form CL–B, and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Warehouse receipts, chemical analysis certificates issued by approved chemists, certification of eligibility of tung oil, producer's designation of agent, and such other forms as may be prescribed by CCC.

(d) *Producer's certification of eligibility of tung oil.* Before a loan is made on tung oil to a producer, other than a cooperative, or before delivery of tung oil from such producer under a purchase agreement can be accepted by the county committee, the producer, or his agent designated as provided in paragraph (f) of this section, must sign a statement in substantially the following form:

I hereby certify:

(1) That the ------ pounds of tung oil located in ---------- at ----------
(Name of storage facility) (address)
which I am pledging to CCC as collateral for loan or am tendering for delivery to CCC under purchase agreement was delivered to me as oil processed for my account by ---------- out of ------ tons of 1958
(Name of plant)
crop tung nuts produced by me which I delivered to such plant for toll processing;

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant or share-cropper, before such tung nuts were harvested.

(Signature) ----------
(Producer)
By ----------
(Agent)

(Date)

(e) *Cooperative's certification of eligibility of tung oil.* Before a loan is made to a cooperative or delivery of tung oil from such cooperative under a purchase agreement can be accepted by the county committee, the manager or other official empowered to sign contracts for or on behalf of the cooperative must sign a statement in substantially the following form:

I hereby certify:

(1) That ------ pounds of tung oil which are being pledged to CCC as collateral for a loan, or are being tendered for delivery to CCC under purchased agreement were processed from ------ tons of eligible 1958 crop tung nuts which were delivered by eligible producers to tung mills in quantities as follows:

(1) Name and address of tung mill	(2) 1958 crop tung nuts delivered for crushing (tons)	(3) Tung oil crushed from tung nuts in column 2 (pounds)

and that such tung oil is presently stored at these mill locations unless otherwise noted below:

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producers or in such producers and former producers when such producers succeeded, either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested.

(Name of Cooperative)
By ----------
Title ----------

(Date)

(f) *Designation of agent by a producer or group of producers.* A single eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute a form substantially equivalent to CCC Tung Nut Form 1 for purchase agreements or to CCC Tung Nut Form 1–A for loans. A copy of each designation of agent signed by the producer(s) and indicating the maximum quantity of eligible tung nuts which the producer (or each producer in the case of a group) will produce on the producer's own farm, and on which price support is desired, must be delivered to the county committee before any purchase agreement or loan documents filed by the agent on behalf of such producer(s) are approved by the county committee. A separate certification of eligibility must be executed for or on behalf of each producer.

U. S. Department of Agriculture — No. ------
CCC Tung Nut Form 1 — Crop ------
(Year)

PRODUCER'S DESIGNATION OF AGENT
PURCHASE AGREEMENT

TUNG NUT PRICE SUPPORT PROGRAM

I (we) the undersigned eligible tung nut producer(s) hereby appoint ----------
(Name)
---------- my (our) agent with full author-
(Address)
ity to act for me (us) and in my (our) name and stead in obtaining price support under the tung nut price support program of the Commodity Credit Corporation for the crop year shown above, which is administered through State and County ASC Committees of the United States Department of Agriculture. In exercising such authority the above named person is empowered to execute all applicable purchase agreement documents, to notify Commodity Credit Corporation of my (our) intention to sell tung nuts or tung oil, to pool my (our) tung nuts or tung oil with tung nuts or tung oil owned by other eligible producers and to warehouse such tung nuts or tung oil at my (our) pro rata expense, and to sell and deliver such pooled tung nuts or tung oil to Commodity Credit Corporation, to make joint settlement and receive payment on my (our) behalf for tung nuts or tung oil so sold and delivered, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally. This appointment shall continue in effect until it is revoked in writing and a signed copy of the revocation is delivered to Commodity Credit Corporation through the ASC county committee. The approximate quantity of tung nuts produced in the above crop year on my (our) farm(s) is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this ------ day of ---------- 195--.

In presence of

---------- (Witness)	---------- (Signature)	---------- (Tons)
---------- (Witness)	---------- (Signature)	---------- (Tons)
---------- (Witness)	---------- (Signature)	---------- (Tons)

U. S. Department of Agriculture
CCC Tung Nut Form 1-A

No. ---------
Crop --------
(Year)

PRODUCER'S DESIGNATION OF AGENT
TUNG OIL LOAN

TUNG NUT PRICE SUPPORT PROGRAM

I (We) the undersigned eligible tung nut producer(s) hereby appoint ----------, (Name) ---------- my (our) agent with full author- (Address) ity to act for me (us) and in my (our) name and stead in obtaining price support under the tung nut price support program of the Commodity Credit Corporation for the crop year shown above which is administered through State and county ASC Committees of the United States Department of Agriculture. In exercising such authority the above-named person is empowered to execute all loan documents, to pool my (our) tung oil with tung oil owned by other eligible producers, to pledge to CCC as security for loan(s) warehouse receipts representing such pooled oil, to receive the proceeds of such loan(s) on my (our) behalf, to distribute all of such proceeds pro rata among me (us) and any other producers in accordance with the respective producer's interest in the pooled oil under loan, and to perform any and all other acts necessary or appropriate to the above authority to all intents and purposes as if performed by me (us) personally, including but not limited to the authority to redeem pooled oil under loan in accordance with instructions from me (us) and other producers having an interest in such oil. This appointment shall continue in effect until revoked in writing and a signed copy thereof delivered to Commodity Credit Corporation through the ASC county committee. The approximate quantity of tung oil crushed from tung nuts of the crop produced in the above crop year on my (our) farms is indicated below.

In witness whereof I (we) have hereunto affixed my (our) signature(s) this ------ day of ----------, 195--.

In presence of

---------- (Witness)	---------- (Signature)	---------- (Pounds)
---------- (Witness)	---------- (Signature)	---------- (Pounds)
---------- (Witness)	---------- (Signature)	---------- (Pounds)

(g) *Warehouse receipts.* Warehouse receipts representing tung oil in approved warehouse storage to be placed under loan or to be delivered under a purchase agreement, must meet all the following requirements:

(1) Must be issued in the name of the producer (in case of a cooperative, in the name of the producer delivering tung nuts or tung oil to it) show storage location, describe the quantity and quality of tung oil delivered to the warehouseman, be signed by the warehouseman and be properly endorsed in blank by the producer so as to vest title in the holder.

(2) Must guarantee that when delivered out by the warehouse, the oil will meet Federal Specifications.

(3) Must contain the warehouseman's statement that the oil is insured as required in § 443.1475. If such insurance was not effective as of the date of deposit of the tung oil in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the oil is in the warehouse and undamaged.

(4) Must show the date of issue.

(5) Must carry an endorsement in substantially the following form:

Warehouse charges through October 31, 1959, on the tung oil represented by this warehouse receipt have been paid or otherwise provided for and the warehouseman has no lien upon such tung oil for such charges.

(6) Must contain such other terms and conditions as CCC may require in tung oil storage agreement with approved warehousemen.

§ 443.1470 *Personal liability of the producer.* Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, or agent of the producer, will render the producer or agent subject to criminal prosecution under Federal Law and liable for any damages suffered by CCC as a result of purchase of the commodity, for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 443.1471 *Determination of quantity*—(a) *Tung nuts.* The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC. The net weight is the gross scale weight less foreign material and bags.

(b) *Tung oil.* Where the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity for purposes of settlement with the producer shall be based on the net weight specified on such warehouse receipts. Where tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight at destination.

§ 443.1472 *Determination of quality.* (a) The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses which is delivered under purchase agreement shall be made on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture. The samples shall be analyzed by chemists approved by the Department of Agriculture (hereinafter referred to as "approved chemists"). The oil content of the tung nuts shall be determined on the basis of a sample drawn at the time of delivery of the tung nuts to CCC. The time of determining the quality of the tung oil and evidence of such quality shall be as provided in § 443.1480 (b) (5). The cost of sampling and analysis shall be borne by the producer.

(b) In the case of tung oil stored in approved warehouses where appropriate warehouse receipts are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil for the purposes of settlement with the producer shall be the quality shown on the warehouse receipts.

§ 443.1473 *Liens.* If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to the county committee must be obtained.

§ 443.1474 *Service charges.* Producers shall pay to the county committee service charges on the quantity of the commodity placed under loan or specified in the purchase agreement, computed at the following rates:

	Rates	Minimum charges
Tung oil	6 cents per cwt	$1.50
Tung nuts	18 cents per ton	1.50

No service charges will be refunded.

§ 443.1475 *Insurance.* Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against loss or damage by fire, lightning, inherent explosion, windstorm (including hurricane and tornado), leakage and such other hazards as are normally insured against by the warehouseman or required by statute.

§ 443.1476 *Set-offs.* (a) If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Set-off Regulations, 7 CFR Part 13 (23 F. R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the set-off action either by administrative appeal or by legal action.

§ 443.1477 *Interest rate.* Loans shall bear interest at the rate of 3.5 percent per annum from the date of disbursement to the date of repayment, except that where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 443.1478 *Transfer of producer's right or equity*—(a) *Loans.* The producer shall not transfer either his remaining interest in or his right to redeem tung oil pledged as security for a loan, nor shall any one acquire such interest or right. Warehouse receipts will be re-

leased only to the producer or his authorized agent as provided in § 443.1479.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 443.1479 *Release of tung oil under loan.* A producer may at any time on or before maturity obtain release of the tung oil under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the county committee by paying the amount of the loan represented by the quantity of the tung oil to be released plus charges and accrued interest. However, the quantity to be released must be equal to the quantity covered by one or more warehouse receipts. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or to another whom the producer has authorized in writing to receive the warehouse receipts as his agent.

§ 443.1480 *Liquidation of the loan and delivery under purchase agreement*—(a) *Liquidation of the loan.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the tung oil to satisfy the loan in accordance with the provisions of the note and loan agreement and this section. If tung oil is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat pooled tung oil as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interest of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled tung oil is disposed of under such policies at prices less than the current domestic price for such commodity. Any payment due the producer as a result of the sale of the commodity, or out of the proceeds of insurance on the commodity, or any ratable share resulting from the liquidation of a pool, will be made by the Dallas CSS Commodity Office and shall be payable only to the producer or his agent without right of assignment by him.

(b) *Delivery and payment under purchase agreement.* (1) A producer who signs a purchase agreement, Form CP–1, will not be obligated to sell any specified quantity of tung nuts or tung oil to CCC but shall have the option subject to subparagraphs (4) and (5) of this paragraph of delivering to CCC at the support price any quantity of tung nuts or tung oil within the maximum specified in the purchase agreement executed by him.

(2) A producer who has signed a purchase agreement in terms of tung nuts may, at his option, deliver in lieu of tung nuts not in excess of the quantity of eligible tung oil which has been processed from such tung nuts; provided that such tung oil shall be delivered in accordance with subparagraph (4) or (5) of this paragraph whichever is applicable.

(3) Eligible tung nuts will be purchased on the basis of the net weight and the oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in accordance with instructions issued by the county committee on or after March 31, 1959. If the producer is required by such instructions to make delivery to a point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point but not in excess of an amount which the county committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(4) In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period prescribed in § 443.1468 (b), or during such period of time thereafter as may be specified by CCC, submit to the county committee warehouse receipts issued in the form prescribed in § 443.1469 (g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on Commodity Purchase Form 1. CCC will not accept a delivery of less than the total quantity of tung oil covered by a warehouse receipt. The certification of the eligibility of tung oil, as provided in § 443.1469 (d) or (e), whichever is applicable, must accompany the warehouse receipt.

(5) In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f. o. b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will on or after the final date of the 30-day notification period prescribed in § 443.1468 (b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car offered showing that oil meets Federal Specifications; or if it is found by the county committee that a submission of these analysis certificates on tank car lots would cause undue delay in shipment, the producer may (i) submit evidence that a sample of each car lot of oil has been properly drawn and submitted to an approved chemist for analysis, provided that the producer (*a*) waives his right of appeal of the findings of the approved chemist, (*b*) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account, and (*c*) agrees further that if the tung oil does not meet Federal Specifications the car shall be rejected with all freight, demurrage, and handling charges reverting to the account of the producer; or (ii) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks, provided that the producer agrees to have such tung oil check-loaded by a representative of CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f. o. b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 443.1469 (d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Notwithstanding the above provisions of this section, delivery of less than tank car lots may be accepted by CCC f. o. b. tank truck or other conveyance in those cases where the Dallas CSS Commodity Office determines that such action is in the interest of CCC. The tung nuts or tung oil will be purchased by CCC at the applicable support rate and payment will be made by sight drafts drawn on CCC by the ASC county office.

§ 443.1481 *Storage and handling charges*—(a) *Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 443.1480 (b) (3)), storage, cleaning, insurance premiums, bags and bagging, sampling, testing and analysis reports, and tagging accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. Storage charges on tung oil stored in approved warehouses shall be paid by the producer through October 31, 1959. Storage charges accruing on such tung oil after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holder of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer became entitled under any contract between the producer and the warehouseman.

§ 443.1482 *Support prices*—(a) *Tung nuts.* The support price for tung nuts containing 18.5 percent oil (basis 15 percent moisture) shall be $53.89 per ton in all areas. This price shall be adjusted upward or downward by 30 cents

per ton for each variation of 1/10 of 1 percent oil from the base of 18.5 percent oil content (basis 15 percent moisture) on the basis of chemical analysis certificates issued by an approved chemist.

(b) *Tung oil.* The equivalent price for eligible tung oil will be 21 cents per pound in all areas.

§ 443.1483 *CSS Commodity Office.* The Dallas CSS Commodity Office will serve the tung area and the States served by it are shown below:

Address and States

500 South Ervay Street, Dallas 1, Tex.; Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

Issued this 14th day of November 1958.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 58-9653; Filed, Nov. 19, 1958; 8:54 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

SERVICES

§ 222.109 *"Services" under section 4 (c) (1) of Bank Holding Company Act.* (a) The Board of Governors has been requested by a bank holding company for an interpretation under section 4 (c) (1) of the Bank Holding Company Act which, among other things, exempts from the nonbanking divestment requirements of section 4 (a) of the act, shares of a company engaged "solely in the business of furnishing services to or performing services for" its bank holding company or subsidiary banks thereof.

(b) It is understood that a nonbanking subsidiary of the holding company engages in writing comprehensive automobile insurance (fire, theft, and collision) which is sold only to customers of a subsidiary bank of the holding company in connection with the bank's retail installment loans; that when payment is made on a loan secured by a lien on a motor vehicle, renewal policies are not issued by the insurance company; and that the insurance company receives the usual agency commissions on all comprehensive automobile insurance written for customers of the bank.

(c) It is also understood that the insurance company writes credit life insurance for the benefit of the bank and its installment-loan customers; that each insured debtor is covered for an amount equal to the unpaid balance of his note to the bank, not to exceed $5,000; that as the note is reduced by regular monthly payments, the amount of insurance is correspondingly reduced so that at all times the debtor is insured for the unpaid balance of his note; that each insurance contract provides for payment in full of the entire loan balance upon the death or permanent disability of the insured borrower; and that this credit life insurance is written only at the request of, and solely for, the bank's borrowing customers. It is further understood that the insurance company engages in no other activity.

(d) As indicated in § 222.104 (23 F. R. 2675), the term "services," while sometimes used in a broad and general sense, appears to be somewhat more limited in its application in section 4 (c) (1) of the Bank Holding Company Act. Unlike an early version of the Senate bill (S. 2577, before amendment), the act as finally enacted does not expressly mention any type of servicing activity for exemption. The legislative history of the act, however, as indicated in the relevant portion of the report of the Senate Banking and Currency Committee on amended S. 2577 (84th Cong., 2d Sess., Senate Report 1095, Part 2, p. 3) makes it evident that Congress had in mind the exemption of services comparable to the types of activities mentioned expressly in the early Senate bill ("auditing, appraising, investment counseling") and in the Committee Report on the later bill ("advertising, public relations, developing new business, organization, operations, preparing tax returns, personnel, and many others"). Furthermore, this Committee Report expressly stated that the provision of section 4 (c) (1) with respect to "furnishing services to or performing services for" was not intended to supplant the exemption contained under section 4 (c) (6) of the act.

(e) The only activity of the insurance company (writing comprehensive automobile insurance and credit life insurance) appears to involve an insurance relationship between it and a banking subsidiary of the holding company which the legislative history clearly indicates does not come within the meaning of the phrase "furnishing services to or performing services for" a bank holding company or its banking subsidiaries.

(f) Accordingly, it is the Board's view that the insurance company could not be regarded as qualifying as a company engaged "solely in the business of furnishing services to or performing services for" the bank holding company or banks with respect to which the latter is a bank holding company.

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

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

[F. R. Doc. 58-9621; Filed, Nov. 19, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54734]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

EXTENSION OF LIMITS OF CUSTOMS PORT OF CLEVELAND, OHIO

NOVEMBER 13, 1958.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), the limits of the customs port of entry of Cleveland, Ohio, the headquarters port of Customs Collection District No. 41 (Ohio), comprising the territory within the corporate limits of that city, are hereby extended to include the territory embracing that portion of Cuyahoga County, State of Ohio, surrounding the city of Cleveland, bounded on the north by Lake Erie; on the east by the corporate limits of and including Euclid, Richmond Heights, Lyndhurst, Beachwood, Warrensville Township, Warrensville Heights and Bedford Heights, all in the State of Ohio; on the south by the corporate limits of and including Bedford, Maple Heights, Garfield Heights, Cuyahoga Heights, Brooklyn Heights, Parma, Parma Heights, and Brook Park, all in the State of Ohio; and on the west by the corporate limits of and including Parkview, Fairview Park, and Rocky River, all in the State of Ohio. The extension is effective on the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1 (c), Customs Regulations, is amended by deleting the period after "*Cleveland, Ohio" in the column headed "Ports of entry" in District No. 41 (Ohio), and by adding "(including territory described in T. D. 54734)."

(R. S. 161, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 5 U. S. C. 22, 19 U. S. C. 1, 2) [MC 192.41.1]

[SEAL] LAURENCE B. ROBBINS,
Acting Secretary of the Treasury.

[F. R. Doc. 58-9655; Filed, Nov. 19, 1958; 8:54 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 25—ACCESS TO RESTRICTED DATA

PART 95—SAFEGUARDING OF RESTRICTED DATA

CHARGES FOR SECURITY CLEARANCES

CROSS REFERENCE: For notice concerning charges for personnel security clearances applied for under the Atomic Energy Commission Access Permit Program, see Atomic Energy Commission, F. R. Doc. 58-9608, in Notices section, *infra.*

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 33]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

POWERPLANT INSTALLATION COMPONENTS

This supplement adds a new § 3.411-1 which interprets the term "all components" as it is used with respect to powerplant installation.

Insert a new § 3.411–1 to read as follows:

§ 3.411–1 *Powerplant installation components (CAA interpretations which apply to § 3.411).* The term "all components" includes engines and propellers and their parts, appurtenances, and accessories which are furnished by the engine or propeller manufacturer and all other components of the powerplant installation which are furnished by the airplane manufacturer. For example: Fuel pumps, lines, valves, and other components of the fuel system which are integral parts of the type certificated engine are also components of the airplane powerplant installation.

This supplement shall become effective December 22, 1958.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

NOVEMBER 14, 1958.

[F. R. Doc. 58-9612; Filed, Nov. 19, 1958; 8:46 a. m.]

[Supp. 40]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORY

POWERPLANT INSTALLATION COMPONENTS

This supplement adds a new § 4b.400–2 which interprets the term "all components" as it is used with respect to powerplant installation.

Insert a new § 4b.400–2 to read as follows:

§ 4b.400–2 *Powerplant installation components (CAA interpretations which apply to § 4b.400).* The term "all components" includes engines and propellers and their parts, appurtenances, and accessories which are furnished by the engine or propeller manufacturer and all other components of the powerplant installation which are furnished by the airplane manufacturer. For example: Fuel pumps, lines, valves, and other components of the fuel system which are integral parts of the type certificated engine are also components of the airplane powerplant installation.

This supplement shall become effective December 22, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

NOVEMBER 14, 1958.

[F. R. Doc. 58-9613; Filed, Nov. 19, 1958; 8:46 a. m.]

[Supp. 16]

PART 6—ROTOCRAFT AIRWORTHINESS; NORMAL CATEGORY

POWERPLANT INSTALLATION COMPONENTS

This supplement adds a new § 6.400–1 which interprets the term "all components" as it is used with respect to powerplant installation.

Insert a new § 6.400–1 to read as follows:

§ 6.400–1 *Powerplant installation components (CAA interpretations which apply to § 6.400).* The term "all components" includes engines and their parts, appurtenances, and accessories which are furnished by the engine manufacturer and all other components of the powerplant installation which are furnished by the rotorcraft manufacturer. For example: Fuel pumps, lines, valves, and other components of the fuel system which are integral parts of the type certificated engine are also components of the rotorcraft powerplant installation.

This supplement shall become effective December 22, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

NOVEMBER 14, 1958.

[F. R. Doc. 58-9614; Filed, Nov. 19, 1958; 8:47 a. m.]

[Supp. 11]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

DETERMINATION OF MAXIMUM CONTINUOUS ELECTRICAL LOAD

This supplement amends § 18.30–12 (i) by presenting a simplified method for the determination of the maximum continuous electrical load when the generator capacity is less than 2½ kw.

Amend § 18.30–12 by inserting the following at the end of paragraph (i): "On such aircraft, the maximum continuous load may be determined within reasonable limits by the following method.

