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Washington, Tuesday, December 9, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.147 as set out below.

§ 6.147 *National Aeronautics and Space Administration.* * * *

(b) Forty scientific specialists to be engaged on special research projects.

(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. 58-10174; Filed, Dec. 8, 1958; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; DELAWARE AND MARYLAND

On November 17, 1958, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

DELAWARE

County	Average value
Kent	$25,500
New Castle	25,500
Sussex	26,000

MARYLAND

County	Average value
Allegany	$25,000
Anne Arundel	25,000
Baltimore	25,000
Calvert	20,000
Caroline	25,000
Carroll	25,000
Cecil	30,000
Charles	25,000
Dorchester	25,000
Frederick	25,500
Garrett	25,000
Harford	25,000
Howard	25,000
Kent	30,000
Montgomery	30,000
Prince Georges	25,000
Queen Annes	30,000
St. Marys	25,000
Somerset	20,000
Talbot	30,000
Washington	25,000
Wicomico	25,000
Worcester	25,000

(Sec. 41, 50 Stat. 528, as amended; 7 U. S. C. 1015)

Dated: December 3, 1958.

[SEAL] DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 58-10112; Filed, Dec. 8, 1958; 8:45 a. m.]

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

Subchapter B—Loans, Purchases, and Other Operations

[1958 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 7, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1958-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F. R. 3485, 5317, 5764, 6551, 7876 and 8853, containing specific requirements for the 1958-crop wheat price support program are hereby amended as follows:

(Continued on p. 9505)

CONTENTS

FEDERAL REGISTER

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CONTENTS—Continued

CODIFICATION GUIDE

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

CODIFICATION GUIDE—Con.

1. Section 421.3046 (h) is amended by adding the following county and rate of payment per bushel:

County	Amount per bushel (cents)[1]
CALIFORNIA	
Modoc	$0.02

[1] No payment will be made where purchases of wheat under loan have been made by producers with Soil Bank Certificates.

2. Section 421.3046 (h) is amended by increasing the rate of payment for Latah County, Idaho, from six cents per bushel to seven cents per bushel and for Kootenai County, Idaho, from five cents per bushel to six cents per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c; 7 U. S. C. 1441, 1421)

Issued this 3d day of December 1958.

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

[F. R. Doc. 58-10136; Filed, Dec. 8, 1958; 8:46 a. m.]

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

PART 464—TOBACCO

SUBPART—1958 TOBACCO LOAN PROGRAM

SCHEDULE OF ADVANCE RATES BY GRADES

Set forth below are schedules of advance rates, by grades, for the 1958 crop of types 51, 52, 53, 54, and 55 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 26, 1958 (23 F. R. 5645).

Sec.

AUTHORITY: §§ 464.1031 to 464.1034 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421; secs. 125, 211, 70 Stat. 198, 202, 7 U. S. C. 1813, 1860.

§ 464.1031 *1958 crop; Connecticut Valley Broadleaf Tobacco, Type 51, advance schedule.*[1]

UNSORTED

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
Binders:		Binder pickers:	
B1M	60	R2	34
B2M	58	R3	34
B3M	55	Non-binders:	
B4M	53	X1	32
B5M	49	X2	30
B6M	44	X3	28
B7M	40	X1DAM	30
Binder pickers:		X2DAM	28
R1	36	X3DAM	26

§ 464.1032 *1958 crop; Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
Binders:		Binder pickers:	
B1M	56	R2	34
B2M	54	R3	34
B3M	51	Non-binders:	
B4M	49	X1	32
B5M	46	X2	30
B6M	42	X3	28
B7M	38	X1DAM	30
Binder pickers:		X2DAM	28
R1	36	X3DAM	26

§ 464.1033 *1958 crop; New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.*[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
Binders:		Strippers:	
B1M	40	C2	29
B2M	38	C3	26
B3M	36	Crop-run:	
B4M	34	X1	30
B5M	33	X2	28
B6M	32	X3	26
B7M	31	X4	20
Binder pickers:		X5	17
R1	31	Farm fillers:	
R2	30	Y1	24
R3	29	Y2	22
Strippers:		Y3	20
C1	30		

[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower not more than the larger of $1.00 per hundred pounds or $10.00 per consignment to apply against receiving and overhead costs. The advance rate on any lot of tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate minus $5.00 or $9.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor symbol "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

[2] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid the grower $1.00 per hundred pounds on tobacco of the B grade group and fifty cents per hundred pounds on tobacco of the R, C, X, and Y grade groups to apply against receiving and overhead costs, plus a fee of $5.00 for each lot of tobacco received for sample grading purposes. Only the original producer is eligible to receive advances. Tobacco graded B1M through B7M and marked with the special factor "Moist" or "Damp" will be supported at the advance rate for the grade minus $4.00 and $6.00, respectively. Grades B1M through R3 containing damaged leaves will be marked with the special factor "D" followed by the percentage of damaged leaves. The weight of the damaged leaves will be deducted and the advance will be made only on the weight of sound or undamaged tobacco. Tobacco graded in a sub-grade of the C, X, or Y group and marked with the special factor "DAM" will be supported at the advance rate for that grade less $2.00. No advance is authorized for tobacco graded W (doubtful keeping order), U (unsound), or N (nondescript).

§ 464.1034 *1958 crop; Northern Wisconsin Tobacco, Type 55, advance schedule.*[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
Binders:		Strippers:	
B1M	53	C2	28
B2M	50	C3	25
B3M	47	Crop-run:	
B4M	44	X1	30
B5M	40	X2	28
B6M	36	X3	23
B7M	33	X4	19
Binder pickers:		X5	17
R1	31	Farm fillers:	
R2	30	Y1	24
R3	30	Y2	22
Strippers:		Y3	20
C1	29		

Issued this 3d day of December 1958.

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

[F. R. Doc. 58-10135; Filed, Dec. 8, 1958; 8:46 a. m.]