(1) First, check the aircraft battery to determine that it is fully charged and in satisfactory condition.

(2) Next, check to determine if an accurate ammeter is installed which measures the current supplied by the battery to the electrical load. An ammeter in the generator feeder wire will not do this. If an accurate ammeter is not provided, it will be necessary to temporarily connect such an ammeter between the battery and the electrical load. An ammeter having an error no greater than 2 percent is acceptable.

(3) Next, with the engine(s) not operating, turn on all equipment which can continuously draw electrical power in flight, such as all radio receivers and transmitters in standby condition, autopilot, navigation lights, instrument lights, pitot heater, cabin heater, electrically driven instruments, and any other electrical equipment which may be required to be used continuously in any cruise condition.

(4) Next, read and record the total amount of current drain indicated on the ammeter. Do not operate equipment any longer than necessary to accurately read the ammeter; otherwise, the battery may discharge below nominal rated voltage.

(5) Next, add 10 percent to the ammeter reading recorded in the previous step. (This is to compensate for the additional electrical current which results from the higher voltage supplied by the generator.) The ammeter reading plus 10 percent will give the approximate continuous cruise electrical load. For example, if the ammeter reading shows a current drain of 25 amperes, the approximate cruise load would be 25 amperes plus 10 percent of 25, or 27.5 amps.

(6) Next, determine the generator maximum output rating in amperes. Most aircraft generators have a nameplate which shows this rating; however, some generators will show only the nominal voltage of system and model number. In the latter case, the current rating normally can be determined by reference to the aircraft specifications. In some instances, the aircraft specifications will also show only the model number of the approved generator(s). Under such circumstances, it will be necessary to refer to the generator manufacturer's data for the particular model. In any event, the maximum continuous rating of the generator(s) must be determined accurately.

(7) Next, compute 80 percent of the generator rating and determine that the resultant figure is not less than the maximum continuous load. For example, 80 percent of a 35 ampere rating is 28 amperes. If the maximum continuous load is found to be 27.5 amperes, as in the previous example, it obviously will be within 80 percent of the rated output of the generator.

Note that this method applies only when a modification imposes an additional continuous electrical load on the aircraft, and then only when the total capacity of the generator or generators is less than 2½ kw. (2½ kw generator capacity represents 178 amperes capacity for a nominal 14-volt generator system and 89 amperes for a nominal 28-volt generator system.) This is strictly a 'rule of thumb' method and should not be confused with an electrical load analysis, which is a complete and accurate analysis of the composite aircraft power sources and all electrical loads."

This supplement shall become effective December 22, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

NOVEMBER 14, 1958.

[F. R. Doc. 58-9615; Filed, Nov. 19, 1958; 8:47 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 95]

Part 609—Standard Instrument Approach Procedures

PROCEDURE ALTERATIONS

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Note: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100 (a) are amended to read in part:

LFR Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Albany VOR	ABY-LFR	Direct	1600	T-dn	300-1	300-1	*300-1
				C-dn	500-1	500-1½	500-1½
				S-dn-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar Terminal Area transition 1600' within 25 miles of Turner AFB.
*300-½ Runway 3-21 only.
Procedure turn N side E crs, 090° Outbnd, 270° Inbnd, 1400' within 10 mi.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport 270—3.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi climb to 1500' on W crs within 20 mi.
Caution: 643' m. s. l. TV tower 6 mi NW of LFR.

City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196'; Fac. Class, SBMRAZ; Ident., ABY; Procedure No. 1, Amdt. 10; Eff. Date, 15 Nov. 58; Sup. Amdt. No. 9; Dated, 15 Nov. 58

New Kingstown FM	HAR-LFR (Final)	104—9.5	**1500	#T-d	500-1	500-1	500-1
Harrisburg VOR	HAR-LFR	107—6.7	2500	#T-n	500-2	500-2	500-2
				*C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

*Landing N for air carrier aircraft over 12,500 lbs gross weight authorized only during daylight hours with ceiling 1500' or better.
#Take-off S on N-S runway not authorized for air carrier aircraft over 12,500 lbs gross weight.
Takeoff minimums of 300-1 authorized for Runways 8-26 only.
Procedure turn S side W crs 284° Outbnd, 104° Inbnd, 2400' within 10 mi.**
Minimum altitude over facility on final approach crs, 1500#.
Crs and distance, facility to airport, 118—0.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.9 mi, climb to 2000' on E crs within 10 mi.
Caution: Standard clearance not provided over 1300' ridge 4 mi N of final approach crs and 1130' ridge and tower 1.6 mi S of airport.
**Caution: Do not descend below 2400' until Inbnd on final approach crs.

City, Harrisburg; State, Pa.; Airport Name, Harrisburg State; Elev., 347'; Fac. Class, SBRAZ; Ident., HAR; Procedure No. 1, Amdt. 3; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 2; Dated, 25 June 54

California FM	OMA-LFR (Final)	Direct	1900	#T-dn	*300-1	*300-1	##200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-d-14L	400-1	400-1	400-1
				S-n-14L	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

Radar transitions authorized all sectors 2500' except within 3 mi of 1739' tower 4 mi West, 2700' within 3 mi of 1746' tower 3 mi Southwest, and 2000' within 3 mi of 1620' tower 11.5 mi Southwest of airport.
#After takeoff, climb to 2000' m. s. l. prior to proceeding in a westerly direction.
Air Carrier Notes:
*No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R.
#300-1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L and 35R.
Procedure turn W side of N crs, 334° Outbnd, 154° Inbnd, 2500' within 10 mi.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport 139—4.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2700' on SE crs within 20 mi.
Caution: Bluff 1339' m. s. l. 1.3 mi East of airport. TV towers 1739' m. s. l. 4 mi WNW and 1746' 3 mi SW of airport. Stack 1192' m. s. l. 1.1 mi South of LFR.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev. 982'; Fac. Class, SBRAZ; Ident., OMA; Procedure No. 1, Amdt. 12; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 11; Dated, 15 Dec. 56

TPH-VOR	TPH-LFR	Direct	8500	T-d	1000-1	1000-1	1000-1
				T-n	1000-2	1000-2	1000-2
				C-d	1000-2	1000-2	1000-2
				C-n	1000-3	1000-3	1000-3
				A-d	1000-2	1000-2	1000-2
				A-n	1000-3	1000-3	1000-3

Procedure turn E side of South crs, 168° Outbnd, 348° Inbnd, 8000' within 10 mi.
Minimum altitude over facility on final approach, 6400'.
Crs and distance, facility to airport, 168°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles of airport, make a right climbing turn, climb to 9500' in a standard pattern on the South crs of the Tonopah LFR.

City, Tonopah; State, Nev.; Airport Name, Municipal; Elev., 5420'; Fac. Class, SBRAZ; Ident., TPH; Procedure No. 1, Amdt. 5; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 4; Dated, 25 Oct. 58

2. The automatic direction finding procedures prescribed in § 609.100 (b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	NA
				C-dn	400-1	500-1	NA
				S-dn-3	400-1	400-1	NA
				A-dn	800-2	800-2	NA

Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 1300' within 10 mi.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 032°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi make right climbing turn to 2000' and return to FAY RBn.

City, Fayettville; State, N. C.; Airport Name, Grannis; Elev., 188'; Fac. Class, MHW; Ident., FAY; Procedure No. 1, Amdt 1; Eff. Date, 8 Nov. 58; Sup Amdt. No. Orig.; Dated, 8 Nov. 58

LAN VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
LAN LFR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Int LAN R-297 and 093° brg to LOM	LOM	Direct	2400	S-dn-27	400-1	400-1	400-1
Int LAN R-321 and 093° Brg to LOM	LOM	Direct	2400	A-dn	800-2	800-2	800-2
Williams Int*	LOM (Final)	Direct	2000				

*Int LAN R-087 & SVM R-310.
Procedure turn North side of East crs, 093° Outbnd, 273° Inbnd, 2000' within 10 mi.
Minimum altitude over LOM on final approach crs, 1300'.
Crs and distance, LOM to Rny-27, 273°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi of LOM, climb to 2200' on crs of 273° from LOM within 20 miles or, when directed by ATC, make right turn, climb to 2000' on NW crs LAN LFR within 20 mi.
NOTE: NW-SE runway closed to Air Carrier Operations.
CAUTION: Tower 1880' MSL located 6.5 mi SE of LOM.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 858'; Fac. Class, LOM; Ident., LA; Procedure No. 1, Amdt. 5; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 4 (ADF portion of Comb. ILS-ADF); Dated, 5 May 58

Mobile VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Approaches limit of Brookley RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-14	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transitions:
2000' within 20 mi Brookley AFB.
2200' required within sector from 060° to 100° mag. from Brookley AFB.
Procedure turn W side NW crs, 320° Outbnd, 140° Inbnd, 1500' within 10 mi.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 139°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, make right turn, climb to 1600' on 180° crs from LOM within 20 mi or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1400' and enter VOR holding pattern.
MAJOR CHANGE: Deletes transition from Prichard Int.

City, Mobile; State, Ala.; Airport Name, Bates; Elev., 217'; Fac. Class, LOM; Ident., MO; Procedure No. 1, Amdt. 9; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 8; Dated, 4 Oct. 58

OMA-LFR	LOM	Direct	2500	T-dn#	*300-1	*300-1	##200-½
OMA-VOR	LOM	Direct	2700	C-d	500-1	500-1	500-1½
California FM	LOM	Direct	2500	C-n	500-1½	500-1½	500-1½
				S-d-14L	400-1	400-1	400-1
				S-n-14L	400-1½	400-1½	400-1½
				A-dn	800-2	800-2	800-2

#After takeoff climb to 2000' m. s. l. before proceeding in a westerly direction.
AIR CARRIER NOTES:
*No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L, and 35R.
##300-1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L, and 35R.
Radar transitions authorized all sectors 2500' except 2700' within 3 mi of 1739' tower 4 mi West, 2700' within 3 mi of 1746' tower 3 mi SW and 2600' within 3 mi of 1620' tower 11.5 mi SW of airport.
Procedure turn West side NW crs, 315° Outbnd, 135° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 135°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700' on crs 135° from LOM within 20 mi or, when directed by ATC, climb to 2700' on SE crs of OMA-LFR within 20 mi.
CAUTION: Bluff 1339' m. s. l. 1.3 mi East. Towers 1739' m. s. l. 4 mi WNW and 1746' m. s. l. 3 mi SW of airport. Stack 1192' m. s. l. 018 mi SSE of LOM.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982'; Fac. Class, LOM; Ident., OM; Procedure No. 1, Amdt. 7; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 6 (ADF portion of Comb. ILS-ADF); Dated, 21 Apr. 56

STL-VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
STL-LFR	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
Jerseyville Int	LOM	Direct	2000	S-dn-24	400-1	400-1	400-1
Cora Int	LOM	Direct	1800	A-dn	800-2	800-2	800-2
Lake "H"	LOM	Direct	1800				
Academy Int	LOM	Direct	1900				
Approaches limit of Granite City Int	LOM	Direct	2000				
Approaches limit of Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis radar procedure.
Procedure turn North side of crs, 058° Outbnd, 238° Inbnd, 1900' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 238—4.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2000' on crs of 238° to Lake "H" or, as directed by ATC: (1) Make right (North) turn, climb to 2000' direct to STL-VOR; (2) Make left turn (South), climb to 2600' direct to Barracks Int.

City, St. Louis; State, Mo.; Airport Name, Lambert Fld.; Elev., 568'; Fac. Class, LOM; Ident., ST.; Procedure No. 1, Amdt. 16; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 15 (Issued as Orig.); Dated, 14 June 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100 (c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 16 SEPTEMBER 1958.							
City, Charleston; State, S. C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. class, BVOR; Ident., CHS; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 June 57; Sup. Amdt. No. "Special"; Dated, 8 May 56							
Daytona Beach LFR	Daytona VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
Procedure turn West side of crs, 335° Outbnd, 155° Inbnd, 1400' within 10 mi. Beyond 10 mi NA. Minimum altitude over facility on final approach crs, 900'. Crs and distance, facility to airport, 155°—7.4 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 7.4 mi, climb to 1400' on R-155 within 10 mi.							
City, Daytona Beach; State, Fla.; Airport Name, Daytona Beach; Elev., 34'; Fac. Class, BVOR; Ident., DAB; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Dec. 58							
				T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2400' within 10 mi. Minimum altitude over facility on final approach crs, 1800'. Crs and distance, facility to airport, 187—2.0. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 mi, climb to 2500' on R-214 within 20 mi. CAUTION: 1780' m. s. l. TV tower located 10 mi WNW VOR. 1350' m. s. l. tower 2.2 mi SE of airport on direct line of NW/SE runway. 1847' m. s. l. tower located 5 mi SSE.							
City, Eau Claire; State, Wis.; Airport Name, Eau Claire; Elev., 887'; Fac. Class, BVOR; Ident., EAU; Procedure No. 1, Amdt. 5; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 4; Dated, 1 May 58							
Harrisburg VOR	HAR-VOR	Direct	2800	T-d	500-1	500-1	500-1
Harrisburg LOM	HAR-VOR	Direct	2800	T-n	500-2	500-2	500-2
				C-dn	1200-2	1200-2	1200-2
				A-dn	1200-2	1200-2	1200-2
Takeoff minimums of 300-1 authorized for Runways 8-26 only. Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 2800' within 10 mi. Minimum altitude over facility on final approach crs, 2000'. Crs and distance, facility to airport, 108—7.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 mi, climb to 2000' on R-115 within 10 mi of VOR. AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1500' or better. NOTE: Take-off on Runway 20 not authorized.							
City, Harrisburg; State, Pa.; Airport Name, State; Elev. 347'; Fac. Class, VOR; Ident., HAR; Procedure No. 1, Amdt. 3; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 2; Dated, 30 Mar. 57							
PROCEDURE CANCELLED, EFFECTIVE 7 DECEMBER 1958.							
City, Omaha; State, Nebr.; Airport Name, Omaha; Elev., 982'; Fac. Class, BVOR; Ident., OMA; Procedure No. 1, Amdt. 2; Eff. Date, 15 Dec. 56; Sup. Amdt. No. 1; Dated, 9 July 54							
Tallahassee LFR	TLH-VOR	Direct	1500	T-dn	300-1	300-1	200-½
LOM	TLH-VOR	Direct	1500	C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
					BCOB	BCOB	BCOB
Procedure turn North side E crs, 070° Outbnd, 250° Inbnd, 1200' within 10 mi. Minimum altitude over facility on final approach crs, 1100'. Crs and distance, facility to airport, 250°—12 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mi after passing VOR inbnd, climb to 1500' on R-250 within 20 mi or, when directed by ATC, climb to 1900' on NW crs of ILS. CAUTION: 300' MSL unlighted terrain 1 mi NE of airport. AIR CARRIER NOTE: Take-offs with less than 200-½ NA. NOTE: Runway 9-27 closed to all aircraft over 7000 lbs.							
City, Tallahassee; State, Fla.; Airport Name, Dale Mabry; Elev., 70'; Fac. Class, BVOR; Ident., TLH; Procedure No. 1, Amdt. 7; Eff. Date, 15 Nov. 58; Sup. Amdt. No. 6; Dated, 15 Nov. 58							
PROCEDURE CANCELLED, EFFECTIVE 25 SEPTEMBER 1958. VOR RELOCATED.							
City, West Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 605'; Fac. Class, VOR; Ident., LAF; Procedure No. 1, Amdt. Orig.; Eff. Date, 31 May 56							

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	300–½
				C-dn	500–1	500–1	500–1½
				S-dn-2	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn E side crs, 193° Outbnd, 013° Inbnd, 2200' within 10 mi.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, breakoff point to approach end Rwy 2, 020°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on R-062 within 20 mi.
CAUTION: Tower 1038' MSL 4 mi W of facility.

City, Athens; State, Ga.; Airport Name, Athens; Elev., 807'; Fac. Class, TVOR; Ident., AHN; Procedure No. TerVOR-2, Amdt. Orig.; Eff. Date, 7 Dec. 58; Sup. Amdt. No. Special Proc., Orig.; Dated, 20 Jan. 58

				T-dn	300–1	300–1	300–½
				C-dn	500–1	500–1	500–1½
				S-dn-27	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 077° Outbnd, 257° Inbnd, 1900' within 10 mi.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, breakoff point to appr end of rnwy-27, 267°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on R-191 within 20 mi.
CAUTION: Tower 1038' MSL 4 mi W of facility.

City, Athens; State, Ga.; Airport Name, Athens; Elev., 807'; Fac. Class, TVOR; Ident., AHN; Procedure No. TerVOR-27, Amdt. Orig.; Eff. Date, 7 Dec. 58; Sup. Amdt. No. Special Proc., Orig.; Dated, 20 Jan. 58

BTL LFR	AZO VOR	Direct	2200	T-dn	300–1	300–1	300–1
BTL VOR	AZO VOR	Direct	2200	C-dn	500–1	500–1	500–1½
GRR LOM	AZO VOR	Direct	3000	S-dn-32*	500–1	500–1	500–1
PMM VOR	AZO VOR	Direct	2200	A-dn	800–2	800–2	800–2
ELX VOR	AZO VOR	Direct	2200				
Kalamazoo Int	AZO VOR	Direct	2200				
Leroy Int	AZO VOR	Direct	2500				
SBN VOR	AZO VOR	Direct	2500				

* 400' ceiling minimums authorized for aircraft equipped with functioning dual omni receivers after passing the R-231 of BTL VOR inbound on the final approach course.
Procedure turn East side of crs, 144° Outbnd, 324° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Facility on airport.
Crs and distance, breakoff point to end of runway 32, 319°—0.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to AZO VOR, climb to 2200' on R-324 of AZO VOR within 20 miles.
NOTE: All approaches controlled by Battle Creek CS/T.
CAUTION: Obstruction 1954', 12 miles North.
MAJOR CHANGE: Adds missed approach.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo; Elev., 874'; Fac. Class, BVOR; Ident., AZO; Procedure No. TerVOR-32, Amdt. 1; Eff. Date, 8 Nov. 58; Sup Amdt. No. Orig.; Dated, 8 Nov. 58

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Burbank LFR	LOM	Direct	*5000	T-dn#	300-1	300-1	300-1
Sunrise Int	LOM	Direct	7000	C-d	900-1½	900-1½	900-1½
Simi Int	LOM	Direct	4600	C-n	900-2	900-2	900-2
Broome Int	LOM	Direct	4600	S-dn-7	400-1	400-1	400-1
Malibu Int	LOM	Direct	5000	A-dn	900-2	900-2	900-2
Shoreline Int	LOM	Direct	5000				
NewHall LFR	LOM	Direct	6000				
Fillmore VOR	LOM	Direct	5000				
Fillmore VOR	ILS W crs	R-120	5000				
Int W crs ILS and Fillmore VOR R-120	LOM (Final)	Direct	4600				

*4600' authorized after course is established westbound on ILS localizer.
#400-1 required for takeoff when departing via SE crs BUR LFR. 200-½ authorized for takeoff on Rny 25 for more than 2-engine aircraft only.
CAUTION: When departing via SE crs BUR LFR establish crs on SE crs BUR LFR as soon as practical after takeoff.
Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 4600' within 10 miles of LOM. Beyond 10 mi NA.
Minimum altitude at G. S. int inbnd, 4600'.
Altitude of G. S. and distance to appr end of rny at OM 4600'-11.9 mi, at MM 1390'-1.7 mi, at inner compass locator 924'-0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right and climb to 4600' on W crs of BUR ILS within 15 mi west of LOM. Alternate missed approach, when directed by ATC, climb to 3000' on SE crs of BUR LFR, then make 180° right turn, continuing climb to 3000' while homing on BUR LFR and hold at BUR LFR in nonstandard 2 minute pattern on SE crs, or if directed by ATC, climb to 5000' on SE crs of BUR LFR.
AIR CARRIER NOTE: Sliding scale prohibited below ¾ mi for takeoff and straight-in landing minimums. Sliding scale not applicable to circling minimums.
NOTE: Provision for use with inoperative ILS components not applicable.
NOTE: Nonstandard installation; localizer antenna at approach end of runway.
CAUTION: 2000' terrain 2.2 miles NE of airport rising to 3120' approximately 3.5 mi ENE of airport.

City, Burbank; State, Calif.; Airport Name, Lockheed Air Term.; Elev., 764'; Fac. Class, ILS; Ident., BUR; Procedure No. ILS-7, Amdt. 11; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 10; Dated, 16 Aug. 58

Harrisburg LFR	LOM	Direct	2700	T-d	500-1	500-1	500-1
Harrisburg VOR	LOM	Direct	2700	T-n	500-2	500-2	500-2
New Kingstown FM	LOM	Direct	2700	S-d-8	600-1½	600-1½	600-1½
				S-n-8	1000-2	1000-2	1000-2
				C-dn	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Takeoff minimums of 300-1 authorized for Runways 8-26 only.
Procedure turn S side W crs, 259° Outbnd, 079° Inbnd, 2700' within 10 miles.
Minimum altitude over LOM 2700'. No Glide Slope. Distance to appr end of rny at OM 7.1, at MM LS.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on 079° crs from LOM within 15 miles.
AIR CARRIER NOTES: Landing on Rnwy 2 authorized only during daylight hrs with ceiling 1500' or better.
NOTE: Take-off on Rnwy 20 not authorized.
NOTE: ADF approach not authorized.
CAUTION: Circling minimums do not provide standard clearance over 1136' ridge and tower 1.6 mi S of airport.
CAUTION: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.