TITLE 7—AGRICULTURE

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

[Amdt. 2]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

METHODS OF RECONSTITUTING FARM ALLOTMENTS AND HISTORY ACREAGES WHERE FARM DIVIDED CONSISTS OF LAND UNDER ONE OWNERSHIP

Basis and purpose. This amendment is issued pursuant to the Agricultural

Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.), to amend the regulations governing the reconstitution of farms, farm allotments, and farm history and soil bank acreages by providing in the case of tobacco that although the farm to be divided into two or more tracts consists of land under one ownership the contribution method may nevertheless be applied under the circumstances set forth in the amendment. Under the regulations there is a current need for dividing tobacco farms under one ownership and it is imperative that the procedure outlined in the amendment be followed. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), is impractical and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

The regulations (23 F. R. 6731), as amended, pertaining to reconstitution of farms, farm allotments, farm history and soil bank acreages are hereby amended as follows:

1. Section 719.8 (a) (23 F. R. 7693), is amended to read as follows:

§ 719.8 *Rules for determining farm allotments and farm history and soil bank base acreages where the reconstitution is by division*—(a) *Methods for reconstituting farm allotments and history acreages where the farm divided consists of land under one ownership.* If the farm to be divided into two or more tracts consists of land under one ownership the current allotments and farm history acreages determined for the parent farm shall be apportioned among the tracts in the same proportion as the acreage of cropland (acreage of developed rice land for rice) for each such tract bears to the cropland in the parent farm: *Provided, however,* That the proviso in paragraph (b) (2) of this section or the provisions of paragraph (b) (4) of this section may be applied: *And further provided,* That with respect to tobacco if the farm to be divided was combined during the period 1954 through 1958 and the combination became effective during the 5-year period immediately prior to the current year, subject to the provisions of paragraph (b) (4) of this section, the contribution method set forth in paragraph (b) (1) of this section, shall be applied, notwithstanding the fact that the tracts involved are under one ownership and not under separate ownership. The sum of allotment and history acreages for the respective tracts of a division shall not exceed the respective acreages for the parent farm, subject to the provisions of § 719.7 (e).

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 66, as amended, 7 U. S. C. 1313)

Done at Washington, D. C., this 3d day of December 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-10172; Filed, Dec. 8, 1958; 8:54 a. m.]

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

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.11]

PART 857—SUGARCANE; PUERTO RICO

DETERMINATION OF PROPORTIONATE SHARES; 1958–59 CROP

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

§ 857.11 *Proportionate shares for sugarcane farms in Puerto Rico for the 1958–59 crop*—(a) *Farm proportionate share.* The proportionate share for each farm in Puerto Rico for the 1958–59 crop shall be the amount of sugar, raw value, commercially recoverable from the sugarcane grown thereon and marketed (or processed by the producer) during the 1958–59 crop season for the extraction of sugar or liquid sugar.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* Notwithstanding the establishment of a proportionate share for each farm under paragraph (a) of this section, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or sharecroppers engaged in the production of sugarcane of the 1958–59 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the Director of the Agricultural Stabilization and Conservation Caribbean Area Office (referred to in this section as "Director"). In considering such approval, the Director shall be guided by whether the reduction was the result of a voluntary action of the share tenant or sharecropper, or whether the reduction was beyond the control of the producer;

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect; and

(3) That such producer has met all other requirements of the act and the determinations issued pursuant thereto, with respect to child labor, wage rates, and, in the case of a processor-producer, prices paid for sugarcane, as determined by the Director.

(c) *Filing application for payments.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1958–59 crop season shall be made on Form SU–150 by the producer of the sugarcane or his legal representative or heirs, who must sign and file the form with the Agricultural Stabilization and Conservation Caribbean Area Office (referred to in this section as "Area Office") at San Juan, Puerto Rico, or with a representative of such office no later than June 30, 1961. The form shall be made available for signing at the Area Office, a District ASC Office, the producer's farm, or such other place and time as designated by the Area Office and the producer shall be notified of the time and place by such office.

(d) *Determination of eligibility and basis for payment and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof shall be determined by the Area Office. If the producer is dissatisfied with the decision, he may, within 15 days after the date of the mailing of the decision to him, request the Area Office in writing to reconsider such determination. The Area Office shall, after giving the producer an opportunity to appear before it, if so requested, notify the producer in writing of its decision, as soon as practicable, after the submission of the appeal. If the producer is dissatisfied with the decision of the Area Office, he may, within 30 days after the date of mailing of the decision to him, appeal in writing to the Secretary to review the decision of the Area Office. The decision of the Secretary shall be final. Determinations by the Area Office and reviews thereof shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case.

(e) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the Area Office in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the Secretary in reviewing, upon appeal, any such determination by the Area Office, any such information with respect to acreage or compliance shall be obtained as provided in the applicable provisions of Part 718 of this title (22 F. R. 3747, 5675). If the operator or his representative of any farm with respect to which application is made for any payment authorized under Title III of the act, prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis for any such payment, or the amount thereof as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been

met until such farm operator or his representative permits such information to be obtained.

(f) *Transfer of sugarcane production records.* To provide an opportunity for records to be made and preserved in the Area Office of the transfer of sugarcane production records from one parcel of land to another for possible use in establishing restrictive proportionate shares under future programs, the following procedures are made available: The sugarcane production record for any parcel of land which is to be utilized for purposes other than the production of sugarcane for sugar shall, upon written application by the owner to the Agricultural Stabilization and Conservation Caribbean Area Committee (referred to in this section as "Committee") be transferred to any other parcel or parcels of land owned by such applicant in Puerto Rico, if such Committee finds that the transfer of the production record will encourage a wise use of land resources, foster greater diversification of agricultural production and promote the conservation of soil and water resources in Puerto Rico, and the Committee determines that such transfer of production record is in the public interest and will facilitate the sale or rental of the land for other productive purposes. The production record for any land removed from sugarcane production because of transfer by sale, lease or donation to any Federal, Commonwealth, or any other agency or entity having the right of eminent domain, shall, upon application to the Committee within five years from the date of such transfer and upon approval by the Committee, be added to the production record, if any, for other land owned, purchased, or leased by the owner of the land so transferred.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 301 (b) of the act provides as a condition for payment to producers that there shall not have been marketed (or processed) except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary pursuant to section 302 (b) of the act. For Puerto Rico, the term "proportionate share" means the individual farm's share of the total quantity of sugar required to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary, for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

To comply with the foregoing requirements of the act, the proportionate share for any farm may be filled only by sugar produced from sugarcane grown on that farm. Sugarcane grown on one farm may not be marketed for the production of sugar within the proportionate share of another farm.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) for sugar or liquid sugar, not in excess of the farm proportionate share.

Section 302 (b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, freeze, disease, insects or other similar abnormal and uncontrollable conditions. Section 302 (b) also provides that for purposes of establishing proportionate shares and in order to encourage wise use of land resources, foster greater diversification of agricultural production, and promote the conservation of soil and water resources in Puerto Rico, the Secretary, on application by any owner of a farm in Puerto Rico, is authorized whenever he determines it to be in the public interest and to facilitate the sale or rental of land for other productive purposes, to transfer the sugarcane production record for any parcel or parcels of land in Puerto Rico owned by the applicant to any other parcel or parcels of land owned by such applicant in Puerto Rico.

General. Restrictive proportionate shares are required in an area only when the indicated sugar supply will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area. As a result of unfavorable weather conditions, production from each of the 1956–57 and 1957–58 Puerto Rican crops was considerably below the Island's marketing quotas. Accordingly, restrictions were not necessary. Production from the 1958–59 crop is estimated to be substantially less than the quantity needed to enable the area to fill its quotas and provide for a normal carryover inventory. Therefore, restrictions for the 1958–59 crop are likewise unnecessary.

Determination. This determination provides that the proportionate share for each farm in Puerto Rico for the 1958–59 crop shall be the quantity of sugarcane grown thereon and marketed for the extraction of sugar during the 1958–59 crop year. This will permit the marketing of all of the sugarcane on each farm.

The other provisions of the determination are continued unchanged from those for the 1957–58 crop, except that the date by which applications for Sugar Act payments must be filed has been extended one year to June 30, 1961.

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

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

Issued this 3d day of December 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 58-10137; Filed, Dec. 8, 1958; 8:46 a. m.]

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

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

TERMINATION OF ORDER, AS AMENDED

It is provided in Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (49 Stat. 753 as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "Act", that "the Secretary of Agriculture shall, whenever he finds that any order issued under this section, or any provision thereof, obstructs or does not tend to effectuate the declared policy of sections 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, terminate or suspend the operation of such order, or such provision thereof."

It is hereby found that after December 31, 1958, Order No. 47, as amended (§§ 947.1 to 947.94, inclusive), regulating the handling of milk in the Fall River, Massachusetts, marketing area, does not tend to effectuate the declared policy of the act.

Order No. 90 regulating the handling of milk in the Southeastern New England marketing area becomes fully effective January 1, 1959 and at that time will replace Order No. 47 in regulating the Fall River market. Hence, after December 31, 1958, Order No. 47 no longer will be necessary.

It is hereby determined that the requirements of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237) with respect to notice and public procedure thereon are not applicable in that on and after January 1, 1959, Order No. 90 regulating the handling of milk in the Southeastern New England marketing area, which was issued in compliance with statutory requirements as to notice and public procedure will replace Order No. 47.

It is, therefore, ordered, That the said order regulating the handling of milk in the Fall River marketing area is hereby terminated effective at 11:59 p. m., e. s. t., December 31, 1958, subject to the following conditions:

(1) That such termination of the said order shall not affect or waive any right, obligation, duty or liability under the said order, or release or extinguish any violation of the said order, or affect or impair any right or remedy of the United States, the Secretary of Agriculture, or any other person with respect to any such violation which has arisen or occurred or which may arise or occur prior to the time that such termination becomes effective;

(2) That the provisions of §§ 947.92 and 947.93 of the said order, relating to proceedings subsequent to the termination of such order, shall remain in force and effect for the purpose of enabling the market administrator of said order, who is hereby designated to continue in such capacity as the agency, to liquidate the business of the market administrator's office pursuant to the said provisions of the said order;

(3) That the market administrator is directed, in liquidating the business of the market administrator's office, to expend only such funds as are necessary to meet outstanding obligations and expenses necessarily incurred in liquidating the assets, and to then distribute any remaining funds over and above the aforesaid funds to handlers on a pro rata basis in proportion to their payments into the administrative assessment fund during the two-year period 1957 and 1958; and

(4) That the market administrator shall, in accordance with the applicable provisions of §§ 947.92 and 947.93 from time to time, account for all funds, receipts and disbursements.

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

Issued at Washington, D. C., this 3d day of December 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-10134; Filed, Dec. 8, 1958; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter D—Policy Statements

[Reg. Policy Statement 7]

PART 399—STATEMENTS OF GENERAL POLICY

TEMPORARY MAIL RATES INVOLVING SUBSIDY FOR LOCAL SERVICE AND TERRITORIAL AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of December 1958.

In accordance with § 399.13 of the Statements of General Policy the Board so far has excluded interest charges from consideration in fixing temporary mail rates involving subsidy for local service and territorial air carriers. Upon reconsideration of this matter at this time, the Board has concluded that temporary mail rates for those carriers should be fixed so as to meet their interest charges on long-term debt as well as break-even need, provided that it does not appear that overpayment will result.

The new policy will, under conditions of economical and efficient management, produce temporary mail payments at the maximum reasonable level. The Board believes that this change will tend to afford greater financial stability for these carriers and enable them to conduct more efficient and economical operations. The new policy is not, of course, a substitute for a system of final rates under which maximum incentives to develop revenues, reduce costs, and earn profits are stimulated.

While the Board believes that this temporary rate change will benefit the carriers and will not lessen their incentive to seek and operate under final rates, it also wishes to remind the carriers that the whole concept of a temporary rate is one of a provisional nature—an emergency action pending determination of final rates.

Since this rule relates only to a statement of policy, notice and public procedure hereon are unnecessary, and the regulation may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby enacts Regulation Policy Statement No. 7 comprising new § 399.32 of Subpart B of Part 399, effective December 3, 1958, to read as follows:

§ 399.32 *Temporary mail rates involving subsidy for local service carriers (including helicopter operators) and territorial air carriers.* (a) It is the policy of the Board to fix temporary mail rates involving subsidy for these classes of air carriers at a level designed to provide only such amounts as are deemed necessary for operations prior to establishment of a final rate.

(b) In most cases, this objective may be attained by providing an amount of mail pay equivalent to the break-even need—i. e., the excess of operating expenses over non-mail revenues—plus the carrier's interest charges on long-term debt. An amount less than the sum of break-even need and interest charges will be established in any case where overpayment might otherwise appear likely to result.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 406, 52 Stat. 998; 49 U. S. C. 486)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-10177; Filed, Dec. 8, 1958; 8:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54741]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

REVOCATION OF DESIGNATION OF SAN YSIDRO, CALIF., AS A CUSTOMS PORT OF ENTRY

DECEMBER 2, 1958.

By an ordinance of the City Council of San Diego, California, adopted August 13, 1957, pursuant to the Annexation Act of 1913 of the State of California, the boundaries (corporate limits) of San Diego were extended to annex certain additional territory, including the territory within the boundaries of the Port of San Ysidro, California.

The boundaries of a customs port of entry have been held to coincide with the territory within the corporate limits of the city or town designated as a customs port. Thus, the Port of San Ysidro, annexed by the city of San Diego, is now within the limits of the Customs Port of San Diego. Therefore, 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), it is ordered that the designation of San Ysidro, California, as a customs port of entry in Customs Collection District No. 25 (San Diego) be, and it is hereby, revoked, effective 30 days after the publication of this decision in the FEDERAL REGISTER.

Section 1.1 (c), Customs Regulations, is amended by deleting the period after "*San Diego" in the column headed "Ports of entry" in District No. 25 (San Diego), and adding "(T. D. 54741).", and by deleting "San Ysidro (E. O. 4518, Oct. 2, 1926)." from such column.