City, Harrisburg; State, Pa.; Airport Name, State; Elev., 347'; Fac. Class, ILS; Ident., HAR; Procedure No. 1, Amdt. 3; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 2; Dated, 30 Mar. 57

Lansing VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Lansing LFR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Int LAN R-297 and Boek crs ILS	LOM	Direct	2400	S-dn-27#	300-¾	300-¾	300-¾
Int LAN R-321 and W crs ILS	LOM	Direct	2400	A-dn	600-2	600-2	600-2
Flint LOM	Int 041° brg to Flint LOM and E crs LAN-ILS.	Direct	2100				
Int 041 Brg to Flint LOM and E crs LAN ILS.	LAN LOM (Final)	Direct	2100				
Williams Int*	LOM (via R-310 SVM and E crs ILS) (Final).	Direct	2100				

#No approach light system.
*Int R-087 LAN-VOR and R-310 SVM VOR.
Procedure turn N side E crs, 093° Outbnd, 273° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope int inbnd, 2100'.
Altitude of G. S. and distance to approach end of rny at OM, 2030—3.7; at MM, 1070—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles of LOM, climb to 2200' on W crs ILS within 20 miles or, when directed by ATC, 1. Make right turn, climb to 2000' on NW crs LAN LFR within 20 miles.
AIR CARRIER NOTE: 400-1 required with glide slope inoperative.
NOTE: NW-SE Rwy closed to Air Carrier Operations.
CAUTION: Tower 1880' MSL 6.5 mi SE of LOM.

City, Lansing; State, Mich.; Airport Name, Capital City; Elev., 855'; Fac. Class, ILS; Ident., I-LAN; Procedure No. ILS-27, Amdt. 5; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 4 (ILS portion of Comb. ILS-ADF); Dated, 5 May 58

Mobile VOR	LOM	Direct	1300	T-dn	300-1	300-1	200-½
Brookley RBn	LOM	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-14	*300-¾	*300-¾	*300-¾
				A-dn	#600-2	#600-2	#600-2

*400-¾ required when glide slope not utilized.
#All installed components of ILS must be operating otherwise alternate minima of 800-2 apply.
Radar terminal area transitions: 2000' altitude within 20 mi Brookley AFB; 2200' altitude required from 060° to 100° mag.
Procedure turn W side NW crs, 320° Outbnd, 140° Inbnd, 1500' within 10 mi.
Minimum altitude at glide slope int inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1450—4.0; at MM, 431—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, make right turn, climb to 1900' on 180° crs from LOM within 20 mi or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1400' and enter VOR holding pattern.
NOTE: No approach lights.
MAJOR CHANGES: Delete transition from Prichard Int.

City, Mobile; State, Ala.; Airport Name, Bates; Elev., 217'; Fac. Class, ILS; Ident., IMOB; Procedure No. ILS-14, Amdt. 9; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 8; Dated 4 Oct. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OMA LFR	Keg Int*	Direct	2700	T-dn#	%300-1	%300-1	@200-½
Neola VOR	Keg Int*	Direct	2500	C-d	600-1	600-1	600-1½
OMA LOM	Keg Int*	Direct	2700	C-n	600-1½	600-1½	600-1½
OMA VOR	Keg Int (Final)*	Direct	2500	S-d-32R	600-1	600-1	600-1
Keg Int*	Stack Int (Final)**	Direct	1900	S-n-32R	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

#After takeoff, climb to 2000' m. s. l. prior to proceeding in a westerly direction.

AIR CARRIER NOTES: %No reduction in 2-engine or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. @300-1 takeoff minimums required for more than 2-eng. aircraft except Rnwys 14L, 32R, 17L and 35R. *Keg Int: Neola VOR R-196 and back localizer course. **Stack Int: Neola VOR R-208 and back localizer course.

Radar transitions authorized all sectors 2500' except 2700' within 3 mi of 1739' tower 4 mi West; 2700' within 3 mi Southwest; and 2600' within 3 mi of 1620' tower 11.5 mi Southwest of airport.

Procedure turn East side of crs, 135° Outbnd, 315° Inbnd, 2500' within 10 mi of *Keg Int.

No glide slope, Outer or Middle Marker. Descend to 1900' after passing *Keg Int. Descend to landing minimums after passing **Stack Int. Crs and distance, **Stack Int to airport, 315°—1.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi after passing **Stack Int, climb to 2700' on crs of 315° to LOM or, when directed by ATC, make right turn, climb to 2500' and proceed to Neola VOR.

NOTE: Radar fixes authorized at *Keg and **Stack Intersections. ILS procedure NA when radar inoperative unless aircraft equipped to receive ILS/VOR simultaneously.

CAUTION: Bluff 1339' m. s. l. 1.3 mi East; TV towers 1739' m. s. l. 4 mi WNW and 1746' m. s. l. 3 mi SW of airport. Stack 1192' m. s. l. 0.8 mi SSE of LOM.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982'; Fac. Class, ILS; Ident., I-OMA; Procedure No. ILS-32, Amdt. Orig.; Eff. Date, 7 Dec. 58

OMA-VOR	LOM	Direct	2700	T-dn#	*300-1	*300-1	#200-½
OMA-LFR	LOM	Direct	2500	C-d	500-1	500-1	500-1½
California FM via 170-R	NW crs ILS (Final)	Direct	2500	C-n	500-1½	500-1½	500-1½
Neola VOR	LOM	Direct	2500	S-dn-14L%	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar transitions authorized all sectors 2500' except 2700' within 3 mi of 1739' tower 4 miles West; 2700' within 3 mi of 1746' tower 3 mi Southwest and 2600' within 3 mi of 1620' tower 11.5 mi Southwest of airport.

#After takeoff climb to 2000' m. s. l. prior to proceeding in a westerly direction.

AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L and 35R. #300-1 takeoff minimums required for more than 2-eng. aircraft except Rnwys 14L, 32R, 17L, and 35R. %400-¾ straight-in required when glide slope or approach lights are inoperative.

Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2500' within 10 mi of OM.

Minimum altitude at glide slope Int inbnd, 2100'.

Altitude of glide slope and distance to approach end of runway at OM, 2083'—4.0 mi; at MM, 1180'—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700' on SE crs ILS, then proceed direct to OMA VOR or, when directed by ATC, (1) Climb to 2500' on SE crs ILS, turn left and proceed direct to Neola VOR; (2) When under radar direction, climb to 2500' prior to making right or left turn.

CAUTION: Bluff 1339' m. s. l. 1.3 mi East; TV towers 1739' MSL 4 mi WNW and 1746' m. s. l. 3 mi SW of airport.

City, Omaha; State, Nebr.; Airport Name, Omaha Municipal; Elev., 982'; Fac. Class ILS; Ident., I-OMA; Procedure No. ILS-14L, Amdt. 7; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 6 (ILS portion of Comb. ILS-ADF); Dated, 21 Apr. 56

St. Louis VOR	LOM	Direct	1800	T-dn	300-1	300-1	200-½
St. Louis LFR	LOM	Direct	1800	C-dn	500-1	500-1	500-1½
Jerseyville Int	LOM	Direct	2000	S-dn 24	200-½	200-½	200-½
Wood River Int	LOM	Direct	1800	A-dn	600-2	600-2	600-2
Wood River Int	NE crs ILS (Final) (to intercept ILS crs 2 mi from LOM).	Direct	1800				
Lake "H"	LOM	Direct	1800				
Cora Int	LOM (Final)	Direct	1800				
Academy Int	NE crs ILS (Final)	Direct	1900				
Approaches limit of Granite City Int	LOM	Direct	2000				
Approaches limit of Maryland Hgts VOR	LOM	Direct	2000				
Prairie Int	LOM	Direct	2000				

Radar transitions to final approach course authorized. Information for radar terminal area transition altitudes on St. Louis radar procedure.

Procedure turn N side NE crs, 058° Outbnd, 238° Inbnd, 1900' within 10 mi.

Minimum altitude at glide slope int inbnd, 1800'.

Altitude of glide slope and distance to approach end of runway at OM, 1782—4.1; at MM, 748—0.6.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing LOM, climb to 2000' on SW crs of ILS to Lake "H" or, as directed by ATC, (1) Make right (North) turn, climb to 2000' direct to STL-VOR; (2) Make left turn (South), climb to 2000' direct to Barracks Int.

City, St. Louis; State, Mo.; Airport Name, Lambert Field; Elev., 568'; Fac. Class, ILS; Ident., I-STL; Procedure No. ILS-24, Amdt. 17; Eff. Date, 7 Dec. 58; Sup. Amdt. No. 16; Dated, 1 July 58

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

NOVEMBER 10, 1958.

[F. R. Doc. 58-9502; Filed, Nov. 19, 1958; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6869]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

REUBEN POMERANTZ JEWELRY CO., INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Reuben Pomerantz Jewelry Co., Inc., et al., New York, N. Y., Docket 6869, October 16, 1958]

In the Matter of Reuben Pomerantz Jewelry Co., Inc., a Corporation, and Reuben Pomerantz and Hyman Pomerantz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in New York City with representing falsely, by stamping "14K" on gold spiral chain bracelets and chokers manufactured from gold wire of only 13⅛ karat fineness, that such products were of 14 karat fineness.

Following the usual proceedings, the hearing examiner made his initial decision and order to cease and desist which, after slight modification, the Commission on October 16 adopted as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Reuben Pomerantz Jewelry Co., Inc., a corporation, and its officers, and Reuben Pomerantz and Hyman Pomerantz, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any articles composed in whole or in part of gold or an alloy of gold in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Stamping, branding, engraving, or marking any article with any phrase or mark such as 14K, or otherwise representing directly or by implication that the whole or a part of any article is composed of gold or an alloy of gold of a designated fineness, unless the article or part thereof so marked or represented is composed of gold of the designated fineness within the permissible tolerances established by the National Stamping Act (15 U. S. C. sec. 294 et seq.).

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

It is further ordered, That the respondents, Reuben Pomerantz Jewelry Co., Inc., a corporation, and Reuben Pomerantz and Hyman Pomerantz, individually and as officers 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 contained in the initial decision as modified.

Issued: October 16, 1958.

By the Commission.

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

[F. R. Doc. 58-9622; Filed, Nov. 19, 1958; 8:48 a. m.]

[Docket 7099]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

F. A. GOSSE CO. AND FREDERICK A. GOSSE

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.817 *Cutting primary brokerage;*[1] § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, F. A. Gosse Company et al., Seattle, Wash., Docket 7099, October 16, 1958]

In the Matter of F. A. Gosse Company, a Corporation, and Frederick A. Gosse, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a primary broker of canned salmon and other food products in Seattle, Wash., with making illegal brokerage payments to favored customers, in violation of section 2 (c) of the Clayton Act through (1) selling at net prices less than the amount accounted for to the packer-principals; (2) granting price reductions, a part or all of which were not charged back to the packer-principals; and (3) taking reduced brokerage on sales involving price concessions.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That F. A. Gosse Company, a corporation, and its officers and directors, and Frederick A. Gosse, individually and as an officer of said respondent corporation, and respondents' agents, representatives, or employees, directly or indirectly, or through any corporate or other device, in connection with the sale of seafood products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting, or passing on, either directly or indirectly, to any buyer or to anyone acting for or in behalf of or subject to the direct or indirect control of such buyer, brokerage earned or received by respondents on sales made for their packer-principals, by allowing to buyers lower prices which reflect all or any part of such brokerage, or by granting them allowances or rebates which are in lieu of such brokerage, or by any other method or means.

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

It is ordered, That respondents F. A. Gosse Company, a corporation, and Frederick A. Gosse, individually and as an officer 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: October 16, 1958.

By the Commission.

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

[F. R. Doc. 58-9623; Filed, Nov. 19, 1958; 8:49 a. m.]

[1] New.

[Docket 7124]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WORLD ARTS AUCTION GALLERY

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. 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; § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1810 *Fictitious marking.* 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; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(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, Leon Sevilla trading as World Arts Auction Gallery, San Francisco, Calif., Docket 7124, October 16, 1958]

In the Matter of Leon Sevilla, an Individual Trading as World Arts Auction Gallery

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in San Francisco, Calif., with violating the labeling, invoicing, and advertising requirements of the Fur Products Labeling Act.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on October 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Leon Sevilla, an individual, doing business as World Arts Auction Gallery, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertisement, offer for sale, transportation or distribution in commerce of any fur product, or in connection with the sale, advertisement, offer for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Setting forth on labels attached thereto fictitious prices or any false representation as to the value of such products, either directly or by implication;

2. Failing to affix labels to fur products showing:

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

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

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

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

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

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

(g) The designations "used fur" and "secondhand used fur" where required by Rules 21 and 23 of the rules and regulations (§§ 301.21 and 301.23);

(h) The item number or mark assigned to a fur product;

3. 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;

B. Falsely or deceptively invoicing fur products by:

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

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

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

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

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

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

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

(g) The designations "used fur" and "secondhand used fur" where required by Rules 21 and 23 of the rules and regulations (§§ 301.21 and 301.23);

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

1. Fails to disclose:

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

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

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

(d) The name of the country of origin of any imported furs contained in the fur products;

(e) The designations "used fur" and "secondhand used fur" where required by Rules 21 and 23 of the rules and regulations (§§ 301.21 and 301.23);

2. Represents, directly or by implication, that any of said fur products are from sources other than the actual sources of such products.

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

It is ordered, That respondent Leon Sevilla, an individual, doing business as World Arts Auction Gallery, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: October 16, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-9624; Filed, Nov. 19, 1958; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter N—Transportation

PART 205—LOADING RULES, TEST LOADINGS AND TEST SHIPMENTS

DISCONTINUANCE OF PART

Part 205—Loading Rules, Test Loadings and Test Shipments, is discontinued.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

NOVEMBER 17, 1958.

[F. R. Doc. 58-9643; Filed, Nov. 19, 1958; 8:52 a. m.]

PART 212—MOTOR COMMON CARRIER FACILITIES QUESTIONNAIRE (DD FORM 677)

DISCONTINUANCE OF PART

Part 212—Motor Common Carrier Facilities Questionnaire (DD Form 677), is discontinued.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

NOVEMBER 17, 1958.

[F. R. Doc. 58-9644; Filed, Nov. 19, 1958; 8:52 a. m.]

Chapter V—Department of the Army

Subchapter F—Personnel

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

MISCELLANEOUS AMENDMENTS

In § 578.3, revise paragraph (d) (1), and in § 578.13, revise paragraph (a) (6), as follows:

§ 578.3 *General provisions governing the awards of decorations.* * * *

(d) *By whom awarded; peacetime criteria.* (1) Awards for peacetime services are made by the President, the Secretary of Defense and the Secretary of the Army with the following exception: The Commendation Ribbon with Metal Pendant may be awarded by any commander in the grade of major general or higher, by the heads of Headquarters, Department of the Army Staff agencies, or by a general officer commanding an organization normally commanded by a major general, to military personnel of the United States below the grade of brigadier general. Awards under this delegation of authority should not normally be made for periods of meritorious service of less than 6 month's duration. Awards may also be made under the provisions of AR 672-301 (Army regulations relative to incentive awards).

§ 578.13 *Commendation Ribbon with Metal Pendant*—(a) *Criteria.* * * *

(6) Those individuals who, as members of the Army, were awarded the Commendation Ribbon prior to October 1,

1949 are authorized the Commendation Ribbon with Metal Pendant in lieu thereof. Amendatory orders will not be issued.

[C 7, AR 672-5-1, Nov. 3, 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

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

[F. R. Doc. 58-9610; Filed, Nov. 19, 1958; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Civil and Defense Mobilization

[Defense Mobilization Order IX-4]

DMO IX-4—PROCEDURES FOR OBTAINING TELECOMMUNICATION RESOURCES DURING OF FOR USE DURING A NATIONAL EMERGENCY

By virtue of the authority vested in me by the National Security Act of 1947, as amended; the Defense Production Act of 1950, as amended; Executive Order 10460 of June 16, 1953, as amended; Executive Order 10480 of August 14, 1953, as amended; Executive Order 10705 of April 17, 1957, as amended; and Executive Order 10773 of July 1, 1958, as amended; there are established hereby procedures for obtaining telecommunication resources during or for use during a national emergency.

SECTION 1. *Purpose.* .01 The purpose of this order is to set forth procedures under which Government and private entities may have available telecommunication resources vital to the national interest during a national emergency.

SEC. 2. *Scope.* .01 These procedures are applicable under the President's authority contained in subsection 305 (a) and subsections 606 (a), (c), and (d), of the Communications Act of 1934, as amended, delegated by Executive Order 10705 to the Director of the Office of Civil and Defense Mobilization, and by the Director, OCDM, or his successor emergency communications agency.

1. The delegated authority under subsections 305 (a) and 606 (a) may be exercised only during the continuance of a war in which the United States is engaged.

2. The delegated authority under subsections 606 (c) and 606 (d) may be exercised only upon proclamation by the President that there exists a state of war involving the United States.

.02 These procedures are applicable to the following elements of national telecommunication:

(a) Radio frequencies,

(b) International telecommunication services, and

(c) Domestic telecommunication services.

SEC. 3. *Assumptions.* .01 It is assumed that, following an attack upon the United States, an emergency communications agency will be established.

.02 Upon the creation of an emergency communications agency, the telecommunication authority vested in the Director, OCDM, by Executive Orders 10460 and 10705 will be delegated to the Administrator of the emergency agency unless it has been physically impossible to do so because of limitations of time and space, in which case these procedures will be applied under the authority residing in the Director, OCDM.

SEC. 4. *National Defense policy.* .01 It shall be the policy of the United States in time of war or national emergency, as proclaimed by the President, to have available to the Government of the United States the total telecommunication resources of the Nation for utilization with due regard to the extent of the war or emergency and to the continuing operation of services considered to be essential or desirable for the welfare and interest of the United States during such a time.

SEC. 5. *Procedures.* .01 The procedures applicable to the following elements of national telecommunications are set forth in the following Annexes:

Annex 1—Radio Frequencies.
Annex 2—International Telecommunication Services.
Annex 3—Domestic (Common Carrier) Telecommunication Services.

Dated: November 6, 1958.

LEO A. HOEGH,
Director.

ANNEX 1—PROCEDURES FOR COORDINATION, APPLICATION FOR, AND ASSIGNMENT OF RADIO FREQUENCIES DURING THE CONTINUANCE OF A WAR IN WHICH THE UNITED STATES IS ENGAGED AND/OR DURING THE DISPERSAL OF FEDERAL GOVERNMENT AGENCIES TO EMERGENCY RELOCATION SITES

The use of radio frequencies between 10 kc/s and 100,000 Mc/s during the continuance of a war in which the United States is engaged, will be governed by the Director of the Office of Civil and Defense Mobilization (OCDM) or his successor emergency communications agency pursuant to the delegated authority cited in the basic Defense Mobilization Order.

SECTION 1. *Purpose.* .01 The purpose of this Annex is to provide specific guidance to those agencies which may have need for the use or assignment of radio frequencies during the continuance of a war in which the United States is engaged and/or when Government agencies are operating from emergency relocation sites.

SEC. 2. *Scope.* .01 These procedures are applicable to all use of radio frequencies between 10 kc/s and 100,000 Mc/s during the continuance of a war in which the United States is engaged, and to the coordination, application and assignment pertaining thereto.

.02 These procedures do not supersede or revise the provisions and procedures contained in mobilization plans for the use of radio frequencies.

SEC. 3. *Assumptions.* .01 During the continuance of a war involving attack upon the United States or during a period when Government agencies are operating from emergency relocation sites, it probably would not be practicable for the Interdepartment Radio Advisory Committee (IRAC) to continue to function as a committee as heretofore. In that event, in the immediate post-attack period, new or revised assignments of radio frequencies will be made by the Director, OCDM, or his successor emergency communications agency, under authority delegated by the President. The provisions of Executive Order 10695-A, or subsequent superseding order, wherein the IRAC is authorized to assign frequencies to Government agencies will be suspended until it is feasible for the IRAC to resume functioning.

SEC. 4. *Activation.* .01 These procedures shall be applied in the coordination, application for and assignment of radio frequencies upon order of the Director, OCDM, or his successor emergency communications agency, announcing the assumption of control of the use of radio frequencies pursuant to Executive Order 10705, following a proclamation by the President that there exists a state of war involving the United States. Such an order may be issued by the Director, OCDM, in advance of an emergency or proclamation, as a contingent order to become effective upon Presidential proclamation or upon attack.

SEC. 5. *Implementation.* .01 These procedures will be implemented within the framework of the following conditions:

1. The United States will continue to adhere in principle to the International Telecommunication Union (ITU) Radio Regulations. Reliance will be placed on Paragraph 88, Article 3 of the Atlantic City, 1947, Radio Regulations and Article 48 of the Buenos Aires, 1952, Convention for the conduct of radio operations which could not be carried on otherwise in accordance with the ITU Table of Frequency Allocations.

2. The United States will continue the policy that a basic guide to follow in the normal assignment and use of radio frequencies for transmission purposes is the avoidance of harmful interference. The avoidance of harmful interference is the responsibility of each frequency assignment authority and each user of frequencies. Each user of frequencies is responsible for determining whether prior coordination is necessary and for carrying out appropriate coordination before taking a frequency into use.