Publication of notice of the proposed revocation of the designation of San Ysidro as a customs port of entry, under the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), is deemed unnecessary, as the port known as San Ysidro is now within the limits of the Customs Port of San Diego, the customs office and personnel will be retained, and service to the public will not be affected.

(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 192-25.1]

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10160; Filed, Dec. 8, 1958; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter C—Drugs

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

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (23 F. R. 6421) are amended as indicated below:

In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b) (32) is amended by designating the text of subparagraph (32) as subdivision (i) and by adding to that subparagraph a new subdivision (ii), reading as follows:

(ii) It is also intended for the prevention or treatment of bacterial swine enteritis as specified in subparagraphs (9) and (10) of this paragraph; it contains hygromycin B in the amounts and under the conditions set forth in subdivision (i) of this subparagraph; and it contains the drugs in the amount specified in sub-

paragraphs (9) and (10) of this paragraph. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear the warning specified in subdivision (i) of this subparagraph.

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

I further find that animal feed containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy.

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

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 502, 507, 52 Stat. 1050, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: December 2, 1958.

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

[F. R. Doc. 58-10139; Filed, Dec. 8, 1958; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 58-47]

PART 40—CADETS OF THE COAST GUARD

DEPOSIT REQUIRED

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Number 167-18 dated 27 December 1955 (21 F. R. 39) to promulgate regulations in accordance with 14 U. S. C. 182, the following amendment is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

Section 40.17 is amended to read as follows:

§ 40.17 *Deposit required.* A cadet, upon admission to the Coast Guard Academy, shall be credited with the sum of $600 to defray the cost of his initial clothing and equipment, this sum to be deducted subsequently from his pay in accordance with the regulations promulgated by the Commandant. In addition each cadet upon appointment shall deposit with the Superintendent of the Academy the sum of $300, this amount to be used to help defray initial clothing and equipment costs which exceed the amount of the $600 credited. The Superintendent of the Academy, in exceptional circumstances, is authorized to waive this requirement in part, but the amount so waived shall be made up by deductions in amounts to be determined by the Superintendent from the cadet's monthly cash allowances. A cadet may use so much of the $300 as may be necessary to defray his traveling expenses to the Academy. The amount thus used will be deposited with the Superintendent of the Academy when the cadet shall have been paid his mileage.

(Sec. 92, 63 Stat. 503, as amended; 14 U. S. C. 92)

Dated: November 28, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58-10161; Filed, Dec. 8, 1958; 8:52 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 58-49]

PROOF OF OWNERSHIP OF UNDOCUMENTED VESSELS REQUIRED FOR NUMBERING

The current practices followed with respect to the numbering of undocumented vessels under the Act of June 7, 1918, as amended (46 U. S. C. 288), require the applicant to submit documentary evidence of ownership of the undocumented vessel prior to the Coast Guard's issuing a certificate of award of number for such undocumented vessel. The Federal Boating Act of 1958 states that this Act of June 7, 1918, as amended, is repealed effective April 1, 1960, and replaces this law with new numbering procedures and requirements to be followed on and after April 1, 1960, insofar as numbering of undocumented vessels is performed by the Coast Guard. This Federal Boating Act of 1958 states that the word "owner" means "the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession." Since the Federal Boating Act of 1958 eliminates the necessity for submission of supporting documents of title by applicants for certificates of number, which will be followed on and after April 1, 1960, by the Coast Guard, there appears to be no need for continuing the present practice of requiring applicants for certificates of award of number for undocumented vessels under the Act of June 7, 1918, to require a prima facie showing of ownership. In the past this requirement has resulted in extensive correspondence due to lack of knowledge of legal requirements on the part of boat owners, particularly in cases where the boats have never been numbered before, with an unavoidable delay in issuing certificates of award of number. Therefore, the applicant's claim of ownership of an undocumented vessel, now contained on the application Form CG-1512, will be accepted in all cases where the undocumented vessel has not been previously numbered, without any supporting documents of title, such as bills of sale or builders' certificates. With respect to undocumented vessels currently numbered by the Coast Guard, the current practice of requiring the execution of a bill of sale on the reverse side of a certificate of award of number and the application form thereon will be continued until April 1, 1960, in cases where such certificates are outstanding. These changes in the regulations will permit the introduction of an interim procedure for numbering vessels not previously numbered which is analogous to the system intended to be followed by the Coast Guard under the Federal Boating Act of 1958 on and after April 1, 1960. It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) would serve no practical purpose and is, therefore, deemed unnecessary. These changes are relaxations from current requirements and are based on the new practices which will be required for the Coast Guard under the Federal Boating Act of 1958. No change will be made in the numbering procedures now in force with respect to numbers issued by Customs Districts or in the form of certificate of award of number issued under the act of June 7, 1918, as amended.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), and 167-32, dated September 23, 1958 (23 F. R. 7605), to promulgate regulations in accordance with sections 1-5, 40 Stat. 602, as amended (46 U. S. C. 288), the following amendments are prescribed and shall become effective on December 31, 1958:

Subchapter A—Procedures Applicable to the Public

PART 2—VESSEL INSPECTIONS

SUBPART 2.30—NUMBERING OF UNDOCUMENTED VESSELS

Section 2.30-20 is amended to read as follows:

§ 2.30-20 *Certificate of award of number issued.* Upon submission of the application Form CG-1512 executed in duplicate, or the executed bill of sale and application on the back of the current certificate of award of number, a new Form CG-1513, Certificate of Award of Number to an Undocumented Vessel, is issued by the Coast Guard District Commander or Officer in Charge, Marine Inspection.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 1-5, 40 Stat. 602, as amended; 46 U. S. C. 288)

Subchapter S—Numbering Undocumented Vessels

PART 172—NUMBERING REQUIREMENTS

SUBPART 172.10—IDENTIFICATION REQUIREMENTS

1. Section 172.10-1 is amended to read as follows:

§ 172.10-1 *Application for certificate of award of number.* (a) The owner(s) of any undocumented vessel, however

acquired, or his (their) duly authorized agent, shall make application for a certificate of award of number to the Coast Guard District Commander or Officer in Charge, Marine Inspection, having jurisdiction over the area in which the vessel is owned.

(b) Upon purchasing or acquiring a vessel which previously has been issued a certificate of award of number, and after completion of the bill of sale on the reverse side of the certificate of award of number (Form CG–1513) by the vendor or the former owner(s), the purchaser(s) will execute the application for certificate of award of number, which is incorporated on the reverse side of the certificate of award of number, and surrender the certificate, bill of sale, and application for a new number (which are all on Form CG–1513) to the Coast Guard District Commander or Officer in Charge, Marine Inspection, within the statutory period of ten days.