3. All outstanding authorizations by the Interdepartment Radio Advisory Committee (IRAC) to Government radio stations will remain in effect unless ordered otherwise by the Director, OCDM, or his successor emergency communications agency.

4. Rules and regulations of the Federal Communications Commission (FCC) pertaining to the use of radio frequencies will remain in effect unless ordered otherwise by the Director, OCDM, or his successor emergency communications agency.

5. The Director, OCDM, or his successor emergency communications agency will:

(a) Publish and distribute, insofar as it is practicable, policies, standards, instructions, procedures, and information on frequency usage for the guidance of all concerned.

(b) Receive requests for assignment of frequencies, review such requests, accomplish necessary additional coordination, consider all pertinent views and comments on proposed uses of frequencies, and grant or deny, as appropriate, the assignment of such frequencies.

(c) Monitor the frequency coordination process and expedite as necessary.

(d) Adjudicate conflicting requests for frequencies or conflicting comments on proposed frequency usage.

(e) Inform promptly all agencies of decisions.

6. Because the technically complex task of coordinating and assigning radio frequencies can be performed more effectively by the highly skilled individuals normally representing their agencies on the IRAC Frequency Assignment Subcommittee (FAS) than by less experienced persons, it is planned by mutual agreement with the agencies concerned, that the Government agencies will detail their FAS representatives to the OCDM, or its successor emergency communications agency, immediately upon engagement in a war, to assist in the assignment of frequencies.

SEC. 6. *Procedures.* .01 U. S. Federal Government agencies, including the Military Services in instances not provided for otherwise, and non-government entities having need for assignment of frequencies for new or additional radio operations or for modification of outstanding authorizations which would involve a change in the frequency usage pattern, shall present such requirements, together with nominated frequencies and a statement of coordination accomplished, in accordance with the following procedures:

1. *Continental United States, its Territories and possessions*—(a) *Federal Government agencies.* (1) U. S. Federal Government agencies, including the Military Services in instances not provided for otherwise, shall present their requirements, together with nominated frequencies and a statement of coordination accomplished, to the Director, OCDM, or his successor emergency communications agency. Necessary coordination with other users of radio will be accomplished insofar as practicable before presenting such requirements.

(2) The Department of Defense will keep the Director, OCDM, or his successor emergency communications agency, informed of military use of radio frequencies under delegated or broad assignment authority.

(b) *Non-Government entities.* (1) Non-Government entities will continue, as heretofore, to present applications to the Federal Communications Commission (FCC).

2. *United States Theaters of Operation.* (a) All requests for assignment, coordination and use of radio frequencies within U. S. Theaters of Operation (world-wide, including the Continental United States, its Territories and Possessions) shall be presented in accordance with procedures prescribed by the Secretary of Defense.

(b) The procedures established by the Secretary of Defense for use in U. S. Theaters of Operation will include provision for appropriate coordination of proposed frequency usage with the Director, OCDM, or his successor emergency communications agency, and with other U. S. Flag use of frequencies in exterritorial areas.

3. *Exterritorial areas.* (a) All U. S. Flag use of radio frequencies in Exterritorial Areas shall be coordinated with the Director, OCDM, or his successor emergency communications agency, and with other U. S. Flag uses of frequencies by the entity responsible for the radio operation.

(b) The Department of State will coordinate with the Director, OCDM, or his successor emergency communications agency, before concurring in the use or change of use of frequencies by U. S. common carriers operating in exterritorial areas.

(c) The Department of the Interior will coordinate with the Director, OCDM, or his successor emergency communications agency, before authorizing the use or change of use of frequencies in the Trust Territory of the Pacific Islands.

(d) The Department of Defense will coordinate with the Director, OCDM, or his successor emergency communications agency, concerning the use or change of use of frequencies in the Panama Canal Zone.

(e) The United States Information Agency will coordinate with the Director OCDM, or his successor emergency communications agency, with U. S. Theater Commanders and host countries before taking frequencies between 5 and 27 Mc/s into use for broadcast purposes.

.02 *Requests for frequency assignment.* 1. Requests by Government agencies for frequency assignments will be submitted in the format of Form ODM–88 (rev. June 1956) normally used in applying to the IRAC.

(a) In applications by mail or pouch Form 88 will be completed in its entirety and submitted in duplicate. The prior coordination effected with interested agencies and their comments will be indicated thereon. The applicant will address a copy of the request, insofar as it is practicable, to each interested agency, indicating on the submission to OCDM, or its successor emergency communications agency, the distribution attempted.

(b) In applications by telephone or teletype message, Form 88 will be used as a guide. Information about interagency coordination effected will be included in the message.

.03 *Inter-agency coordination.* 1. Inter-agency coordination of requests for assignment of frequencies may be initiated by the applicant or by the Director, OCDM, or his successor emergency communications agency, in writing or by means of electrical communication. In instances where the applicant is unable to communicate with interested agencies or agency response has not been indicated on the application, the Director, OCDM, or his successor emergency communications agency, will try to accomplish the coordination.

2. Each agency requested to comment on a proposed assignment will respond within 24 hours giving final comments or requesting additional time. Request for additional time will be accompanied by the reason for delay. Requests for coordination will be acted on in keeping with the urgency indicated in the request.

3. Agency comments on frequency requests by other agencies will be constructive in nature and realistic in light of the situation. Frequency sharing, on a time or geographical basis, will be followed wherever practicable. Alternate frequencies will be suggested when use of the nominated frequency is considered to be impractical. Reasons for non-concurrence in a proposal will be given. Each agency commenting will address comments to each agency addressed in the initial request.

4. Coordination necessary with Theaters of Operation or the Military Services of our Allies will be accomplished, as appropriate, by the Department of Defense without specific request other than the initial coordination request to the Department.

5. Coordination necessary for U. S. Flag use in exterritorial areas, except in U. S. Theaters of Operation, will be accomplished by the interested U. S. Government agency with the Director, OCDM, or his successor emergency communications agency, with other U. S. Government agencies in exterritorial areas, and host countries likely to be affected, through channels of communication usually employed.

6. The coordination process will be monitored by the Director, OCDM, or his successor emergency communications agency, and expedited as necessary.

7. Direct communication between Frequency Coordinators of the Government Departments and Agencies on technical matters involved in coordination of frequencies is authorized. Communications concerned with frequency coordination matters should be addressed to the Department or Agency, making use of internal address indicators.

8. The agency making the final decision in the use of a frequency, normally the Director, OCDM, or his successor emergency communications agency, shall inform all agencies who have participated in the coordination of a particular frequency use, or have a need-to-know, of that decision.

.04 *Assignment of frequencies.* 1. The Director, OCDM, or his successor emergency communications agency, will review requests for assignment of frequencies, accomplish necessary additional coordination, consider all pertinent views and comments on proposed uses of frequencies, and grant or deny, as appropriate, the assignment of such frequencies.

2. All concerned will be informed promptly of decisions by the Director, OCDM, or his successor emergency communications agency.

SEC. 7. *Termination.* .01 Use of these procedures will be terminated when the authority delegated by Executive Order

10705 ceases to be in force or when the Director, OCDM, or his successor emergency communications agency directs the IRAC to resume its functioning.

SEC. 8. *Effective date.* .01 These procedures become effective for use as provided upon promulgation of the basic Defense Mobilization Order.

ANNEX 2—PROCEDURES FOR OBTAINING INTERNATIONAL TELECOMMUNICATION SERVICE (RADIO AND CABLE) DURING OR FOR USE DURING A NATIONAL EMERGENCY

The exclusive use, by lease or otherwise, of common carrier international radio and cable channels or transmitting facilities, will be governed by the Director of the Office of Civil and Defense Mobilization (OCDM) or his successor emergency communications agency pursuant to the delegated authority cited in the basic Defense Mobilization Order.

SEC. 1. *Purpose.* .01 The purpose of this Annex is to provide specific guidance to those entities which may have need for the exclusive use of international channels of telecommunication during an emergency and/or during the continuance of a war in which the United States is engaged.

SEC. 2. *Scope.* .01 These procedures provide a method for the submission of wartime requirements for telecommunication channels between the United States, its Territories and Possessions and overseas or foreign points which are intended for satisfaction by employment of other than Government-owned facilities.

.02 Although in this Annex, they are keyed to the mobilization planning effort, the same procedures will continue in effect during an emergency after mobilization plans may have been implemented. In so doing, the processing of stated requirements will be for the purpose of immediate satisfaction and activation, rather than for inclusion in mobilization plans.

.03 These procedures do not supersede or revise the provisions and procedures contained in mobilization plans for the use of international telecommunication channels.

SEC. 3. *General procedure.* .01 U. S. Federal Government agencies having need for the telecommunication facilities which fall into the above category for use in the event of an emergency shall present such requirements in peacetime to the Office of Civil and Defense Mobilization (OCDM) for coordination and inclusion in national mobilization plans; or to its successor emergency communications agency after its creation in an emergency.

SEC. 4. *Department of Defense.* .01 The Department of Defense will assume the responsibility for reviewing and coordinating the method of satisfying and funding for all military requirements for channels of communication such as heretofore outlined, including military requirements for overseas bases, NATO, SEATO and other foreign countries.

.02 The Department of Defense will approve all such requirements prior to transmittal for consideration.

SEC. 5. *Department of State.* .01 The Department of State will assume the responsibility of receiving, reviewing for completeness and appropriateness, including funding, any requirements other than military falling within the aforementioned categories and emanating from foreign countries.

.02 The Department of State will approve all such requirements prior to transmittal for consideration.

SEC. 6. *Others.* .01 In an emergency those entities other than U. S. Federal Government Agencies, having need for the telecommunication facilities which fall into the above category shall present their requirements to the common carrier that would normally provide the service.

.02 The common carrier on whom the demand for service has been placed, will, in turn, refer the request to the Office of Civil and Defense Mobilization, or its successor emergency communications agency, via the Federal Communications Commission, for consideration.

SEC. 7. *Office of Civil and Defense Mobilization.* .01 The Office of Civil and Defense Mobilization, or its successor emergency communications agency, will assume the responsibility for coordinating, and integrating when practicable within national mobilization plans, requirements under the foregoing categories which are presented to it, making use of the knowledge, information and advice of the Federal Communications Commission in the process of satisfying requirements which have been presented, with due regard for the facilities which must remain under the control of the commercial companies and those which must be generally available to the public and the Government in the degree considered necessary.

ANNEX 3—PROCEDURES FOR OBTAINING DOMESTIC (COMMON CARRIER) TELECOMMUNICATION SERVICE DURING, OR FOR USE DURING, A NATIONAL EMERGENCY

The principle which has been followed in establishing a procedure for the utilization of the Nation's domestic telephone and telegraph services is that the common carrier (Bell System, Independents, Western Union) is the only entity physically capable of satisfying demands for nationwide service. Consequently, demands for domestic telecommunication service should always be made initially to the common carrier that normally provides the service.

Based upon this principle, the Government, in cooperation with industry, has completed programs for the priority use of the Nation's telephone and telegraph systems and for the priority resumption of intercity private line service when interrupted. These programs have been promulgated, are in voluntary use throughout the Nation today, and their application will be mandatory in a situation under which the country is attacked.

SECTION 1. *Telephone calls and telegraph messages.* .01 The Precedence Systems for Public Correspondence telephone calls, TWX and telegraph messages essential to the national defense and security have been made available on a national basis in order that vital information may be transmitted throughout the country without delay during periods of extreme stress.

.02 The degree of priority to be accorded such public correspondence is furnished to the supplier of service in accordance with the user's interpretation of the degree of urgency. The user will be responsible in any post emergency review for the priorities which he has invoked.

.03 The Precedence System for Public Correspondence Message Telephone and TWX Services Essential to the National Defense and Security is set forth in Attachment A.

.04 The Precedence System for Public Correspondence Telegraph Messages Essential to the National Defense and Security is set for in Attachment B.

SEC. 2. *Resumption of Private Line Service.* 01 The Priority System for the Resumption of Intercity Private Line Service provides for a procedure in which certification of a private line within a priority category is made by the user to the common carrier furnishing the service. Certifications, to be effective, must be made in advance and should be maintained in a currently corrected status. These certifications will form the basis upon which a determination may be made to govern the degree of priority under which service is to be restored.

.02 The Priority System for the Resumption of Intercity Private Line Service is set forth in Attachment C.

SEC. 3. *New or additional telephone or private line service.* .01 Requests for new or additional telecommunication service, including private line, TWX and telephone service should be submitted direct to the common carrier which normally furnishes the service.

.02 Demands which impinge upon the carrier's ability to furnish essential service, because they would place a strain upon existing manpower, available equipment and other resources needed and consumed in the course of furnishing essential service, will be referred to the emergency communications agency for decision with a certified outline of necessity which will describe the applicant's proposed use of the service requested.

.03 A Priority System for New or Additional Telephone or Private Line Service is under consideration.

ATTACHMENT A—PRECEDENCE SYSTEM FOR PUBLIC CORRESPONDENCE MESSAGE TELEPHONE AND T. W. X. SERVICES ESSENTIAL TO THE NATIONAL DEFENSE AND SECURITY

The Federal Communications Commission has prepared the following as its recommended plan for a system of communication precedences for public correspondence message telephone and T. W. X. services to be provided by all domestic and international telephone common carriers.

I. Gradations of precedence to be provided, and precedence indicators therefor:

A. *Group Order of Precedence and Types of Telephone and T. W. X. Calls To Which Applicable*

Group: 1.

Precedence indicator: "Priority 1 Emergency."

The precedence indicator "Priority 1 Emergency" shall be used only for calls which directly concern the matters described h rein:

(1) Immediate dangers due to the presence of the enemy.

(2) Intelligence reports on matters leading to enemy attack requiring immediate action.

(3) Urgent calls to or from the United States Armed Forces and their Allies.

(4) Proclamations of Civil Defense Emergency.

Calls in this group shall be given precedence over all other calls.

Group: 2.

Precedence indicator: "Priority 2 Emergency."

The precedence indicator "Priority 2 Emergency" shall be used only for calls which require immediate completion for the national defense and security, the successful conduct of war, or to safeguard life and property, other than those set forth in Group 1 above, and such indicator may be used for calls concerning the matters listed herein:

(1) Initial reports of damage due to enemy action.

(2) Civil defense activities immediately subsequent to and resulting from enemy attack.

(3) Calls that require immediate completion to or from the United States Armed Forces and their Allies.

(4) Natural disaster of extreme seriousness and widespread damage.

Calls in this group shall be given precedence over all other calls except those in Group 1.

Group Order of Precedence and Types of Telephone and T. W. X. Calls to Which Applicable

Group: 3.

Precedence indicator: "Priority 3 Emergency."

The precedence indicator "Priority 3 Emergency" shall be used only for calls which require prompt completion for national defense and security, the successful conduct of war or to safeguard life or property, which do not merit Group 1 or Group 2 precedence, and such indicator may be used for calls concerning the matters listed herein:

(1) Civil defense or the public health and safety.

(2) Important governmental functions.

(3) Supply and movement of food.

(4) Maintenance of essential public services.

(5) Production or procurement of essential materials and supplies.

(6) Calls that require rapid completion to or from the United States Armed Forces and their Allies.

Calls in this group shall be given precedence over all other calls, except those in Groups 1 and 2.

B. Calls of the types listed in each group hereinabove shall have no precedence over other calls within the same group. Where necessary to obtain a circuit for the immediate completion of a telephone call having Priority 1 Emergency precedence, any telephone conversation in progress other than one having priority shall be interrupted. Upon specific request of the calling party, a conversation in progress at the called telephone station shall be interrupted to complete calls having Priority 1, Priority 2 and Priority 3 Emergency precedence.

II. *Persons authorized to use the precedence system.* The precedence system shall be available for use by the President of the United States, the Vice President, Cabinet Officers, members of the United States Congress, Federal, State and Municipal Governmental Departments and Agencies, essential war industries, and services such as communications, transportation, power, public utilities, press associations, news media, health and sanitation services, the American Red Cross Organization, and such other individuals and organizations as may be designated.

The effectiveness of the system will depend upon whole-hearted cooperation on the part of persons authorized to employ it. Users should familiarize themselves with the purposes to be served by the use of each precedence group and the types of calls which may be assigned the respective precedences. It must always be remembered that the entire system will operate successfully only if the use of the precedence indicators is limited strictly to the intended purposes. Each authorized user, therefore, should consider whether each call requires any special precedence and exercise care not to request a higher precedence than the circumstances require.

ATTACHMENT B—PRECEDENCE SYSTEM FOR PUBLIC CORRESPONDENCE TELEGRAPH MESSAGES ESSENTIAL TO THE NATIONAL DEFENSE AND SECURITY

Pursuant to a request from the Director, Office of Defense Mobilization, the Federal Communications Commission has prepared the following as its recommended plan for a system of communication precedences for public correspondence telegraph messages to be provided by all domestic and international wireline telegraph, cable and radiotelegraph common carriers.

I. Classes of service for which transmission precedence shall be provided:

(1) Full rate domestic messages.

(2) Full rate international, including outbound, inbound and transiting messages.

(3) Full rate messages between shore and ship.

II. Gradations of precedence to be provided, and precedence indicators therefor:

A. *Group Order of Precedence and Types of Messages To Which Applicable*

Group: 1.

Precedence indicator: "Emergency."

The precedence indicator "Emergency" shall be used only for messages which directly concern the matters listed herein:

(1) Immediate dangers due to the presence of the enemy, including Civil and Military Air Defense Warning.

(2) Intelligence reports on matters leading to enemy attack requiring immediate action.

(3) Urgent messages to or from the United States Armed Forces and their Allies.

(4) Proclamations of Civil Defense Emergency.

Messages in this group shall be transmitted ahead of all other messages.

Group: 2.

Precedence indicator: "Immediate."

The precedence indicator "Immediate" shall be used only for messages which require immediate completion for national defense and security, the successful conduct of war, or to safeguard life or property, other than those set forth in Group 1 above, and such indicator may be used for messages concerning the matters listed herein:

(1) Initial reports of damage due to enemy action.

(2) Civil defense activities immediately subsequent to and resulting from enemy attack.

(3) Messages that require immediate completion to or from the United States Armed Forces and their Allies.

(4) Natural disaster of extreme seriousness and widespread damage.

Messages in this group shall be transmitted ahead of all other messages, except those in Group 1.

Group Order of Precedence and Types of Messages To Which Applicable

Group: 3.

Precedence indicator: "Rapid."

The precedence indicator "Rapid" shall be used only for messages which require prompt completion for national defense and security, the successful conduct of war or to safeguard life or property, which do not merit Group 1 or Group 2 precedence, and such indicator may be used for messages concerning the matters listed herein:

(1) Civil defense or the public health and safety.

(2) Important governmental functions.

(3) Supply and movement of food.

(4) Maintenance of essential public services.

(5) Production or procurement of essential materials and supplies.

(6) Messages that require rapid transmission to or from the United States Armed Forces and their Allies.

Messages in this group shall be transmitted ahead of all other messages, except those in Groups 1 and 2.

B. Messages in Groups 1 and 2 interrupt all messages of lower priority in transmission, that is, messages in Group 1 interrupt messages in Group 2 and lower groups; messages in Group 2 interrupt messages in Group 3 and lower groups, but messages in Group 3 and lower groups do not interrupt other messages in transmission. Messages of the types listed in each group shall have no precedence over other messages in the same group, but messages within the same group shall be transmitted in time order.

C. The precedence indicators "Emergency," "Immediate," and "Rapid" shall be written in full by the authorized sender as the first word in the address on messages at the time of filing. Such indicators shall be transmitted without abbreviation.

III. *Persons authorized to use the precedence system.* The precedence system shall be available for use by the President of the United States, the Vice President, Cabinet Officers, members of the United States Congress, Federal, State and Municipal Governmental Departments and Agencies, essential war industries, and services such as communications, transportation, power, public utilities, press associations, news media, health and sanitation services, the American Red Cross Organization, and such other individuals and organizations as may be designated.

The effectiveness of the system will depend upon whole-hearted cooperation on the part of the persons authorized to employ it. Users should familiarize themselves with the purposes to be served by the use of each precedence group and the types of messages which may be assigned the respective precedences. It must always be remembered that the entire system will operate successfully only if the use of the precedence indicators is limited strictly to the intended purposes. Each authorized user, therefor, should consider whether each message requires any special precedence and exercise care not to request a higher precedence than the circumstances require.

ATTACHMENT C

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF DEFENSE MOBILIZATION

Washington 25, D. C.

Priority System for the Resumption of Intercity Private Line Service

JULY 1, 1956

1. The precedence system set forth in this document provides for safeguards to assist in the prompt resumption of private line service essential to the national defense and

security of the country when such services may have been interrupted.

2. As used herein, the term "private line service" means intercity service provided by U. S. common carriers engaged in domestic and/or international wire, radio and cable communications for the intercity communications purposes of customers, over integrated communications pathways, including facilities, local channels which are integral components of intercity private line services and station equipments, between specified locations for a continuous period or for regularly recurring periods at stated hours. The term "resumption" means the recommencement of private line services by patching, rerouting, substitution of component parts, or otherwise as determined by the common carrier involved.

3. When interrupted, private line service shall be resumed by the common carriers in the following order of priority, insofar as practicable:

Priority I

The Priority I classification shall be afforded only to those private line services which are used to transmit and/or receive communications which are vital to the Nation under the following categories:

a. Immediate dangers due to the presence of the enemy, including civil and military air defense warning.

b. Intelligence reports on matter leading to enemy attack requiring immediate action.

c. "Flash," "Emergency" and "Operational Immediate" communications to or from the United States Armed Forces.

d. Urgent communications of or in support of the U. S. Armed Forces and their Allies, and/or with U. S. diplomatic missions abroad.

e. Proclamations of Civil Defense Emergency.

Private line service within this classification shall receive precedence of resumption over all other private line service, applying the principles described in paragraph 4.

Priority II

The priority II classification shall be afforded only to those private line services which are used to transmit and/or receive communications which are vital to the nation under the following categories:

a. Initial reports of damage due to enemy action.

b. Civil defense activities immediately subsequent to and resulting from enemy action.

c. "Priority" communications to or from the United States Armed Forces.

d. High precedence U. S. Government communications with foreign Governments and U. S. Diplomatic missions abroad.

e. Natural disaster of extreme seriousness.

Private line service within this classification shall receive precedence of resumption over all other private line service except those listed under Priority I, applying the principles described in paragraph 4.

Priority III

The Priority III classification shall be afforded only to those private line services which are used to transmit and/or receive communications which are vital to the nation under the following categories:

a. Civil defense or the public health and safety.

b. Important governmental functions.

c. Maintenance of essential public services.

d. Communications concerning production, procurement and distribution of food, essential materials and supplies which require rapid completion of transmission.

e. Communications to or from United States Armed Forces which require rapid completion of transmission.

f. Official U. S. Government communications with foreign Governments and U. S. diplomatic missions abroad which require rapid completion of transmission.

Private line service within this classification shall receive precedence of resumption over all other private line service except those listed under Priorities I and II, applying the principles described in paragraph 4.

4. The order of listing of lettered items under each priority classification does not indicate or imply differences in priority treatment within a given classification. When necessary, in order to resume a service having a given priority classification, services having lower priority classifications will be interrupted in the reverse order of priority starting with non-priority services. It is recognized that, as a practical matter, in providing for the resumption of a priority service or services operating within a multiple circuit type of facility (such as a carrier band, cable or multiplex system), lower priority or non-priority services on parallel channels within the band or system may enjoy resumption as well. Reactivation of such lower priority or non-priority services resulting therefrom shall not, however, interfere with the expeditious resumption of priority service. It is further recognized that operational circuits are needed by common carriers during the process of circuit reactivation and for maintenance purposes. Such circuits have precedence in resumption over all other circuits and are exempt from interruption for the purpose of resuming priority service.

5. The priorities outlined herein are available for the private line services of Federal, state and municipal governmental agencies, essential industries and services and such other private line customers as can meet the criteria set forth in paragraph 3 above.

6. Foreign governments desiring to obtain priority of resumption for their private line services which terminate in the United States should submit requests therefor to the U. S. Department of State.

7. It will be the responsibility of private line customers to determine which, if any, of their private line services are sufficiently critical to qualify for priority under the terms of Priority Classifications I, II or III set forth in paragraph 3, and to certify to the common carriers the priority classifications to be accorded the services so determined. Private line services which are in operation on the date hereof should be certified by customers within 120 days. Services placed in operation subsequent to the issuance of this system should be certified within 120 days of the initial service date.

8. Each customer, in requesting priority of resumption under this system, will assume an obligation thereafter to make periodic appraisals of the criticality of the private line service involved and also to make appraisals at the time of any change in the nature or use of the service, and to notify the common carrier promptly of any appropriate reclassifications. The effectiveness of this system will depend upon the whole-hearted cooperation on the part of the customers authorized to employ it. Customers should therefore familiarize themselves with the purposes to be served by the system and the importance of services which may be assigned the respective priorities. It must always be remembered that the system will operate successfully only if its use is limited strictly to the intended purpose. Before submitting each certification, each customer should consider carefully whether the service involved requires any priority of resumption and exercise care not to certify a higher priority than the circumstances require.

9. Common carriers will accord resumption priorities to private line services of agencies of Federal, state or municipal governments only upon receipt of written certification by the head of such an agency or his designee. Similarly, common carriers will accord resumption priorities to private companies or organizations only upon receipt of written certification by a principal officer of the company or organization.

10. In the application of the foregoing principles, the fact is recognized that it may be necessary to supplement the foregoing with overriding decisions made at the national level. These decisions would take into account the advance certifications for priority of resumption outlined herein.

[F. R. Doc. 58-9538; Filed, Nov. 19, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

GULF OF MEXICO AND SANTA ROSA SOUND, FLA.; CHESAPEAKE BAY, MD.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.126 is hereby prescribed establishing and governing the use and navigation of two prohibited areas in the Gulf of Mexico, south of Panama City, Florida, and § 204.136 establishing and governing the use and navigation of danger zones in Santa Rosa Sound and Gulf of Mexico adjacent to Santa Rosa Island, Florida is hereby amended with respect to paragraph (a) (2) to correct the location of USC&GS Station Tuck 3, as follows:

§ 204.126 *Gulf of Mexico, south of Panama City, Florida; underwater experimental areas, U. S. Navy Mine Defense Laboratory, Panama City, Florida*—(a) *The prohibited areas.* (1) A circular area with a radius of 300 yards around existing research platform No. 1 located at latitude 30°00'34", longitude 85°54'12".

(2) A circular area with a radius of 300 yards around existing research platform No. 2 located at latitude 30°07'14", longitude 85°46'30".

(b) *The regulations.* The areas will be buoyed and marked by the U. S. Coast Guard and will be prohibited to navigation at all times.

§ 204.136 *Waters of Santa Rosa Sound and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Florida*—(a) *The danger zones.* * * *

(2) *Restricted area.* The waters of Santa Rosa Sound and Gulf of Mexico surrounding the prohibited area described in subparagraph (1) of this paragraph, within a circle five nautical miles in radius centered at latitude 30°23'10.074", longitude 86°48'25.433" (USC&GS Station Tuck 3). The portion of the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between miles 204.6 and 216.4 from Harvey Lock, Louisiana.

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.109 is hereby prescribed estab-

lishing and governing the use and navigation of a seaplane restricted area in Chesapeake Bay, opposite the mouth of Middle River, Maryland, to be used for testing seaplanes, as follows:

§ 207.109 *Chesapeake Bay opposite the mouth of Middle River, Md.; seaplane restricted area*—(a) *The restricted area.* A rectangular area in Chesapeake Bay beginning at a point at latitude 39° 15'35", longitude 76°16'58"; thence to latitude 39°15'40", longitude 76°16'53"; thence to latitude 39°17'19", longitude 76°20'46"; thence to latitude 39°17'14", longitude 76°20'51"; and thence to the point of beginning.

(b) *The regulations.* (1) No vessels, other than those specifically authorized, shall enter or remain in the restricted area when seaplane operations are in progress. At all other times vessels may use the area without restriction.

(2) Upon being warned by patrol craft, vessels shall immediately vacate the area and remain outside the area during the period of use. Patrol of the area will be accomplished by the user of the area.

(3) The area will be properly buoyed around its perimeter, when seaplane operations are being conducted, during all hours of the day or night.

(4) Seaplane operations will not be conducted in the restricted area on week ends when a regatta is scheduled to be held in the area, provided that notice of such regattas appears in the "Local Notice to Mariners", published by the U. S. Coast Guard.

(5) Operations and activities of the U. S. Army Ordnance, Aberdeen Proving Ground, Maryland, in or near the area shall have priority and take precedence over any operations and activities involving the testing of seaplanes being built for the U. S. Government.

(6) The Department of the Army will not be held liable for any damages suffered by the user of the restricted area as a result of Aberdeen Proving Ground's activities in or near the area.

(7) The described restricted area shall be used only for the testing of seaplanes being built for the U. S. Government.

(8) The regulations in this section shall be enforced by the Commander, Fifth Coast Guard District, and such agencies as he may designate.

[Regs., November 6, 1958, 800.211-ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

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

[F. R. Doc. 58-9611; Filed, Nov. 19, 1958; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 11-19]

PART 11—INDUSTRIAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the necessity of making certain editorial amendments in Part 11 of its Rules; and

It appearing that changes in the frequency tables appearing in §§ 11.504 (a) and 11.554 (a) are necessary to correct certain errors presently contained therein; and

It further appearing that the amendments hereinafter ordered are merely editorial in nature; that compliance with the public notice procedures of section 4 of the Administrative Procedure Act is, accordingly, inappropriate; and that the effective date of such amendments need not be delayed for the 30-day period specified in the said section 4; and

It further appearing that authority for the amendments is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations, and Other Information;

It is ordered, This 17th day of November 1958, that effective November 24, 1958, Part 11 of the Commission's rules is amended in the respects set forth below.

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

Released: November 17, 1958.

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

1. In the frequency table appearing in § 11.504 (a), delete the entries commencing with 406.450 Mc and ending with 406.750 Mc, and substitute the following:

412.450	do	do	4.6
412.550	do	do	4.6
412.650	do	do	4.6
412.750	do	do	4.6

2. In the frequency table appearing in § 11.554 (a), delete the entries commencing with 406.450 Mc and ending with 406.750 Mc, and substitute the following:

412.450	do	do	4.6–
412.550	do	do	4.6–
412.650	do	do	4.6–
412.750	do	do	4.6–

[F. R. Doc. 58-9656; Filed, Nov. 19, 1958; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

[Docket No. AO-72-A-22]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hillcrest Hotel, Madison and 16th Streets, Toledo, Ohio, beginning at 10:00 a. m., on November 24, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Toledo, Ohio, marketing area.

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

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

Proposed by the Northwestern Cooperative Sales Association, Inc.:

1. Amend § 930.9 (b) by deleting the phrases "during September through December" and "on 15 days or more during the month or during any other month on 7 days or more".

2. Amend the table in § 930.50 (a) (1) to provide two seasonal differentials instead of three and consider appropriate pricing for the two groupings.

3. Provide that the cooperative association and the handler shall exchange utilization on producer milk diverted by the cooperative association pursuant to § 930.12 on a pro rata basis.

4. Provide for an associate producer clause whereby a producer who has shipped to a pool plant for the preceding six months will remain a producer for the succeeding six months even though such milk is not received at a regulated plant if such milk is made available for the market and is qualified for shipment by the appropriate health authority.

Proposed by Babcock Dairy and Driggs Dairy:

5. Delete § 930.51 (b).

Proposed by the Dairy Division, Agricultural Marketing Service:

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

Copies of this notice of hearing and the order may be procured from the Market Administrator, 312 Davis Building, 147 Michigan Street, Toledo 2, Ohio, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 17th day of November 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-9651; Filed, Nov. 19, 1958; 8:53 a. m.]

[7 CFR Part 954]

[Docket No. AO-153-A7]

HANDLING OF MILK IN DULUTH-SUPERIOR MARKETING AREA

SUPPLEMENTAL NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Modern Woodman Hall, 2031 West First Street, Duluth, Minnesota, beginning at 10:00 a. m., local time, on December 9, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Duluth-Superior marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments as set forth in the original notice of this hearing, dated January 21, 1958 (23 F. R. 482), and in this supplemental notice, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. Copies of the original hearing notice have been distributed previously to known interested parties. The original hearing call was for February 25, 1958, but on February 14, 1958, the hearing was postponed to April 15, 1958, and on April 7, 1958, was again postponed.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

Proposed by Foremost Dairies, Inc.:

Proposal No. 24:

Extend the marketing area to include all of the counties of St. Louis, Cook, Carlton and Lake and the municipalities of International Falls, Bovey, Calumet, Coleraine, Deer River, Grand Rapids, Keewatin, Nashwauk, Pengily, Marble and Taconite, in Minnesota; and the counties of Douglas, Bayfield, Ashland, Iron and Sawyer, in Wisconsin.

Proposal No. 25:

Define "pool plant" to include only those plants which dispose of not less than 40 percent of Grade A milk receipts in Class I utilization, eligibility to participate as a pool plant to be determined for each month on the basis of that month's receipts and utilization.

Proposal No. 26:

Define "handler" as any operator of any plant from which any Class I milk is sold in the marketing area.

Proposal No. 27:

Establish individual-handler pools in lieu of the present marketwide pool.

Proposed by the Twin Ports Cooperative Dairy Association, in lieu of proposals No. 7 through No. 11 of the original notice:

Proposal No. 28:

§ 954.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 954.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 954.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 954.4 *Duluth-Superior marketing area.* "Duluth-Superior marketing area", hereinafter called "marketing area" means the counties of St. Louis, Carlton, Cook, and Lake, and the municipalities of International Falls, Bovey, Calumet, Coloraine, Deer River, Grand Rapids, Keewatin, Marble, Rashwauk, Pengilly, Taconite, in Minnesota; and the counties of Douglas, Bayfield, Ashland, and Sawyer in Wisconsin.

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

§ 954.6 *Market Administrator.* "Market Administrator" means the agency designated in § 954.20 for the administration of this part.

§ 954.7 *Plant.* "Plant" means the entire land, buildings, surrounding, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 954.8 *Pool plant.* "Pool plant" means any plant, firm, or cooperative association, meeting the conditions of paragraph (a), (b), or (c) of this section except a plant exempt pursuant to § 954.61 and a plant of a producer-handler:

(a) A plant, or the combined plants of a cooperative association, defined under § 954.13 in which milk is processed or packaged and from which the total quantity of Class I milk disposed of during any month, either inside or outside the marketing area, is equal to 30 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area: *Provided,* That if a plant, or the combined plants of a cooperative association, qualifies pursuant to this paragraph during the months of September, October, and November, it shall be a pool plant through the following August; or

(b) Any plant from which during any month 30 percent or more of such plant's receipts of skim milk or butterfat from farms, is delivered to a plant(s) which has qualified pursuant to paragraph (a) of this section: *Provided,* That if a plant qualifies pursuant to this paragraph for each of the months of September through November, that it shall be a pool plant through the following August; or

(c) *Provided,* That a cooperative which has plants in the marketing area that are capable of processing 25 percent of the Class III milk in the market, and that has 30 percent of the producers pursuant to § 954.10 in the market, shall automatically qualify as a pool plant; or

(d) *Provided further,* That a cooperative may elect to qualify either on an individual plant or over-all cooperative basis as it may desire pursuant to paragraphs (a) and (b) of this section, in either event, however, it must notify the market administrator in writing as to which way it wishes to qualify.

§ 954.9 *Non-pool plant.* "Non-pool plant" means any plant other than a pool plant.

§ 954.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority for sale in fluid form as Grade A milk within the marketing area, and which milk is received during the month direct from the farm at a pool plant: *Provided,* That the milk of any producer thereafter diverted by a handler from a pool plant to a non-pool plant for his account during the months of May through July, and any milk so diverted during the first 10 of the days on which the handler diverted such producer's milk in any other month shall be deemed to have been received at a pool plant from which diverted: *And provided further,* That if such person did not dispose of milk to a pool plant during the entire month immediately preceding, such person shall be known as a "new producer" for a period beginning with the date of his first delivery and including two full calendar months following such first delivery to a pool plant, after which he shall be designated a "producer". The provisions relating to diverted milk shall be deemed to include "new producers".

§ 954.11 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a plant directly from producers (and new producers) or (b) diverted from a pool plant to a non-pool plant (except a non-pool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 954.10.

§ 954.12 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s); (b) any person in his capacity as the operator of a plant from which milk, eligible for sale in the marketing area as Grade A

milk, is disposed of during the month as Class I milk within the marketing area on a route(s); (c) a cooperative association with respect to its members' milk which is diverted for the account of such association from a pool plant to a non-pool plant in accordance with the provisions of § 954.10 or with respect to bulk milk of its members which is delivered to a pool plant.

§ 954.13 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by such association, is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".

§ 954.14 *Producer-handler.* "Producer-handler" means any handler under § 954.12 (b) who produces no more than one thousand pounds of milk per day eligible for sale in fluid form as Grade A milk within the marketing area and is a handler, but who receives no milk directly from farms of other producers or other source milk: *Provided,* That the maintenance, care and management of the milk cows and other resources necessary to produce such milk and the processing, packaging or distribution of such milk are the personal enterprise and the personal risk of such person: *Provided,* That if a handler loses his producer-handler status during one or more months of the year as a result of obtaining milk from sources other than his own farm production, that he loses his status for the next twelve months.

§ 954.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants or (2) producer milk; (b) products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

§ 954.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary, who shall be entitled to such reasonable compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 954.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

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

(d) To recommend amendments to the Secretary.

§ 954.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Keep such books and records as will clearly reflect the transactions provided for in this part;

(c) Submit his books and records to examination by the Secretary at any and all times;

(d) Furnish such information and verified reports as the Secretary may request;

(e) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(f) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to §§ 954.30 to 954.33, or made payments pursuant to § 954.80;

(g) Prepare and disseminate for the benefit of producers, new producers, consumers, and handlers such statistics and information concerning the operation hereof as do not reveal confidential information;

(h) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(i) Pay, out of the fund received pursuant to § 954.87, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 954.86) necessarily incurred by him for the maintenance and functioning of his office and in the performance of his duties;

(j) Verify each handler's reports and payments by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by any other appropriate means; and

(k) On or before the date specified publicly announce and mail to each handler at his last known address a notice of the following: (1) The last day of each month, the Class I milk price and the Class I butterfat differential; and the Class II and III milk price and the Class II and III butterfat differential to be effective for the current month, and (2) the 12th day of each month, the uniform price and the producer butterfat differential both for the preceding month.

REPORTS AND RECORDS

§ 954.30 *Reports of sources and utilization.* On or before the 7th of the month each handler (except a producer-handler) shall report for each of his plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk, milk of new producers separately,

(2) Milk and milk products received from other pool plants,

(3) Other source milk,

(4) Inventories of Class I milk items on hand at the beginning of the months, and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area.

§ 954.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 25th day after the end of the month, his producer payroll for such month for each of his pool plants which shall show for each producer and new producer (i) his name and address, (ii) the total pounds of milk received from such producer or new producer, (iii) the average butterfat content of such milk, (iv) the days for which milk was received from such producer or new producer if less than the entire month, and (v) the net amount of such handler's payment to such producer or new producer together with the gross price per hundredweight paid and the amount and nature of any deductions.

(2) On or before the first day other source milk is received during the month in the form of a Class I milk item at his pool plant(s) his intention to receive such product, and on or before the last day such item is received his intention to discontinue its receipt.

(3) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 954.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form,

(b) The weights and tests for butterfat and other content, of all other skim milk or butterfat handled,

(c) Payments to producers and cooperative associations, and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and end of each month.

§ 954.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three year period, the market administrator noti-

fies the handler in writing that the retention of such books and records, or if specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 954.40 *Basis of classification.* All skim milk and butterfat required to be reported pursuant to § 954.30 (a) shall be classified by the market administrator pursuant to the provisions of §§ 954.41 to 954.46.

§ 954.41 *Classes of utilization.* The classes of utilization of milk shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of from the plant in the form of milk, (including concentrated milk), skim milk, fortified skim milk, buttermilk, flavored milk, flavored milk drink, egg nog, cream, any mixture of cream and milk or skim milk containing less than the legal minimum butterfat requirement for cream (except sterilized products packaged in hermetically sealed containers, ice cream mix and aerated products), except those specified pursuant to paragraph (c) (3) of this section, and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, and cottage cheese.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat used to produce a milk product other than those specified in Class I milk and Class II milk and actual plant shrinkage up to 2% of total receipts of skim milk and butterfat: *Provided,* That plant shrinkage established with respect to skim milk or butterfat in milk received by a handler from producers and new producers shall be the proportion of the total plant shrinkage determined by applying to total plant shrinkage of skim milk or butterfat the percentage which the skim milk or butterfat in milk received from producers and new producers bears to the total quantity of skim milk or butterfat received; (2) contained in inventory of Class I milk items on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed; (4) in actual shrinkage of other source milk computed pursuant to § 954.42.

§ 954.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handlers' pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively at such plant(s); and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and in other source milk received in the forms of a Class I milk item.

§ 954.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 954.44 *Interplant movements.* Skim milk and butterfat transferred by a handler from a pool plant in any of the forms specified in § 954.41 (a) to a pool plant or a non-pool plant shall be classified as provided in paragraphs (a), (b), and (c) of this section.