(c) In the case of new vessels or in the case of vessels which have not been previously numbered or in the case of vessels which have been issued the old form of certificate of award of number (Form CG–1513), which does not contain the application, the owner(s) of the vessel or his (their) duly authorized agent shall make the application in duplicate for a number on Form CG–1512, Application for Number for Undocumented Vessel, and shall surrender this form after completion, together with the certificate of award of number, if any, to the Coast Guard District Commander or Officer in Charge, Marine Inspection.

2. Section 172.10–5 *Documentary evidence of ownership* is canceled.

3. Section 172.10–10 is amended to read as follows:

§ 172.10–10 *Issuance of certificate of award of number.* (a) The application, Form CG–1512, when properly executed in duplicate shall be accepted without further proof of title in all cases where no certificate of award of number is outstanding. The certificate shall be issued in the name(s) of the applicant(s) executing Form CG–1512.

(b) Upon receipt of an application for a certificate of award of number, the Officer in Charge, Marine Inspection, may assign a number and may issue a letter, in lieu of the certificate, authorizing the undocumented vessel to be temporarily operated pending the issuance of the certificate. The Coast Guard District Commander will issue a certificate of award of number in all instances, except where he has designated and authorized officers or employees under his command to issue such certificates in his behalf.

(Secs. 1–5, 40 Stat. 602, as amended; 46 U. S. C. 288)

Dated: December 2, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58–10159; Filed, Dec. 8, 1958; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 954]

[Docket No. AO–153–A7]

MILK IN DULUTH-SUPERIOR MARKETING AREA

NOTICE OF POSTPONEMENT AND SUPPLEMENTAL NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND 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 the postponement of a public hearing previously scheduled to be held in Duluth, Minnesota, 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 hearing will be held in Modern Woodman Hall, 2031 West First Street, Duluth, Minnesota, beginning at 10:00 a. m. on January 13, 1959.

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), in the supplemental notice issued November 17, 1958 (23 F. R. 9033) and in this second supplemental notice, and any appropriate modifications thereof, to the tentative marketing agreement and to the order. The proposed amendments have not received the approval of the Secretary of Agriculture. Copies of the original and supplemental hearing notices have been distributed previously to known interested parties.

The additional proposals referred to above are as follows:

Proposed by Maple Island, Inc.:

Proposal No. 29. (Location differential to handlers.) With respect to milk received as producer milk at a pool plant and classified as Class I milk, the price per hundredweight shall be reduced by the amount indicated below for the distance that such plant is located from the Court House in Duluth, Minnesota:

	Cents
0–10 miles	0
10–20 miles	8
20–30 miles	10
30–40 miles	12
40–50 miles	14
50–60 miles	16
60–70 miles	18

Plus 2 cents for each 10 miles or fraction thereof in excess of 70 miles.

Proposal No. 30. (Milk under more than one Federal order.) Milk received at a plant qualified as a pool plant shall be exempt from the provisions of this Order if:

(a) The handler makes reports to the Market Administrator in respect to his receipts and utilization at such times and in such manner as the Market Administrator may require, and

(b) Such milk would be subject to the Class prices and producer payment provisions of another Federal marketing agreement provided such milk is subject to the pricing provisions of any Federal Marketing Agreement and Order which establishes prices for the major portion of producer milk in the area producing such milk, regardless of the marketing area in which such milk is disposed of on routes or otherwise.

Copies of this notice of hearing, the original notice of hearing dated January 21, 1958, the supplemental notice of hearing issued November 17, 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 4th day of December 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58–10133; Filed, Dec. 8, 1958; 8:45 a. m.]

[7 CFR Part 975]

[Docket No. AO–179–A16]

MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND 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 at the Market Administrator's office, 7503 Brookpark Road, Cleveland 29, Ohio, beginning at 10:00 a. m., local time, on December 19, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Cleveland, Ohio, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency 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 Milk Producers Federation of Cleveland:

Proposal No. 1. For the period January through July, 1959, in § 975.8 (b) delete the phrase "within April, May, June, or July."

Proposal No. 2. For the period January through July, 1959, in § 975.30 (b) delete from the second proviso thereof the phrase "and 30 percent or more during the entire period."

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. 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, 7503 Brookpark Road (P. O. Box 7266), Cleveland 29, 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 4th day of December 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-10132; Filed, Dec. 8, 1958; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF INCREASED TOLERANCES FOR RESIDUES OF HYDROGEN CYANIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512, as amended, 72 Stat. 948; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing an increase in the present tolerance to 75 parts per million for residues of hydrogen cyanide in or on the following raw agricultural commodities from postharvest fumigation: Barley, buckwheat, corn (including popcorn), milo (grain sorghum), oats, rice, rye, wheat.

The analytical method proposed in the petition for determining residues of hydrogen cyanide consists of a modification of the methods in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Eighth Edition, section 22.56. The hydrogen cyanide is absorbed in an excess of alkali and titrated with standard silver nitrate solution to a faint permanent turbidity as the endpoint.

Dated: December 2, 1958.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and Physical Sciences.

[F. R. Doc. 58-10140; Filed, Dec. 8, 1958; 8:47 a. m.]

[21 CFR Part 121]

FOOD ADDITIVES

PROPOSED DEFINITIONS AND PROCEDURAL AND INTREPRETATIVE REGULATIONS

The Commissioner of Food and Drugs, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 402, 409, 701; 72 Stat. 1784, 1785 et seq.; 52 Stat. 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U. S. C. 321, 342, 348, 371) and pursuant to authority delegated to him by the Secretary of Health, Education, and Welfare, proposes the promulgation of the following regulations with respect to food additives, and hereby offers an opportunity to all interested persons to present their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Comments may be accompanied by a memorandum or brief, and it is requested that all comments be submitted in quintuplicate.

Subpart A—Definitions and Procedural and Interpretative Regulations

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SUBPART A—DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

§ 121.1 *Definitions and interpretations.* (a) "Secretary" means the Secretary of Health, Education, and Welfare.

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Commissioner" means the Commissioner of Food and Drugs.

(d) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U. S. C. 301–392).

(e) "Food additive" includes all substances the intended use of which results or may reasonably be expected to result, directly or indirectly, either in their becoming a component of food or otherwise affecting the characteristics of food. A material used in the production of containers and packages is subject to the definition if it may reasonably be expected to become a component, or to affect the characteristics, directly or indirectly, of food packed in the container. "Affecting the characteristics of food" does not include physical effects, such as protecting contents of packages, preserving shape, and preventing moisture loss. If there is no migration of a packaging component from the package to the food, it does not become a component of the food and thus is not a food additive. A substance that does not become a component of food, but that is used, for example, in preparing an ingredient of the food to give a different flavor, texture, or other characteristic in the food, may be a food additive.