(a) As Class I milk if transferred to another pool plant unless utilization in Class II and III milk is mutually indicated to the market administrator in the reports submitted for both such plants for the month in which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class at the transferee plant: *Provided,* That if other source milk has been received at either or both plants, the milk so transferred shall be classified at both plants, so as to return the higher class utilization to producer;

(b) As Class III milk if transferred in bulk to a non-pool plant, except as provided in paragraph (c) (2) and (3) of this section: *Provided,* That (1) the handler claims the transfer as Class III milk on his report of receipts and utilization submitted on the handler report of the month in which the transfer was made; (2) records are maintained for the non-pool plant which show the receipts and utilization of all skim milk and butterfat at such plant, including the transferred quantities, and such records are made available to the market administrator for purposes of verification; and (3) there had been actually utilized in such non-pool plant not less than an equivalent amount of skim milk and butterfat (i) in frozen cream for storage in such plant or at a public cold storage warehouse, or (ii) to produce a milk product included in Class III milk: *Provided,* That if verification of such records does not disclose that an equivalent amount of skim milk and butterfat had been used in such products of Class III milk, the balance of skim milk and butterfat so transferred shall be classified as Class I milk;

(c) As Class I milk if transferred to a non-pool plant; (1) in consumer packages; (2) in bulk as any such item of § 954.41 (a), except cream, and such plant is located more than 250 miles from the courthouse in Duluth, Minnesota; or (3) in bulk as cream and such plant is located as described in subparagraph (2) of this paragraph and is a plant from which milk is disposed of in fluid form on routes: *Provided,* That this subparagraph shall not apply in the case of bulk cream transferred to any plant subject to another marketing agreement or order issued pursuant to the act, if such cream is allocated thereunder in the transferee-plant to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

§ 954.45 *Computation of milk in each class.* For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for each handler: *Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from, milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (b) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 954.46 *Allocation of skim milk and butterfat classified.* For each handler the market administrator shall determine the classification of milk received from producers in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds in Class III milk the pounds of skim milk assigned to producer milk pursuant to § 954.41 (b) (4);

(2) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk exceed the total pounds of skim milk classified as Class III milk, an amount equal to the difference shall be subtracted from Class I milk: *Provided, further,* That any other source milk subject to the Class I price provision of another marketing agreement or order issued pursuant to the act shall be allocated to Class I milk before any additional other source milk is so allocated;

(3) Subtract from the pounds of skim milk remaining in Class III milk the pounds of skim milk contained in inventory of Class I milk items on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk contained in receipts from other pool plants, in accordance with its classification as determined pursuant to § 954.44 (a); and

(5) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph, and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class III milk. Any amount in excess of that in Class III milk shall be sub-

tracted from Class I milk. The amounts so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the milk received from producers and allocated to Class I milk, Class II milk, and Class III milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 954.50 *Class prices.* Subject to the provisions of §§ 954.51 and 954.52 the class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk.* The price for Class III milk as computed by the market administrator pursuant to paragraph (c) of this section for the delivery period next preceding, plus $1.10 per cwt.

(b) *Class II milk.* The price for Class III milk as computed by the market administrator pursuant to paragraph (c) of this section for the delivery period next preceding, plus $0.30 per cwt.

(c) *Class III milk.* The price per hundredweight for Class III milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents, and adjust to the nearest one-tenth of a cent.

§ 954.51 *Butterfat differentials to handlers*—(a) *Class I milk.* If the average butterfat content of the milk disposed of as Class I milk by any handler is more or less than 3.5 percent, there shall be added to the Class I price computed pursuant to § 954.50 (a) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 0.13 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th of the month preceding through the 24th day of the month immediately preceding.

(b) *Class II and III milk.* If the average butterfat content of the Class II and III milk disposed of by any handler is more or less than 3.5 percent there shall be added to the class price computed pursuant to § 954.50 (b) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 0.115 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the immediately preceding delivery period through the 24th day of the current delivery period.

§ 954.52 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

§ 954.53 *Rate of compensatory payment on unpriced milk for milk from other Federal order markets.* The rate of compensatory payment per hundredweight on unpriced milk shall be calculated by subtracting the Class III milk price for the month adjusted by the Class III butterfat differential, from the Class I milk price for the month adjusted by the Class I butterfat differential; and the rate of compensatory payment per hundredweight of milk from other Federal order markets sold to a handler as bulk milk in the Duluth-Superior market and allocated to Class I, or packaged milk sold as Class I in the Duluth-Superior marketing area, by subtracting the Class I price in the Federal order market from which the milk was received from the Class I price in the Duluth-Superior market.

APPLICATION OF PROVISIONS

§ 954.60 *Producer handlers.* Sections 954.40 to 954.46, 954.50 to 954.61, 954.70 and 954.71, and 954.80 to 954.88 shall not apply to a producer handler.

§ 954.61 *Handlers operating non-pool plants or under the regulation of other orders.* Each handler who is the operator of a non-pool plant or is subject to the classification and pricing provisions of another order issued pursuant to the act, shall pay, on or before the 15th day after the end of each month, to the market administrator for deposit into the producer-settlement fund an amount resulting from the following computation: Multiply the total hundredweight of butterfat and skim milk disposed of in the form of Class I items from such non-pool plant to retail or wholesale outlets (including deliveries by venders and sales through plant stores) in the marketing area during the month, by the rate of the compensatory payment calculated pursuant to § 954.53.

DETERMINATION OF UNIFORM PRICE

§ 954.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 954.46 by the applicable class price, and total the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 954.46 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 954.53: *Provided,* That this paragraph shall not apply for any month in which the total receipts of producer milk at all pool plants do not exceed 105 percent of Class I milk;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 954.46 (a) (5) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class III price and the Class I price for the month by the hundredweight of skim milk and butterfat remaining in Class I milk after the calculations pursuant to § 954.46 (a) (4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 954.46 (a) (3) and (b) for the current month whichever is less, respectively.

§ 954.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk in the following manner:

(a) Combine in one total the respective values of milk, computed pursuant to § 954.70 for each handler who made the reports for such month as prescribed pursuant to § 954.30 and the payments prescribed by § 954.80.

(b) Subtract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 954.81 and multiplying the resulting amount by the total hundredweight of milk included in these computations.

(c) Subtract from such sum an amount representing the value of all milk received by handlers from new producers, computed at the Class III price.

(d) Add an amount representing the unobligated cash balance in the producer-settlement fund exclusive of the amount retained in such fund pursuant to paragraph (e) of this section.

(e) For each of the months of May, June, and July, subtract 8 percent of the resulting sum.

(f) For each of the months of October, November, and December, add one-third

of the aggregate amount subtracted pursuant to paragraph (e) of this section for May, June and July.

(g) Divide the resulting amount by the total hundredweight of milk of producers, not including new producers, received by handlers whose reports are included in this computation.

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight to provide a reserve against errors in reports and payments and delinquencies in payments by handlers. This result shall be known as the uniform price for milk containing 3.5 percent butterfat.

PAYMENTS

§ 954.80 *Time and method of payment.* On or before the 20th day after the end of each month, each handler shall make payments as follows:

(a) To each producer from whom milk was received during the month at not less than the uniform price per hundredweight computed pursuant to § 954.71 adjusted by the butterfat differential computed pursuant to § 954.81.

(b) To each new producer from whom milk was received during the month at not less than the Class III price adjusted by the butterfat differential computed pursuant to § 954.81.

(c) No handler, who has not received on the 20th day after the end of each month the balance of the payments due him from the market administrator, shall be deemed to be in violation of this section if he reduces his payments to producers and new producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 954.81 *Butterfat differential to producers.* If any handler has received from any producer or new producer milk having an average butterfat content other than 3.5 percent, in making payments pursuant to § 954.80 there shall be added to the applicable price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount equal to the butterfat differential computed by multiplying by 1.2 the simple average of the daily wholesale selling price per pound of Grade A 92-score bulk creamery butter as reported by the United States Department of Agriculture from the Chicago market during the period from the 25th day of the month preceding through the 24th day of the current delivery period.

§ 954.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 954.61, 954.83, and 954.85, and out of which he shall make payments to handlers pursuant to §§ 954.84 and 954.85: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 954.83 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of the milk received by him from producers and new producers during the month as computed pursuant to § 954.70 is greater than the amount owed by him for such milk at the appropriate uniform price adjusted by the producer butterfat and location differentials.

§ 954.84 *Payment out of the producer-settlement fund.* On or before the 17th day after the end of each month the market administrator shall pay to each handler for payment to producers and new producers the amount, if any, by which the total value of milk received from producers and new producers by such handler as computed pursuant to § 954.80 is less than the amount owed by him for such milk at the appropriate uniform rice adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund, exclusive of the amount retained there pursuant to § 954.71 (b) is insufficient to make all payments required by this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 954.85 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to § 954.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days after billing, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 954.84, the market administrator shall make payment to such handler within 5 days. Whenever verification of the payment by a handler for milk received from producers or new producers discloses payment of less than is required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payments to producers and new producers next following such disclosure.

§ 954.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers and new producers pursuant to § 954.80, with respect to all milk received from each producer and new producer at a plant not operated by a cooperative association qualified under paragraph (b) of this section of which such producer or new producer is a member, shall deduct an amount not exceeding 3 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the Secretary) from the payments made direct to such producers and new producers, and such handler shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator for market information to and for verification of weights, sampling and testing of milk received from such producers and new producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of milk of producers, who are members of a cooperative association which is actually performing the services described in paragraph (a) of this section, which is received at a plant not operated by such cooperative association, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made direct to such producers pursuant to § 954.80, as are authorized by such producers and, on or before the 15th day after the end of such month, pay on such deductions to such cooperative association.

§ 954.87 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, an amount not exceeding 4 cents per hundredweight with respect to all milk received by him during such month from producers including milk of such handler's own production, and including milk received from dairy farmers pursuant to § 954.61, the exact amount to be determined by the market administrator: *Provided,* That each cooperative association which is a handler shall pay to the market administrator such pro rata share of expense of administration on only that milk of producers which is received at a plant operated by such association.

§ 954.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the two-year period with respect to such obligation shall not begin to run until the first day of the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed unless such handler; within the applicable period of time, files pursuant to section 8c (15) (A) of the act a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 954.89 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 954.90.

§ 954.90 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 954.91 *Continuing obligation.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 954.92 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

Copies of this notice of hearing, the original notice of hearing dated January 21, 1958, and the order may be procured from the Market Administrator, 407 Federal Building, Duluth 2, Minnesota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 17th day of November 1958.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-9652; Filed, Nov. 19, 1958; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 3, 4b, 6, 7, 40, 41, 42, 43, 46]

[Draft Release No. 58-19]

USE OF HIGH-VISIBILITY PAINT ON AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to the appropriate parts of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by January 15, 1959. Copies of such communications will be available after January 19, 1959, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The closing speeds of today's aircraft make the problem of early recognition important even under conditions of good visibility and prompt evasive action is often required to avoid collision.

The subject of midair collisions has been under study by the Bureau of Safety for a considerable period of time. Among the various safeguards being considered is the use of day fluorescent paints on aircraft. Tests of different colors of standard paints on aircraft indicate that at two or two and one-half miles all standard colors fade into either gray or black, and do not increase the conspicuity of the aircraft appreciably. However, experiments with high-visibility daylight flourescent paints, which have recently become available, give promise of making aircraft more conspicuous. This is particularly true under conditions of poor visibility such as haze, dust, or smoke. The light energy reflected and emitted by these paints in the red-orange region of the spectrum ranges from three to four times that obtainable from international orange which is the best nonfluorescent high-visibility color available, and which heretofore has been the standard color for imparting maximum conspicuity to aircraft.

The major problem in developing a suitable high-visibility paint appears to be durability. However, manufacturers of these paints have consistently increased the useful life of the colors under actual operating conditions to the point where a useful life of up to one year may be expected.

The paint is comparatively expensive in small quantities, and the application process necessary to insure durability is more complicated than that required for ordinary paint. However, since it would not be necessary to paint more than 25 percent of an aircraft's surface, material consumption would vary from perhaps several quarts for a small aircraft up to four or five gallons for very large ones. Best results are obtained by applying the flourescent paint over a standard aeronautical priming system and a flat white undercoat. The use of a clear top coat containing ultraviolet absorbers is recommended to achieve maximum life of the paint.

The painting procedures for aluminum surfaces are outlined in technical bulletins furnished by the manufacturers of these paints. The recommended procedure has been used on military planes with satisfactory results. It should be noted, however, that very little experience exists on the application of these paints to fabric surfaces.

In view of the increasing potential of midair collisions, it appears that the use of these paints would make aircraft more conspicuous and, accordingly, would reduce the chances of collision.

In view of the foregoing, notice is hereby given that it is proposed to amend the appropriate parts of the Civil Air Regulations to require the use of high-visibility paints on certain surfaces of all civil aircraft. Detailed comment on the particular surface areas to be covered is requested as well as specific information on paint specifications in order to frame technical standards.

These amendments are proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., November 12, 1958.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 58-9654; Filed, Nov. 19, 1958; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND; AMENDMENT

Notice of the proposed withdrawal and reservation of land for the Bureau of Sport Fisheries in the Anchorage Land District, Alaska, was published in the FEDERAL REGISTER on October 23, 1958, Volume 23, No. 208. The area embraced by this application, which is identified by serial number Anchorage 044920 has been amended to read as follows:

All tidelands and all adjoining areas of water extending three miles from mean high tide, adjacent to the Aleutian Islands National Wildlife Refuge as established by Executive Order 1733 of March 3, 1913, and modified by subsequent orders.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-9616; Filed, Nov. 19, 1958; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND; AMENDMENT

The Notice of the Proposed Withdrawal and Reservation of Land for the Bureau of Land Management as published in the FEDERAL REGISTER on October 8, 1958 in Volume 23, No. 197 on Page 7771 is hereby supplemented to the extent of identifying this request by Anchorage serial number 045340. It had previously been identified solely by TA 12864.

The notice as published is also hereby corrected to specify latitude 62°30'36" N. in the 10th line of the metes and bounds description given for Larger Jack Lake rather than latitude 62°00'36" N.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F. R. Doc. 58-9617; Filed, Nov. 19, 1958; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

INVENTORIES, SALES, ACCOUNTS RECEIVABLE, CAPITAL EXPENDITURES, FORM OF OWNERSHIP OF RETAILERS

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a 1958 Annual Retail Trade Survey of year-end inventories; annual sales by type (cash and credit); charge and installment accounts receivable as of the end of the year; capital expenditures; and form of ownership, under the provisions of the act of Congress approved August 31, 1954, 13 U. S. C. 181, 224, and 225. This survey will provide the only continuing source of important information on total sales by region, inventories, and accounts receivable in retail trade for the various kinds of retail business. Information on cash and credit sales, capital expenditures, and form of ownership are being collected in connection with the 1958 Census of Business. On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide with measurable reliability, statistics on the subjects specified above. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores operated, will be requested to report for all stores regardless of their locations.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D. C. Any suggestions or recommendations concerning the subject matter of the proposed survey should be submitted in writing to the Director of the Bureau of the Census and will receive consideration.

ROBERT W. BURGESS,
Director,
Bureau of the Census.

Dated: November 14, 1958.

LEWIS L. STRAUSS,
Secretary of Commerce.

[F. R. Doc. 58-9634; Filed, Nov. 19, 1958; 8:51 a. m.]

DISTRIBUTORS STOCKS OF CANNED FOOD

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct an annual survey of inventories of 32 canned and bottled vegetables, fruits, juices, and fish as of December 31, 1958, under the provisions of the act of Congress approved August 31, 1954, 13 U. S. C. 181, 224, and 225. This survey will provide the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, and governmental agencies and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger."

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestion or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census and will receive consideration.

ROBERT W. BURGESS,
Director,
Bureau of the Census.

Dated: November 14, 1958.

LEWIS L. STRAUSS,
Secretary of Commerce.

[F. R. Doc. 58-9635; Filed, Nov. 19, 1958; 8:51 a. m.]

Federal Maritime Board

MEMBER LINES OF TRANS-ATLANTIC PASSENGER CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 120-74, between the member lines of the Trans-Atlantic Passenger Conference, modifies the basic agreement of that conference (No. 120, as amended), to change the name thereof to Trans-Atlantic Passenger Steamship Conference.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 17, 1958.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-9645; Filed, Nov. 19, 1958; 8:52 a. m.]

FAR EAST VAN SERVICE DIVISION OF FOSTER FREIGHT LINES, INC., AND PACIFIC FAR EAST LINE, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8328-2, between Far East Van Service Division of Foster Freight Lines, Inc., and Pacific Far East Line, Inc., modifies Agreement No. 8328, covering an arrangement of the parties for the transportation of cargo in van-type containers from the San Francisco Bay area to Guam, to exclude therefrom the transportation of household goods and/or personal effects.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 17, 1958.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-9646; Filed, Nov. 19, 1958; 8:53 a. m.]

FARRELL SHIPPING CO., INC. AND T. J. HANSON

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8339, between Farrell Shipping Co., Inc. and T. J. Hanson is a cooperative working arrangement between the parties under which they will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 17, 1958.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-9647; Filed, Nov. 19, 1958; 8:53 a. m.]

ATOMIC ENERGY COMMISSION

[Application for Byproduct Material License; Docket No. 30-1]

NUCLEAR ADVISORS, INC.

NOTICE OF HEARING

Pursuant to § 2.102 of the Commission's rules of practice, the Commission on October 30, 1958, issued a notice of proposed denial of the application filed by the applicant on September 28, 1958. On October 31, 1958, the applicant filed a request for a formal hearing. The notice of proposed denial stated that if the applicant requested a formal hearing, the Commission would consider issuing a temporary license to expire upon the issuance of the final decision. The applicant applied for a temporary byproduct material license which was granted on October 31, 1958.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Parts 2, 20, and 30, 10 CFR, notice is given that a hearing will be held on December 17, 1958, at 10 o'clock in the forenoon in Room 601 at the United States Court House, Foley Square, in the City of New York, to consider the matters hereinafter specified. Samuel W. Jensch, Esq., will be the presiding officer.

SPECIFICATION OF ISSUES

(a) The Atomic Energy Commission alleges that Cosmo Rutigliano, president of the applicant, and the proposed individual user and radiation protection officer, was responsible for violations of the Atomic Energy Act of 1954, as amended, the regulations of the Commission, and the terms and conditions of byproduct material license Nos. 31-6122-3C60, 31-6122-2 and 31-6122-1, as the Director of the Long Island City, New York, laboratory of Nuclear Consultants, Inc., in that he:

1. Transferred byproduct material to persons and institutions which did not possess licenses to receive the byproduct material as required by §§ 30.3 and 30.32, Part 30, 10 CFR.

2. Failed to maintain records of radiation exposures of personnel in violation of § 20.401 (a), Part 20, 10 CFR.

3. Failed to maintain records of radiation surveys in violation of § 20.401 (c), Part 20, 10 CFR.

4. Failed to maintain records with respect to the transfer of waste byproduct material to the laboratory of Nuclear Consultants, Inc., in St. Louis, Missouri, in violation of § 30.41, Part 30, 10 CFR.

5. Failed to maintain records of the disposal of waste byproduct material by release into a sanitary sewerage system in violation of § 20.401 (c), Part 20, 10 CFR.

(b) In view of the foregoing alleged violations, the issues to be considered are whether the applicant is qualified to be the holder of a byproduct material license and whether the application should be denied.

The applicant should serve and file an answer within ten (10) days after the receipt of this notice in accordance with § 2.736 and other applicable provisions of the rules of practice.

Dated at Germantown, Md., this 14th day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-9607; Filed, Nov. 19, 1958; 8:45 a. m.]

CHARGES FOR SECURITY CLEARANCES

This notice concerns charges for personnel security clearances applied for under the Atomic Energy Commission Access Permit Program. Commission regulations governing this program are set forth in 10 CFR Parts 25 and 95.

1. Effective January 1, 1959, the Atomic Energy Commission will charge for each personnel security clearance applied for under the Access Permit Program with the exceptions noted below.

2. The charges established for personnel security clearances are:

a. $385.00 for a "Q" clearance.

b. $15.00 for an "L" clearance.

These charges are subject to change.

3. There shall be no charge for a personnel security clearance requested for any employee or paid member of the staff of an Access Permit holder who furnishes evidence demonstrating to the satisfaction of the Commission that the permit holder is an accredited, nonprofit educational institution having at least a two-year program of college level studies and that the employee or paid staff member in question requires the clearance for work in an educational, training, research or development program sponsored by the permit holder which relates to the civilian applications of atomic energy.

4. Except for those clearances which access permit holders make application for or obtain prior to January 1, 1959 without charge, the transfer, extension or reinstatement of any clearance for which the Government has not been reimbursed will be subject to charge in accordance with the provisions of this notice.

5. Charges for a security clearance shall be paid in full to the Commission at the time the clearance is applied for, except that where an employee of an AEC contractor is assigned part time to private work of the contractor requiring security clearance under an access permit, the charge will be made annually based on a proration of the employee's time applicable to the contract and to the work under the access permit. Refunds will not be made regardless of clearance determination.

6. Checks shall be made payable to the U. S. Atomic Energy Commission.

7. A permittee who elects to change the type of clearance applied for to a "Q" clearance after investigation has commenced pursuant to a prior request for an "L" clearance will be charged for both clearances.

Dated at Germantown, Md., this 7th day of November 1958.

For the Atomic Energy Commission.

PAUL F. FOSTER,
General Manager.

[F. R. Doc. 58-9608; Filed, Nov. 19, 1959; 8:45 a. m.]

[Docket No. 50-91]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF AMENDMENT TO CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the amendment (No. 1) set forth below to Construction Permit No. CPRR-23 authorizing Aerojet-General Nucleonics, San Ramon, California, to construct five nuclear reactors numbered 121 through 125 of the series designated by AGN as Model AGN-201 to operate at levels not exceeding 20 watts thermal. Construction Permit No. CPRR-23 dated February 20, 1958, previously authorized construction of these reactors for operation at five watts. Construction Permit No. CPRR-23 states that upon completion of the construction of each reactor in accordance with the terms and conditions of the permit and upon finding that each reactor authorized has been constructed in conformity with the application and in conformity with the provisions of the Act and of the rules and regulations of the Commission, the Commission will issue a Class 104 license to Aerojet-General Nucleonics for each pursuant to section 104c of the act, which license shall expire 20 years after the date of the construction permit. The Commission has found that issuance of the construction permit, as amended, and operation of the reactors in accordance with the terms and conditions of the proposed utilization facility licenses will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since construction and operation of the reactors at 20 watts does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously contemplated operation of the reactors at five watts.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see (1) the application for license amendment submitted by Aerojet-General Nucleonics and (2) a hazards analysis of the proposed construction and operation of the reactors at 20 watts prepared by 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 14th day of November 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[Construction Permit No. CPRR-23, Amdt. No. 1]

The first paragraph of Construction Permit No. CPRR-23 is hereby amended to read as follows:

Aerojet-General Nucleonics, San Ramon, California, (hereinafter referred to as "AGN") by application dated November 27, 1957, and amendment thereto dated October 10, 1958 (together hereinafter referred to as "the application") requested Class 104 licenses, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate five 20-watt nuclear reactors of a type designated by AGN as Model AGN-201 and referred to as Serial Nos. 121 through 125. The five reactors will be referred to herein as "the reactors".

Condition C is hereby amended to read as follows:

C. The reactors are self-contained research reactors using uranium enriched in the isotope uranium-235 as fuel and designed to operate at a power level of 20 watts (thermal).

This amendment is effective as of the date of issuance.

Date of issuance: November 14, 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F. R. Doc. 58-9609; Filed, Nov. 19, 1958; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12625; FCC 58M-1288]

CHEROKEE BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re application of Roy Alexander, tr/as Cherokee Broadcasting Company, Centre, Alabama, Docket No. 12625, File No. BP-11300; for construction permit.

Upon informal request of counsel for the above-named applicant, and by agreement of the parties: *It is ordered*, This 13th day of November 1958, that the prehearing conference presently scheduled to be held at 9:00 a. m. on November 18, 1958, be, and the same is, hereby continued to November 26, 1958, at 9:00 a. m.

Released: November 14, 1958.

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

[F. R. Doc. 58-9657; Filed, Nov. 19, 1958; 8:55 a. m.]

[Docket No. 12626; FCC 58M-1289]

IRVING BRAUN (WEZY)

ORDER SCHEDULING HEARING

In re application of Irving Braun (WEZY), Cocoa, Florida, Docket No. 12626, File No. BMP-7766; for modification of construction permit.

It is ordered, This 13th day of November 1958, that engineering exhibits in the above-entitled matter shall be exchanged on or before December 4, 1958, and that the hearing shall commence at 9:00 a. m., December 12, 1958, in the Commission's offices in Washington, D. C.

Released: November 14, 1958.

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

[F. R. Doc. 58-9658; Filed, Nov. 19, 1958; 8:55 a. m.]

[Docket No. 12664; FCC 58-1074]

RADIO KYNO, THE VOICE OF FRESNO (KYNO)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Amelia Schuler, Lester Eugene Chenault and Bert Williamson d/b as Radio KYNO, the Voice of Fresno (KYNO), Fresno, California, Docket No. 12664, File No. BP-11458; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1958;

The Commission having under consideration the above-captioned application of Amelia Schuler, Lester Eugene Chenault and Bert Williamson d/b as Radio KYNO, The Voice of Fresno, requesting (1) a construction permit to increase the daytime power of Station KYNO, Fresno, California (1300 kc, 1 kw, DA-2, U) to 5 kilowatts, to operate with a non-directional antenna during daytime hours, and to continue the use of the present directional array for nighttime operation; and (2) a waiver of § 3.188 (b) (4) of the Commission's rules which provides that the transmitter site shall be so located that the population within the blanket contour (one v/m contour) does not exceed that specified by § 3.24 (b) (7) of the rules (1.0 percent of the population within the 25 mv/m contour); and

It appearing that, except as indicated by the issues specified below, the applicant is legally, financially, technically and otherwise qualified to operate Station KYNO as proposed but that the proposed operation would not comply with § 3.188 (b) (4) of the rules in that, as indicated in the application as originally filed, the number of persons residing within the proposed one v/m contour would be greater than one percent of the population in the 25 mv/m contour permitted by §§ 3.188 (b) (4) and 3.24 (b) (7) of the rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant

was advised by letter dated July 23, 1958, that the Commission was unable to conclude that a grant of the application would be in the public interest in view of the aforementioned noncompliance with § 3.188 (b) (4) of the rules; and

It further appearing that, by amendment dated September 16, 1958, and filed September 19, 1958 with engineering data attached thereto, the applicant requested that the application be granted without hearing; contending that an official March 1958 FHA-Postal Survey, the official U. S. Census data for Clovis, California, which was outside the postal survey area but lies within the proposed 25 mv/m contour, the applicant's house count for areas within the 25 mv/m contour but outside the postal survey area and Clovis and the applicant's house count within the proposed one v/m contour show that the population within the one v/m contour is less than one percent of the population within the proposed 25 mv/m contour; and stating that "KYNO will take care of complaints of blanketing interference if any do arise"; and

It further appearing that, by letter dated September 23, 1958, counsel for the California Inland Broadcasting Co., licensee of Station KFRE, Fresno, California, alleged that the persons residing within the proposed one v/m contour of Station KYNO would be unable to receive interference-free service from other stations, including Station KFRE, and requested that the KYNO application be designated for hearing and that the California Inland Broadcasting Co. be made a party to the proceeding; and

It further appearing that, by letter dated October 1, 1958, applicant's counsel contended that, in view of the data in the applicant's amendment mentioned above, the KFRE position is "moot"; that the licensee of KFRE has no standing in the instant matter and that there is no necessity for a hearing on the application; and

It further appearing that, the California Inland Broadcasting Co. as licensee of a standard broadcast station that serves Fresno, California, which is also served by KYNO, is entitled to an opportunity at a hearing to show why the instant application should not be granted; and

It further appearing that, by letter of October 20, 1958, counsel for the McMahan Broadcasting Co., licensee of Station KMAK, Fresno, California, requested that the KYNO application be designated for hearing on the ground that KMAK would lose audience because of the excessive blanketing and that the McMahan Broadcasting Co. be made a party to the proceeding; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that a hearing is necessary to obtain complete information as to whether the KYNO proposal is in compliance with § 3.188 (b) (4) of the Commission's rules or, in the event it is found that the proposal is not in compliance with § 3.188 (b) (4), whether the ground originally advanced by Radio KYNO, The Voice of Fresno, in its request for waiver are sufficient to constitute a valid basis for waiver of § 3.188 (b) (4) of the Commission's rules;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KYNO as proposed and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KYNO would be in compliance with § 3.188 (b) (4) of the Commission's rules; and if compliance with § 3.188 (b) (4) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That the California Inland Broadcasting Co. and the McMahan Broadcasting Co., licensees of Stations KFRE and KMAK, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission's 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.

Released: November 17, 1958.

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

[F. R. Doc. 58-9659; Filed, Nov. 19, 1958; 8:55 a. m.]

[Docket No. 12665; FCC 58-1075]

GERICO INVESTMENT CO. (WITV) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Gerico Investment Company (WITV), Miami, Florida, Docket No. 12665, File No. BPCT-2374; Publix Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1958;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a television broadcast station to operate on Channel 6, assigned to Miami, Florida; Gerico Investment Company specifying Miami as the station location, Publix Television Corporation and South Florida Amusement Co., Inc., each specifying Perrine, Florida, and Coral Television Corporation specifying South Miami, Florida as station locations; and

It appearing that the applications of Publix Television Corporation, South Florida Amusement Company, Inc. and Coral Television Corporation are mutually exclusive in that operation by all three applicants as proposed would result in mutually destructive interference; and

It further appearing that Gerico Investment Company proposes to operate from a transmitter site which does not meet the co-channel and adjacent channel mileage separations for television broadcast stations in Zone III as required by § 3.610 of the rules with respect to Stations WDBO-TV, Channel 6, Orlando, Florida and WPTV, Channel 5, West Palm Beach, Florida; that Gerico proposes the use of a directional antenna to compensate for the short spacings which is contrary to the provisions of § 3.685 (a) of the rules; and that Gerico has requested waiver of the aforesaid sections, alleging as reasons therefor that a site meeting the minimum mileage separation requirements from which a principal city signal could be placed over Miami, Florida cannot receive airspace approval because of the height required; and

It further appearing that Gerico Investment Company was advised by letter dated February 12, 1958, it was not entitled to comparative consideration; that the Commission was unable to determine, at that time, whether a waiver would be justified inasmuch as none of the applicants had succeeded in obtaining airspace approval, and that therefore its application would be consolidated in the proposed hearing for Channel 6 on the question of the requested waivers; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, Publix Television Corporation, South Florida Amusement Company, Inc. and Coral Television Corporation 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 that the application of Gerico was being consolidated in the hearing on the question of whether waivers would be justified; and

It further appearing that South Florida Amusement Company, Inc. and Coral Television Corporation have since found sites which meet the separation requirements and all other requirements of the Commission's rules, and moreover, have obtained airspace approval for such sites; that, therefore, it is apparent that there is no longer a question as to availability of suitable transmitter sites which comply with the Commission's rules; and that there is no longer any necessity for a hearing on the question of waiver

of §§ 3.610 and 3.685 (a) of the rules; and

It further appearing that in view of the foregoing, the Commission is now of the view that the request of Gerico Investment Company for waiver of §§ 3.610 and 3.685 (e) of the rules should be denied without hearing; that dismissal of the Gerico Investment Company application would preclude its participation in the proceeding herein under § 1.355 (e) of the rules; that equitable considerations dictate that Gerico Investment be given an opportunity to amend its application to specify a site which complies with the technical provisions of the Commission's rules and to participate in the proceeding; and that this end can be accomplished by designating the application of Gerico Investment Company for hearing, contingent upon its filing with the Commission, within forty (40) days of the date of this order, an amendment specifying a site which will comply with the technical provisions of the Commission's rules; and that in view of the improbability of obtaining airspace clearance in the period of time designated, the Hearing Examiner be given authority, on his own motion, to enlarge the issues to include an issue with respect to air hazard should this be necessary; 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 Gerico Investment Company is legally and technically qualified to construct, own and operate the proposed television broadcast station; that Publix Television Corporation is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except as to issue "2" below; and that South Florida Amusement Company, Inc. and Coral Television Corporation are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations.

It is ordered, That the request of Gerico Investment Company for waiver of §§ 3.610 and 3.658 (e) of the rules is denied.

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Gerico Investment Company, Publix Television Corporation, South Florida Amusement Company, Inc. and Coral Television Corporation are designated for hearing in a consolidated proceeding: *Provided, however*, That the application of Gerico Investment Company is designated for hearing in this proceeding contingent upon its filing an amendment to its application within forty (40) days from the date of this order specifying a site meeting all of the technical requirements of the Commission's rules, and that failure by Gerico Investment Company to amend its application will result in its application being dismissed nunc pro tunc of the date of this order.

It is further ordered, That this proceeding shall commence at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Gerico Investment Company is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether the antenna system and site proposed by Publix Television Corporation would constitute a hazard to air navigation.

3. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

a. The background and experience of each 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 stations.

c. The programming service proposed in each of the above-captioned applications.

4. 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 the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion, should it prove necessary, by the addition of the following issue: To determine whether the antenna system and site proposed by Gerico Investment Company would constitute a hazard to air navigation.

It is further ordered, That to avail themselves of the opportunity to be heard Gerico Investment Company, Publix Television Corporation, South Florida Amusement Company, Inc. and Coral Television Corporation, 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: November 17, 1958.

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

[F. R. Doc. 58-9660; Filed, Nov. 19, 1958; 8:55 a. m.]

[Docket No. 12669; FCC 58-1076]

TUCUMCARI TELEVISION CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tucumcari Television Company, Inc., San Jon, New Mexico, Docket No. 12669, File No. BPTT-170; for a construction permit to construct television broadcast translator station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1958;

The Commission having under consideration the above-captioned application requesting a construction permit for a television broadcast translator station; and

It appearing that the applicant was notified by letter dated September 3, 1958, pursuant to section 309 (b) of the Communications Act of 1934, as amended, that the Commission was unable to determine that a grant of its application without hearing was warranted in view of questions raised concerning the applicant's legal and other qualifications to construct and operate the proposed television translator station; and that the applicant was given an opportunity to reply to said letter; and

It further appearing that the applicant replied to the Commission's letter on October 8, 1958; and stated therein that it waived its rights to a hearing on its application and requested the Commission to dispose of its application on the facts now before it; and

It further appearing that upon consideration of the above-captioned application, the Commission's letter and the applicant's reply thereto, the Commission is unable to determine that a grant of said application would be in the public interest; and

It further appearing that the Commission cannot properly resolve the questions raised as to the applicant's qualifications without an evidentiary hearing.

It is ordered, That the above-captioned application is designated for hearing in Washington, D. C., at a time to be specified in a subsequent order, upon the following issues:

1. To determine the facts and circumstances under which the applicant applied for, constructed and operated the proposed television translator station.

2. To determine, on the basis of the evidence adduced with respect to the above issue, whether the applicant possesses the requisite character qualifications to be a licensee of the Commission.

3. To determine the primary purpose for which the proposed television translator station is to be utilized.

4. To determine whether, on the basis of the evidence adduced with respect to the above issues, a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That the request of Tucumcari Television Company, Inc., that the Commission dispose of the

above-captioned application without hearing is denied.

It is further ordered, That to avail itself of the opportunity to be heard, Tucumcari Television Company, Inc., 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 to present evidence on the issues specified in this order.

Released: November 17, 1958.

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

[F. R. Doc. 58-9661; Filed, Nov. 19, 1958; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2047]

PANHANDLE EASTERN PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 13, 1958.

Take notice that Panhandle Eastern Pipeline Company (Applicant), a Delaware corporation having its principal office at 1221 Baltimore Avenue, Kansas City 5, Missouri, filed on June 16, 1958, an application, pursuant to section 7 of the Natural Gas Act, for a disclaimer of jurisdiction or, in the alternative, for extension of the certificate of public convenience and necessity issued to Applicant by order of this Commission in the above numbered docket on October 23, 1953, authorizing Applicant to serve certain fuel requirements of National Petro-Chemicals Corporation's (Petro-Chemicals') extraction and chemical plants near Tuscola, Illinois, as hereinafter described, all as more fully described in the application, which is on file with the Commission and open for public inspection.

Applicant was authorized by said order of October 23, 1953 (12 FPC 686 and 706) to construct and operate a fuel gas measuring and regulating station and appurtenant equipment for the transportation of natural gas in interstate commerce; said measuring and regulating station to be located adjacent to a plant proposed to be constructed and owned by Petro-Chemicals near Applicant's Tuscola, Illinois compressor station, for the extraction of ethane and heavier hydrocarbons from natural gas.

Applicant was also authorized to deliver to Petro-Chemicals, on an interruptible basis only, volumes of natural gas not to exceed 7,000 Mcf per day for use as fuel in Petro-Chemicals' extraction and chemical plants during each seven months period from September 16 through April 15, and not to exceed 24,000 Mcf per day of natural gas during each five months period from April 16 through September 15. The order limited deliveries only to such days as:

(1) No curtailment step is in effect on Panhandle's pipeline system;

(2) When Panhandle has gas available in excess of its commitments to its other customers to whom gas is being sold on other than an interruptible basis; and

(3) When pressure conditions on Panhandle's pipeline system permit deliveries of such excess or interruptible gas to Petro-Chemicals.

The Commission by said order limited operation of the facilities therein authorized to a period of five years from the date of the first delivery of natural gas to Petro-Chemicals unless such period should thereafter be extended by order of the Commission.

Applicant alleges that the date of first delivery was determined to be September 16, 1953, and that the contract between Petro-Chemicals and Panhandle for the sale of natural gas is for a term of twenty years and is still in effect, with a remaining term of fifteen years as of September 16, 1958. Applicant further alleges that both Applicant and Petro-Chemicals' desire a continuation of natural gas service in accordance therewith.

Applicant alleges that said plants are vital to national defense and to the industrial economy and are particularly important to the Tuscola area, where 900 persons are employed providing an annual payroll of approximately $5,000,000.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 15, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9636; Filed, Nov. 19, 1958; 8:51 a. m.]

[Docket Nos. G-14853, G-15208]

ARKANSAS LOUISIANA GAS CO. AND OLIN GAS TRANSMISSION CORP.

NOTICE RECONVENING HEARING

NOVEMBER 13, 1958.

In the matters of Arkansas Louisiana Gas Company, Docket No. G-14853 and Olin Gas Transmission Corporation, Docket No. G-15208.

Take notice that the consolidated hearing upon the applications in the above-captioned proceedings is hereby scheduled to recommence at 9:30 a. m., e. s. t., on November 26, 1958, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested 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 Applicants to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9637; Filed, Nov. 19, 1958; 8:51 a. m.]

[Docket No. G-14975]

PRODUCERS GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 13, 1958.

Take notice that Producers Gas Company (Applicant), a New York corporation, having its principal place of business in Olean, New York, filed on April 25, 1958, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Home Gas Company to establish physical connection of its transportation facilities with the facilities of Applicant at a point in the City of Olean, New York, for the purpose of providing an emergency gas service interconnection, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant alleges that it receives its entire gas supply from New York Natural Gas Corporation at a connection at Applicant's Sanford Station in the Town of Genesee, Allegany County, New York and at connections in the Towns of Amity and Angelica in Allegany County, New York; that the Sanford connection is the only one through which the Olean district can be supplied.

Applicant alleges that gas is transported from Applicant's Sanford Station through an 8-inch pipeline to Olean, which was laid in 1904 and through a 5⅝-inch and 6-inch pipeline extending through the community of Portville into Olean, which was laid at various times between 1892 and 1955. The distance between Sanford Station and Olean is approximately eleven miles. Applicant states that an 8-inch transmission line of Home Gas Company runs adjacent to one of Applicant's main lines on Houghton Avenue in the City of Olean. Applicant proposes to provide the necessary regulating and measuring facilities for such connection.

Applicant's estimated maximum daily requirements in the Olean District are as follows:

1958—5,000 Mcf
1959—5,500 Mcf
1960—6,000 Mcf

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 15, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9638; Filed, Nov. 19, 1958; 8:51 a. m.]

[Docket No. G-15092]

GREAT SWEET GRASS OILS CO. AND EXCHANGE OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

NOVEMBER 14, 1958.

Take notice that on May 9, 1958, Great Sweet Grass Oils Company (Sweet Grass), an Oklahoma corporation with its principal place of business in Oklahoma City, Oklahoma, an independent producer, and Exchange Oil Company (Exchange), an Oklahoma corporation with a principal place of business in Oklahoma City, Oklahoma, an independent producer, filed a joint application in Docket No. G-15092, pursuant to section 7 of the Natural Gas Act, for authorization to abandon the sale of natural gas, and to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

The application requests the following authorizations:

(1) Sweet Grass, as former operator, to abandon service to Cities Service Gas Company (Cities Service) from the North Hoover-Hoxbar Field, Garvin County, Oklahoma, covered by a contract dated May 27, 1957, between Sweet Grass and Exchange, as sellers, and Cities Service, as buyer, on file as Great Sweet Grass Oils Company, et al., FPC Gas Rate Schedule No. 3, as supplemented.

(2) Exchange, as present operator, to continue the service to Cities Service formerly rendered by Sweet Grass, under the terms of the aforementioned contract.

Applicants state that pursuant to a verbal contract entered into on April 1, 1958, between Sweet Grass and Exchange, Exchange succeeded Sweet Grass as operator of the properties dedicated to the aforementioned contract, in which properties Exchange and Sweet Grass each owns a 50 percent working interest.

Concurrently with the application, Exchange filed a notice of succession to Great Sweet Grass Oil Company et al., FPC Gas Rate Schedule No. 3.

By order issued February 10, 1958, In the Matters of Arkansas Fuel Corporation et al., Docket Nos. G-3031 et al., Sweet Grass, as operator, was granted a certificate in Docket No. G-12843 authorizing it to render the subject service to Cities Service, now proposed to be continued by Exchange, as the new operator.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 22, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested 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 Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 12, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-9639; Filed, Nov. 19, 1958; 8:51 a. m.]

[Docket No. G-16857]

REPUBLIC NATURAL GAS CO. ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

Republic Natural Gas Company (Operator) et al. (Republic) on October 16, 1958, tendered for filing a proposed change in its presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Tennessee Gas Transmission Company.
Rate schedule designation: Supplement No. 4 to Republic's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1959 (effective date is that proposed by Republic).

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

In support of the proposed increased rate, Republic states that the increased price is provided for by the contract and was arrived at through arm's-length bargaining. Republic further states that the increased rate proposed is not in excess of the fair market price for gas of a like quality in the same general area; that the increase is needed to encourage further exploration and development; and that the increase is needed to provide a fair rate of return. In addition, Republic states that the increase will not trigger any favored-nation clauses in other contracts or set a new "high" price for the area involved.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 4 to Republic's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

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

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

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

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

By the Commission.

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

[F. R. Doc. 58-9640; Filed, Nov. 19, 1958; 8:52 a. m.]

[Docket No. G-16858]

J. A. KIMMEY ET AL.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

J. A. Kimmey (Operator) et al. (Kimmey) on October 16, 1958, tendered for filing a proposed change in his presently effective rate schedule for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 6, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 4 to Kimmey's FPC Gas Rate Schedule No. 1.

Effective date: January 1, 1959 (effective date is that proposed by Kimmey).

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

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

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 4 to Kimmey's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

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

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

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

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

By the Commission.

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

[F. R. Doc. 58-9641; Filed, Nov. 19, 1958; 8:52 a. m.]

[Docket No. G-16893]

HUMBLE OIL & REFINING CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

NOVEMBER 14, 1958.