(f) "Common use in food" refers to usage of a substance by consumers, regardless of the number of manufacturers who may produce it.

(g) "Scientific procedures" include not only original animal, analytical, and other scientific studies, but also a compilation of reliable information drawn from the scientific literature.

(h) "Safe" means that there is convincing evidence that no harm can come from the intended use of the food additive.

§ 121.2 *Pesticide chemicals in processed foods.* When pesticide chemical

residues occur in processed foods due to the use of raw agricultural commodities that bore or contained lawful pesticide residues, the processed food will not be regarded as adulterated so long as good manufacturing practice has been followed in removing any residue from the raw agricultural commodity in the processing (such as by peeling or washing) and so long as the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity. But when the concentration of residue in the processed food is higher than the tolerance prescribed for the raw agricultural commodity, the processed food is adulterated unless the higher concentration is permitted by a tolerance obtained under section 409 of the act. For example, if fruit bearing a residue of 7 parts per million of DDT, permitted on the raw agricultural commodity is dried and a residue in excess of 7 parts per million of DDT results on the dried fruit, the dehydrated fruit is adulterated unless the higher tolerance for DDT is authorized by the regulations in this part.

§ 121.3 *Substances added to food which are not generally recognized as safe.* (a) In general, any substance added to food which has no history of common use as a food ingredient should be regarded as a substance that is not generally recognized as safe for its intended food use, for the purpose of sections 201 (s) and 402 (a) (2) (C) of the act, unless it has been scientifically tested and shown to be safe.

(b) Section 121.7 contains a partial list of substances that are generally recognized among experts qualified by scientific training and experience to evaluate the safety of such substances as ingredients in food as safe for such use under the conditions set forth in that section. No substance will be removed from this list, nor will the permitted conditions of use be modified, without prior notice and a statement of the reasons for the action.

(c) Substances other than those listed in § 121.7 for which prior sanction under the Federal Food, Drug, and Cosmetic Act has been given, are not listed. Upon written request, setting forth the specific product and a specific usage, the Commissioner will advise interested persons whether such use of such product has been sanctioned. Food additives sanctioned for use in foods for which standards of identity have been prescribed are listed in the standards. No prior sanction will be withdrawn or modified without prior notice and a statement of the reasons for the action.

(d) The Commissioner, upon written request, specifying the intended conditions of use and other pertinent information about a substance, will advise an interested person whether in his opinion the substance is a food additive.

(e) The training and experience necessary to qualify experts to evaluate the safety of food additives, for the purposes of section 201 (s) of the act, are essentially sufficient training and experience in biology, medicine, physiology, toxicology, pharmacology, veterinary medicine, or other appropriate science to recognize and to evaluate the behavior and effects of chemical substances in the diet of man and of animals.

§ 121.4 *Tolerances for related food additives.* (a) Food additives that cause related pharmacological effects will be regarded, in the absence of evidence to the contrary, as having additive toxic effects.

(b) Tolerances established for such related food additives may limit the amount of a common component that may be present, or may limit the amount of biological activity (such as cholinesterase inhibition) that may be present, or may limit the total amount of related food additives that may be present.

(c) Where food additives from two or more chemicals in the same class are present in or on a food, the tolerance for the total of such additives shall be the same as that for the additive having the lowest numerical tolerance in this class, unless there are available methods that permit quantitative determination of the amount of each food additive present.

(d) Where residues from two or more additives in the same class are present in or on a food and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(1) Determine the quantity of each residue present.

(2) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(3) Add the percentages so obtained for all residues present.

(4) The sum of the percentages shall not exceed 100 percent.

§ 121.5 *Generally recognized safety factors to be considered.* In accordance with section 409 (c) (5) (C) of the act, the following generally recognized safety factors will be applied in determining whether a proposed use of a food additive will be safe for its intended uses: Except when the circumstances of the particular case require different treatment, a safety ratio based on animal-experiment data of 100 to 1 will be applied; that is, a food additive will not be granted a tolerance that will exceed $\frac{1}{100}$ of the maximum amount demonstrated to be without harm to experimental animals.

§ 121.6 *General principles for the evaluation of the safety of food additives.* (a) Unless evidence is available establishing that a different method and procedure will give equally or more reliable results, the Commissioner in reaching a decision on any petition filed under section 409 of the act will apply the applicable criteria for establishing the safety of food additives as outlined by the Food Protection Committee of the National Research Council in its publication entitled "Principles and Procedures for Evaluating the Safety of Intentional Chemical Additives in Foods" (January 1957 Edition). For the purposes of this section, the criteria set forth in the above-referenced publication for the evaluation of intentional additives in food will apply equally to any substance that may properly be classified within the meaning of that term as it is defined in section 201 (s) of the act.

(b) Upon written request describing the proposed use of an additive and the proposed experiment to determine its safety, the Commissioner will advise a person who wishes to establish the safety of a food additive, whether he believes an experimental plan that is not in accord with the general guides of the pamphlet described in paragraph (a) of this section, will furnish data adequate for an evaluation of the safety of the additives.

§ 121.7 *Food additives for which new-drug applications are required.* (a) A substance that is a new drug within the meaning of section 201 (p) of the act may also be a food additive within the meaning of section 201 (s) by reason of the fact that its intended use results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of a food. Any new drug that is intended for administration to a food-producing animal will also be evaluated under section 409 and a regulation issued where necessary. Where a substance is both a new drug and a food additive, the submission of a new-drug application in accordance with the regulations appearing in Part 130 of this Chapter will also be construed as a petition for the establishment of a regulation for the use of the substance as a food additive. A new-drug application will not be permitted to become effective for a use that results in the substance becoming a food additive until a regulation is established under section 409 of the act. The new-drug application and the establishment of a regulation respecting the food additive use will be acted upon simultaneously.

(b) With respect to those uses of a new drug that result in its becoming a food additive, the provisions of the regulations in this part shall apply concerning the procedure to be followed in establishing a food-additive regulation. Upon determination that a new-drug application contains a petition for the establishment of a food-additive regulation, the New Drug Branch of the Food and Drug Administration shall so notify the applicant prior to the effective date of the application, and shall inform him that his application with respect to the uses of the new drug which result in its becoming a food additive will be processed under the regulations in this part. Upon the issuance of the food-additive regulation, the New Drug Branch will notify the applicant that his application is effective to the extent allowed by the regulation. In the event the proceeding for the food-additive regulation results in the denial of a regulation allowing the use of the new drug as a food additive, the applicant shall be notified that the denial of his new-drug application is final with respect to the use of the new drug for uses resulting in its becoming a food additive.