Humble Oil & Refining Co. (Humble) on October 17, 1958, tendered for filing a renegotiated contract and a proposed change in its presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increase rate and charge, is contained in the following designated filing:

Description: Contract, dated September 17, 1958. Notice of Change, dated October 9, 1958.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation. Humbles FPC Gas Rate Schedule No. 143 and Supplement No. 1 thereto.

Effective date: November 17, 1958 (effective date is that proposed by Humble).

This rate and charge so proposed is intended to reflect (in whole or in part) the additional "excise, license, or privilege tax" of one cent per Mcf levied by the State of Louisiana pursuant to Act No. 8 of 1958 (House Bill No. 303), as approved on June 16, 1958, amending Title 47 of the Louisiana Revised Statutes of 1950. The Commission is advised that litigation is being instituted to challenge the constitutionality of the said Act No. 8 of 1958. In consideration of this fact, and in order to assure appropriate refund in the event said Act No. 8 of 1958 should be declared unconstitutional or otherwise held invalid by final judicial decision, it is deemed advisable to suspend the said proposed increased rate and charge.

This suspension, however, is based on the possibility of the additional tax being invalidated and that only such tax increment of the proposed increased rate shall be made effective subject to refund.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Humbles FPC Gas Rate Schedule No. 143 and Supplement No. 1 thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Humbles FPC Gas Rate Schedule No. 143 and Supplement No. 1 thereto.

(B) Pending such hearing and decision thereon, said rate schedule and supplement be and they are suspended and the use thereof deferred until November 18, 1958, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

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

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

By the Commission.

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

[F. R. Doc. 58-9642; Filed, Nov. 19, 1958; 8:52 a. m.]

[1] Rate in effect subject to refund in Docket No. G-15687.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SP-2548]

STANWAY OIL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENTS OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

NOVEMBER 14, 1958.

I. Stanway Oil Corporation, a Nevada corporation, filed with the Commission on October 20, 1958, a notification and offering circular relative to a proposed offering of 300,000 shares of its $1.00 par value common stock at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification fails to disclose that Cadillac Oil Company is a predecessor of the issuer as required by Item 2 (a) of Form 1–A.

2. The offering circular fails to set forth certain financial statements prescribed by Item 11 (a) of Schedule I.

B. The offering circular contains false and misleading statements as to material facts and omits to state material facts necessary in order to make statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose the number of issuer's shares owned by each of its officers and directors.

2. The failure to disclose the relationship of Cadillac Drilling Company and U-Tex Oil Company to the issuer and Cadillac Oil Company.

3. The failure to disclose the identity of D. H. Sigal and Co. and its relationship to the issuer and its promoters.

4. The failure to disclose that the issuer's officers and directors are inexperienced in the operation of a producing oil company.

5. The failure to disclose the person or persons from whom certain of the issuer's promoters acquired their stock in the issuer and Cadillac Oil Company.

6. The failure to disclose with respect to the issuer's U. S. Government leases the distance to the nearest commercial oil production and its importance; the distance to the nearest commercial natural gas production; the distance to the nearest dry hole of consequential depth and such depth.

7. The Quinn report in that:

(a) The actual amount of acreage under lease in the Huntington Beach Field has not been totalled nor has it been stated how many acres have been drained by the wells drilled heretofore;

(b) The dates the respective wells obtained from Cadillac were completed have been omitted;

(c) The accumulated production to date from each of the issuer's wells and in the aggregate has not been included.

(d) The statements as to predictions of oil production if certain remedial work were carried out are conjectural in the absence of any definite results on the wells in question through such methods.

(e) There appears insufficient basis for the statement that a "near virgin condition exists" in the Tar Sands in Blocks 416 and 417.

(f) There have been set forth estimated profits which are conjectural and are without adequate foundation.

(g) There has not been included or furnished sufficient basis for estimating the average yield from Tar Sand Zone (well to be drilled in Blocks 416 and 417) of 165,209 net barrels.

III. *It is ordered*, Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after receipt of such request, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the suspension order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

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

[F. R. Doc. 58-9630; Filed, Nov. 19, 1958; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-II-1, Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

Delegation of Authority No. 30-II-1 (22 F. R. 7112) is hereby amended by adding the following new paragraph I B 23:

23. To take the following actions in all loans except these loans classified as "problem loans" or "in liquidation":

a. Extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

b. Carry loans which are delinquent or past-due not more than three months in such status for an additional period of not more than six months when the principal balances of such loans do not exceed $100,000.

c. Extend the maturity of loans (within the statutory limitations) when the principal balances of such loans do not exceed $100,000.

d. Approve or decline requests for changes in the repayment terms of notes for loans with principal balances not exceeding $100,000.

e. Waive amounts due under net earnings clause.

f. Approve requests to exceed fixed assets limitations and waive violations of this limitation.

g. Approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel and waivers of violation of salary and bonus limitations, provided the Chief, Financial Assistance Division considers the bonuses and/or salary to be paid reasonable and that consent will not be given to any such payment if the payment will impair the borrower's cash position and if the loan is not current in all respects at the time payment is made.

h. Approve changes in use of loan proceeds in connection with partially disbursed loans.

i. Waive violations of agreements to maintain working capital of a specified amount.

2. Deleting section II in its entirety and substituting the following in lieu thereof:

II. The authority delegated in subsections IB5, 9, and 13h may not be redelegated.

Dated: October 13, 1958.

ARTHUR E. LONG, *Regional Director, New York Regional Office.*

[F. R. Doc. 58-9631; Filed, Nov. 19, 1958; 8:50 a. m.]

[Delegation of Authority 30-II-11]

CHIEF, LOAN PROCESSING SECTION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation 30-II-1 (22 F. R. 7112) as amended October 13, 1958, there is hereby delegated to the Chief, Loan Processing Section, New York Regional Office, Small Business Administration, the authority.

A. *Specific.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500 Financial Assistance Manual:

1. To approve the following type of loans:

(a) Direct Business loans in an amount not exceeding $20,000.

(b) Participation Business loans in an amount not exceeding $25,000.

(c) Disaster loans in an amount not exceeding $20,000.

2. To execute Loan Authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES, *Administrator.*

By ——— ———

Chief, Financial Assistance Division.

3. To modify or amend Authorizations for Business or Disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Financial Assistance, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend Authorizations for loans approved under Delegated Authority in any manner consistent with the original authority to approve loans.

4. To extend disbursement period on all undisbursed Authorizations.

5. To approve annual and sick leave for employees under his supervision.

6. To authorize or approve official travel for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence originating in the Loan Processing Section, except Congressional correspondence and correspondence with the Washington Office and except for correspondence relating to eligibility of applicants for Financial Assistance.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Processing Section, New York Regional Office, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: October 14, 1958.

G. E. CHAPIN,
Chief,
Financial Assistance Division,
New York Regional Office.

[F. R. Doc. 58-9632; Filed, Nov. 19, 1958; 8:50 a. m.]

[Delegation of Authority 30-II-12]

CHIEF, LOAN ADMINISTRATION SECTION

DELEGATION OF AUTHORITY RELATING TO FINANCIAL ASSISTANCE FUNCTIONS

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation 30-II-1 (22 F. R. 7112) as amended October 13, 1958, there is hereby delegated to the Chief, Loan Administration Section, New York Regional Office, Small Business Administration, the authority:

A. *Specific.* To take the following actions in accordance with the limitations of such delegations set forth in SBA-500 Financial Assistance Manual:

1. To extend disbursement period on undisbursed portion of loans authorized.

2. To extend to the maturity of a loan or to a date prior to the maturity, one monthly principal payment in any calendar year, and not more than a total of four such payments during the term of the loan, or one quarterly principal installment payment during the term of the loan, for loans with principal balances not exceeding $100,000.

3. To carry loans which are delinquent or past-due in such status for not more than three (3) months.

4. To waive amounts due under net earnings clause.

5. To approve requests to exceed fixed assets limitations and waive violations of this limitation.

6. To approve payment of cash or stock dividends, payment of bonuses, increases in salaries, employment of new personnel and waivers of violation of salary and bonus limitations, provided the Chief, Loan Administration Section, considers the bonuses and/or salary to be paid reasonable, and any such payment will not impair the borrower's cash position and the loan is current in all respects at the time payment is made.

7. To approve changes in use of loan proceeds in connection with partially disbursed loans.

8. To approve or reject substitutions of accounts receivable and inventories.

9. To release, or consent to the release of inventories, accounts receivable, cash collateral or other personal property, held as collateral on loan, including the release of all collateral when loan is paid in full.

10. To release dividends on life insurance policies held as collateral for loan, approve the application of same against premiums due; release or consent to the release of insurance funds covering loss or damage to property securing the loan and to surrender expired hazard insurance policies.

11. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Adminstration in an amount not in excess of a total of $1,000 for any one loan, for those expenditures as may be required to accomplish these purposes.

12. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA and shall be limited to their temporary services for the specific purpose involved.

13. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

14. To approve annual and sick leave for employees under his supervision.

15. To authorize or approve official travel for employees under his supervision.

B. *Correspondence.* To sign all nonpolicy making correspondence, except Congressional correspondence and correspondence with the Washington Office in connection with the work of the Loan Administration Section and except for letters to Borrowers or Guarantors containing any threat of legal action.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

Dated: October 14, 1958.

G. E. CHAPIN,
Chief,
Financial Assistance Division,
New York Regional Office.

[F. R. Doc. 58-9633; Filed, Nov. 19, 1958; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F. R. 200) and Administrative Order No. 507 (23 F. R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

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

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

Barrow Manufacturing Co., Statham, Ga.; effective 11-10-58 to 11-9-59 (men's and boys' sport shirts and pants).

Barrow Manufacturing Co., Winder, Ga.; effective 11-10-58 to 11-9-59 (men's and boys' work pants).

Cookeville Shirt Co., Cookeville, Tenn.; effective 11-7-58 to 11-6-59 (men's dress shirts).

Warren Featherbone Co., 1225 South Chestnut Street, Gainesville, Ga.; effective 11-7-58 to 11-6-59 (infants' wear).

Franklin Ferguson Co., Inc., Florala, Ala.; effective 11-6-58 to 11-5-59 (men's and boys' cotton work shirts and dress shirts).

Hathaway Shirt Co., Water Street, Waterville, Me.; effective 11-6-58 to 11-5-59 (men's dress and sport shirts).

J. B. Manufacturing Co., 333 East Market, San Antonio, Texas; effective 11-8-58 to 11-7-59 (sport and dress shirts; women's and girls' blouses, etc.).

Kingston Dresses, Inc., Hi 'way 64, Fayetteville, Tenn.; effective 11-10-58 to 11-9-59 (misses' and juniors' dresses).

Lad 'n Dad Slacks, Inc., Cumming, Ga.; effective 11-8-59 to 11-7-59 (boys' and men's slacks).

Linden Apparel Corp., Linden, Tenn.; effective 11-23-58 to 11-22-59 (men's and boys' work pants, dungarees and denim coats).

Hank Mann, Inc., 2506 North General Bruce Drive, Temple, Texas; effective 11-10-58 to 11-9-59 (boys' single pants).

Pollak Bros., Inc., 227 West Main Street, Fort Wayne, Ind.; effective 11-10-58 to 11-9-59 (dresses, smocks and dusters).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 11-8-58 to 11-7-59 (ladies' woven underwear).

Savada Bros., Inc., Glen Rock, Pa.; effective 11-8-58 to 11-7-59 (boys' shorts and pajamas).

The following learner certificates were issued for normal labor turnover

purposes. The effective and expiration dates and the number of learners authorized are indicated.

Biltwell Manufacturing Co., Inc., 57 Palm Street, Nashua, N. H.; effective 11-5-58 to 11-4-59; 10 learners (dungarees, jackets).

The H. W. Gossard Co., Bicknell, Ind.; effective 11-11-58 to 11-10-59; 10 learners (girdles, brassieres).

Hartley Garment Co., Inc., 1811 Church Street, Nashville, Tenn.; effective 11-3-58 to 11-2-59; 10 learners (nurses' uniforms, church vestments).

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

The H. W. Gossard Co., Bicknell, Ind.; effective 11-11-58 to 5-10-59; 10 learners (girdles, brassieres).

Ira Manufacturing Co., Inc., Iva, S. C.; effective 11-10-58 to 5-9-59; 10 learners (ladies' blouses).

Hank Mann, Inc., 2506 Number General Bruce Drive, Temple, Texas; effective 11-10-58 to 5-9-59; 40 learners (boys' single pants).

True Loom Manufacturing Co., Lafayette, Tenn.; effective 11-4-58 to 5-3-59; 50 learners (men's sport shirts).

Wes-Bloc Manufacturing Co., Inc., P. O. Box 548, West Blocton, Ala.; effective 11-10-58 to 5-9-59; 25 learners engaged in the production of women's capri pants (women's capri pants).

Wilson County Garment Co., Watertown, Tenn.; effective 11-15-58 to 5-14-59; 50 learners (men's and boys' sport shirts).

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

The Glove Corp., Heber Springs, Ark.; effective 11-8-58 to 11-7-59; 10 learners for normal labor turnover purposes (leather combination gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Alamance Hosiery Mills, Inc., Burlington, N. C.; effective 11-19-58 to 5-18-59; 25 learners for plant expansion purposes (seamless).

Peerless Hosiery Co., No. Wilkesboro, N. C.; effective 11-6-58 to 11-5-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (misses' and children's anklets).

Seneca Knitting Mills Co., Inc., 34 Water Street, Seneca Falls, N. Y.; effective 11-11-58 to 11-10-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Trigg Knit, Cadiz, Ky.; effective 11-10-58 to 11-9-59; 5 learners for normal labor turnover purposes (seamless).

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

Carolina Underwear Co., Forsyth Division, Thomasville, N. C.; effective 11-7-58 to 11-6-59; 5 learners for normal labor turnover purposes (women's and children's panties).

Kingsboro Mills, Inc., Lafayette, Tenn.; effective 11-7-58 to 11-6-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Mullins Textile Mills, Inc., P. O. Box 570, Mullins, S. C.; effective 11-10-58 to 5-9-59; 35 learners for plant expansion purposes (cotton knitted tee shirts; cotton and orlon knitted placket shirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Tennessee Glove Co., 108 South Atlantic Street, Tullahoma, Tenn.; effective 11-3-58 to 5-2-59; 18 learners for plant expansion purposes engaged in the production of mattress covers in the occupation of sewing machine operating for a learning period of 320 hours at the rate of 85 cents an hour (mattress covers).

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

Chrysler Zeder Corp., San Juan, P. R.; effective 10-27-58 to 4-26-59; 30 learners for plant expansion purposes in the occupations of wire stripping, soldering and assembly, wiring, inspection and testing, each for a learning period of 480 hours at the rates of 70 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours (electronic automotive control).

Continental Products, Inc., Camuy, P. R.; effective 10-20-58 to 4-19-59; 31 learners for plant expansion purposes in the occupations of hollow grinding, fine edging, mirror polishing, tool and die making and other basic productive factory operations, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 and 88 cents an hour for the remaining 240 hours (cutlery manufacturing).

Haddon Corp., Sabana Grande, P. R.; effective 10-24-58 to 4-23-59; 75 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 49 cents an hour for the first 240 hours and 75 cents an hour for the remaining 240 hours (children's wear).

Knitco, Inc., Toa Alta, P. R.; effective 11-1-58 to 10-31-59; 15 learners for normal labor turnover purposes in the occupations of: (1) knitters, loopers, toppers, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) machine stitchers, menders, pressers, each for a learning period of 320 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 160 hours (full-fashioned sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

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

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-9620; Filed, Nov. 19, 1958; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

DR. MED. MOSES STRAUSS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. med. Moses Strauss, Todistr. 23, Zurich, Switzerland; Claim No. 40332; $755.58 in the Treasury of the United States. Vesting Order No. 9853.

Executed at Washington, D. C., on November 13, 1958.

For the Attorney General.

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

[F. R. Doc. 58-9619; Filed, Nov. 19, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 17, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35098: *Nepheline syenite from Ontario, Canada, to the east.* Filed by O. E. Schultz, Agent (ER No. 2471), for interested rail carriers. Rates on nepheline syenite, crude or ground, carloads from Blue Mountain and Nephton, Ontario, Canada, to points in New Jersey and Pennsylvania.

Grounds for relief: Market competition.

Tariff: 18th revised page 87E of Canadian Pacific Railway Company tariff I. C. C. 2577.

FSA No. 35100: *Brick and related articles from Missouri to official territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2391), for interested rail carriers. Rates on brick and related articles, refractories, and concrete or cement building or roofing slabs, carloads, as described in the application from points in Missouri to points in central, trunk line and New England territories.

Grounds for relief: Short line distance formulae and grouping.

Tariffs: Supplement 175 to CTR-Tariff Bureau tariff I. C. C. 4430; Supplement 35 to CTR-Tariff Bureau tariff I. C. C. 4669.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35099: *Carbon black from and to Texas points.* Filed by Texas-

Louisiana Freight Bureau, Agent (No. 339), for interested rail carriers. Rates on carbon black, carloads from and to points in Texas.

Grounds for relief: Maintenance of single-factor through rates which exceed the aggregate of the intermediates rates.

Tariff: Supplement 73 to Texas-Louisiana Freight Bureau tariff I. C. C. 865.

By the Commission.

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

[F. R. Doc. 58-9625; Filed, Nov. 19, 1958; 8:49 a. m.]

[No. 32573]

INDIANA INTRASTATE BITUMINOUS COAL RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 13th day of November A. D. 1958.

It appearing, that on September 12, 1958, in I. & S. No. 7017, Coal—Ill., Ind., Ky., to Illinois, Indiana, Division 2, Acting as an Appellate Division, entered into an investigation concerning the lawfulness of the rates, charges, and regulations stated in tariff schedules designated in said order and suspended the operation of said schedules to and including April 14, 1958;

It further appearing, that upon petitions filed by certain respondent railroads, Midwestern Coal Producers, Commonwealth of Kentucky and the Railroad Commission of Kentucky, Division 2, Acting as an Appellate Division, vacated said order of September 12, 1958, and continued in full force and effect the proceeding of investigation as to the rates as designated in said order;

And it further appearing, that the foregoing action was predicated, in part, upon assertions made by the above-named petitioners that the continuance from mines in Indiana to the Chicago district of lower rates over intrastate routes than contemporaneously in effect over interstate routes would result in undue hardship to respondent rail carriers and producers and receivers of coal moving over interstate routes; that whatever findings were made with respect to any unlawfulness found to exist in the interstate rates would require a similar finding with respect to any unlawfulness existing in the intrastate rates on coal from Indiana mines to the Chicago district; and that such unlawfulness, if any, could be determined and removed only by an investigation of the intrastate rates on coal in Indiana:

It is ordered, That an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested parties to determine whether the rates and charges of the common carriers by railroad, or any of them, operating within the State of Indiana, for the transportation of bituminous coal from mines in Indiana to the Chicago district, made, permitted, or imposed by authority of the State of Indiana, cause or will cause any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce on the other hand, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist.

It is further ordered, That all common carriers by railroad operating within the State of Indiana, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Indiana be notified of the proceeding by sending copies of this order by registered mail to the Governor of the said State, and to the Indiana Public Service Commission at Indianapolis, Indiana.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C. and by filing with the Federal Register Division, Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

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

[F. R. Doc. 58-9626; Filed, Nov. 19, 1958; 8:49 a. m.]

[No. 32570]

ILLINOIS INTRASTATE BITUMINOUS COAL RATES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 13th day of November A. D. 1958.

It appearing, that on September 12, 1958, in I. & S. No. 7017, Coal—Ill., Ind., Ky., to Illinois, Indiana, Division 2, acting as an Appellate Division, entered into an investigation concerning the lawfulness of the rates, charges, and regulations stated in tariff schedules designated in said order and suspended the operation of said schedules to and including April 14, 1958;

It further appearing, that upon petitions filed by certain respondent railroads, Midwestern Coal Producers, Commonwealth of Kentucky and the Railroad Commission of Kentucky, Division 2, acting as an Appellate Division, vacated said order of September 12, 1958, and continued in full force and effect the proceeding of investigation as to the rates as designated in said order;

And it further appearing, that the foregoing action was predicated, in part, upon assertions made by the above-named petitioners that the continuance from mines in Illinois to the Chicago district of lower rates over intrastate routes than contemporaneously in effect over interstate routes would result in undue hardship to respondent rail carriers and producers and receivers of coal moving over interstate routes; that whatever findings were made with respect to any unlawfulness found to exist in the interstate rates would require a similar finding with respect to any unlawfulness existing in the intrastate rates on coal from Illinois mines to the Chicago district; and that such unlawfulness, if any, could be determined and removed only by an investigation of the intrastate rates on coal in Illinois:

It is ordered, That an investigation be, and it is hereby instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested parties to determine whether the rates and charges of the common carriers by railroad, or any of them, operating within the State of Illinois, for the transportation of bituminous coal from mines in Illinois to the Chicago district, made, permitted or imposed by authority of the State of Illinois, cause or will cause any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce on the other hand, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist.

It is further ordered, That all common carriers by railroad operating within the State of Illinois, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Illinois be notified of the proceeding by sending copies of this order by registered mail to the Governor of the said State, and to the Illinois Commerce Commission at Chicago, Illinois.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Federal Register Division, Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

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

[F. R. Doc. 58-9627; Filed, Nov. 19, 1958; 8:49 a. m.]