§ 121.8 *Food additives proposed for use in foods for which definitions and standards of identity have been prescribed.* (a) Where a petition is received for the issuance or amendment of a regulation establishing a definition and standard of identity for a food under section 401 of the act, which proposes the inclusion of a food additive in such definition and standard of identity, the provisions of the regulations in this part shall apply with respect to the information that must be submitted with respect to the food additive. Since section 409 (b) (5) of the act requires that the Secretary publish notice of a petition for the establishment of a food-additive regulation within 30 days after filing, notice of a petition relating to a definition and standard of identity shall also be published within that time limitation if it includes a request, so designated, for the establishment of a regulation pertaining to a food additive.

(b) If a petition for a definition and standard of identity contains a proposal for a food-additive regulation, and the petitioner fails to designate it as such, the Commissioner, upon determining that the petition includes a proposal for a food-additive regulation, shall so notify the petitioner and shall thereafter proceed in accordance with the regulations in this part.

(c) A regulation will not be issued allowing the use of a food additive in a food for which a definition and standard of identity is established, unless the evidence demonstrates that the use of such food additive in the standardized food will promote honesty and fair dealing in the interest of consumers.

§§ 121.9–129.50 [Reserved.]

§ 121.51 *Petitions proposing regulations for food additives.* (a) Petitions to be filed with the Commissioner under the provisions of section 409 (b) of the act shall be submitted in triplicate. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. The petition shall state petitioner's post-office address to which published notices or orders issued or objections filed pursuant to section 409 of the act may be sent.

(b) Pertinent information may be incorporated in, and will be considered as part of, a petition on the basis of specific reference to such information submitted to and retained in the files of the Food and Drug Administration. However, any reference to information furnished by a person other than the applicant will not be considered unless use of such information is authorized in a written statement signed by the person who submitted it.

(c) Petitions shall include the following data and be submitted in the following form:

(Date)

Name of petitioner ----------
Post-office address ----------
Date ----------
Name of food additive and proposed use ----

FOOD AND DRUG ADMINISTRATION,
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington 25, D. C.

DEAR SIRS:

The undersigned, ----------, submits this petition pursuant to section 409 (b) (1) of the Federal Food, Drug, and Cosmetic Act with respect to the ----------
---
(Name of the food additive and proposed use)

Attached hereto, in triplicate, and constituting a part of this petition, are the following:

A. The name and all pertinent information concerning the food additive, including chemical identity and composition of the food additive, or a statement that such information is not available and why it is not.

[When the chemical identity and composition of the food additive is not known, the petition shall contain information in sufficient detail to permit evaluation regarding the method of manufacture and the analytical controls used during the various stages of manufacturing, processing, or packing of the food additive which are relied upon to establish that it is a substance of reproducible composition. Alternative methods and controls and variations in methods and controls within reasonable limits that do not affect the characteristics of the substance or the reliability of the controls may be specified.

[If the food additive is a mixture of chemicals, the petition shall supply a list of all substances used in the synthesis, extraction, or other method of preparation, regardless of whether they undergo chemical change in the process. Each substance should be identified by its common English name and complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.

[If the petitioner does not himself perform all the manufacturing, processing, and packing operations for a food additive, the petition shall identify each person who will perform a part of such operations and designate the part.

[If the food additive is one that is likely to be unstable, the petition shall include stability data, and, if needed to preserve the identity, strength, quality, and purity of the additive, an expiration date that will be employed.]

B. The amount of the food additive proposed for use and the purposes for which it is proposed, together with all directions, recommendations, and suggestions regarding the proposed use, as well as specimens of the labeling proposed for the food additive and any labeling that will be required by applicable provisions of the Federal Food, Drug, and Cosmetic Act on the finished food.

[Typewritten or other draft-labeling copy will be accepted for consideration of the petition, provided a statement is made that final printed labeling identical in content to the draft copy will be submitted as soon as available and prior to the marketing of the food additive.

[If the food additive is one for which a tolerance limitation is required to assure its safety, the level of use proposed should be no higher than the amount reasonably required to accomplish the intended physical or other technical effect, even though the safety data may support a higher tolerance.]

C. Data establishing that the food additive will have the intended physical or other technical effect and the amount necessary to accomplish this. These data should include information in sufficient detail to permit evaluation with control data.

D. The results of tests by practicable methods to determine the amount of the food additive in the finished food and of any substance formed in or on food because of its use. The test proposed shall be one that can be used for food-control purposes and that can be applied with consistent results by various laboratories.

E. Full reports of investigations made with respect to the safety of the food additive.

[A petition may be regarded as incomplete unless it includes full reports of adequate tests by all methods reasonably applicable to show whether or not the food additive will be safe for its intended use. The reports ordinarily should include detailed data derived from appropriate animal and other biological experiments in which the methods used and the results obtained are clearly set forth. The petition shall not omit without explanation any reports of investigations that would bias an evaluation of the safety of the food additive.]

F. Proposed tolerances for the food additive, if tolerances are required in order to insure its safety.

G. If submitting petition to modify an existing regulation issued pursuant to section 409 (c) (1) (A) of the act, full information on each proposed change that is to be made in the original regulation must be submitted. The petition may omit statements made in the original petition concerning which no change is proposed. A supplemental petition must be submitted for any change beyond the variations provided for in the original petition and the regulation issued on the basis of the original petition.

H. It is understood that all representations in the petition regarding the name, composition, manufacturing methods, controls, and labeling will apply to the food additive when it is actually produced and marketed, until an effective supplement to the petition provides for a change in the food additive.

Yours very truly,
Petitioner ----------
By ----------
(Indicate authority)

(d) The petitioner will be notified of the date on which his petition is filed, and an incomplete petition, or one that has not been submitted in triplicate, will usually be retained but not filed as a petition under section 409 of the act. The petitioner will be notified in what respects his petition is incomplete.

(e) The petition must be signed by the petitioner or by his attorney or agent, or (if a corporation) by an authorized official.

(f) The data specified under the several lettered headings should be submitted on separate sheets or sets of sheets, suitably identified. If such data have already been submitted with an earlier application, the present petition may incorporate it by specific reference to the earlier. If part of the data have been submitted by the manufacturer of the food additive as a master file, the petitioner may refer to the master file if he obtains the manufacturer's written permission to do so. The manufacturer may authorize specific reference to the data without disclosure to the petitioner.

(g) A petition shall not be accepted for filing if any of the data prescribed by section 409 (b) (2) of the act are lacking or are not set forth so as to be readily understood.

(h) Data in a petition will be held confidential and not revealed unless it is necessary to do so in administrative or

judicial proceedings under section 409 of the act.

(i) (1) Within 15 days after receipt the Commissioner will notify the petitioner of acceptance or nonacceptance of a petition, and if not accepted the reasons therefor. If accepted, the date of notification becomes the date of filing for the purposes of section 409 (b) (5) of the act. If the petitioner desires, he may supplement a deficient petition after being notified regarding deficiencies. If the supplementary material or explanation of the petition is deemed acceptable, petitioner shall be notified, and date of such notification becomes the date of filing. If the petitioner does not wish to supplement or explain the petition and requests in writing that it be filed as submitted, the petition shall be filed and the petitioner so notified. The date of such notification becomes the date of filing.

(2) The Commissioner will publish in the FEDERAL REGISTER within 30 days from the date of filing of such petition a notice of filing, the name of petitioner, and a brief summary of the petition in general terms.

(j) The Commissioner may request a full description of the methods used in, and the facilities and controls used for the production of the food additive, or a sample of the food additive, or articles used as components thereof, or of the food in which the additive is proposed to be used, at any time while a petition is under consideration. The Commissioner shall specify in the request for a sample of the food additive, a quantity deemed adequate to permit tests of analytical methods to determine quantities of the food additive present in foods for which it is intended to be used. The date used for computing the 90-day limit for the purposes of section 409 (c) (2) of the act shall be moved forward 1 day for each day after the mailing date of the request taken by the petitioner to submit the sample. If the information or sample requested is not submitted within 180 days after filing of the petition, the petition will be considered withdrawn without prejudice.

(k) The Commissioner will forward for publication in the FEDERAL REGISTER, within 90 days after filing of the petition (or within 180 days if the time is extended as provided for in section 409 (c) (2) of the act), a regulation prescribing the conditions under which the food additive may be safely used (including, but not limited to, specifications as to the particular food or classes of food in or on which such additive may be used, the maximum quantity that may be used or permitted to remain in or on such food, the manner in which such additive may be added to or used in or on such food, and any directions or other labeling or packaging requirements for such additive deemed necessary by him to assure the safety of such use), and shall notify the petitioner of such order and the reasons for such action; or by order deny the petition, and shall notify the petitioner of such order and of the reasons for such action.

(l) If the Commissioner determines that additional time is needed to study and investigate the petition, he shall by written notice to the petitioner extend the 90-day period for not more than 180 days after the filing of the petition.

§ 121.52 *Withdrawal of petitions without prejudice.* In some cases the Commissioner will notify the petitioner that the petition, while technically complete, is inadequate to justify the establishment of a regulation or the regulation requested by petitioner. This may be due to the fact that the data are not sufficiently clear or complete. In such cases, the petitioner may withdraw the petition pending its clarification or the obtaining of additional data. This withdrawal will be without prejudice to a future filing. Upon refiling, the time limitation will begin to run anew from the date of refiling.

§ 121.53 *Substantive amendments to petitions.* After a petition has been filed, the petitioner may submit additional information or data in support thereof, but in such cases the petition will be given a new filing date and the time limitation will begin to run anew.

§ 121.54 *Effective date.* A regulation published in accordance with § 121.7 (b) or § 121.72 shall become effective upon publication in the FEDERAL REGISTER.

§ 121.55 *Objections to regulations and requests for hearings.* (a) Objections to an order promulgated pursuant to section 409 (f) (1) of the act shall be submitted in quintuplicate to the Hearing Clerk of the Department at the address specified in such order. Each objection to a provision of the regulation shall be separately numbered.

(b) A statement of objections shall not be accepted for filing if:

(1) It is filed more than 30 days after the date of publication of the order in the FEDERAL REGISTER.

(2) It fails to establish that the objector will be adversely affected by the regulation.

(3) It does not specify with particularity the provisions of the regulation to which objection is taken.

(4) It does not state reasonable grounds for each objection raised. Grounds that it is reasonable to conclude are capable of being established by reliable evidence at the hearing, and which if proved would call for changing the provisions specified in the objections, will be deemed reasonable grounds.

(c) If the statement of objections may not be filed, the Commissioner shall inform the objector of the reasons.

(d) If objections to a regulation issued pursuant to the filing of a petition are filed by a person other than the petitioner, the Food and Drug Administration shall send a copy of the objections by certified mail to the petitioner at the address given in the petition. Petitioner shall have 2 weeks from the date of receipt by him of the objections to make written reply.

§ 121.56 *Public hearing; notice.* If the objections and statements filed by any person, when they are considered with the record in the proceeding (including any reply to the objections that the petitioner may have filed), show that the person filing the objections is adversely affected and that the grounds stated in support of the objections are reasonable, and a public hearing on the objections is requested, the Commissioner shall cause to be published in the FEDERAL REGISTER a notice reciting the objections and announcing a public hearing to receive evidence on them. The notice shall designate the place where the hearing will be held, specify the time within which appearances must be filed, and specify the time (not earlier than 30 days after the date of publication of the notice in the FEDERAL REGISTER) when the hearing will commence. The hearing shall convene at the place and time announced in the notice, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof by the presiding officer at the hearing. Included in such notice shall be a statement indicating whether the regulation to which objection was taken shall be stayed pending the outcome of the hearing.

§ 121.57 *Presiding officer.* The hearing shall be conducted by a presiding officer, who shall be a hearing examiner appointed as provided in the Administrative Procedure Act (sec. 7, 60 Stat. 237, as amended; 5 U. S. C. 1007 et seq.) and designated by the Commissioner for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings shall be conducted in an informal but orderly manner in accordance with the regulations in this part and the requirements of the Administrative Procedure Act. The presiding officer shall have the power to administer oaths and affirmations, to rule upon offers of proof and admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests; but he shall not have power to decide any motion that involves final determination of the merits of the proceeding.

§ 121.58 *Parties; burden of proof; appearances.* At the hearing, the person whose objections raised the issues to be determined shall be, within the meaning of section 7 (c) of the Administrative Procedure Act, the proponent of the order sought, and accordingly shall have the burden of proof. Any interested person shall be given an opportunity to apear at the hearing, either in person or by his authorized representative, and to be heard with respect to matters relevant to the issues raised by the objections. Any interested person who desires to be heard at the hearing in person or through a representative shall, within the time specified in the notice of hearing, file with the presiding officer a written notice of appearance setting forth his name, address, and employment. If such person desires to be heard through a representative, such person or such representative shall file with the presiding officer a written appearance setting forth the name, address, and employment of such person. Any per-

son or representative shall state with particularity in the notice of appearance his interest in the proceedings and shall set forth the specific provisions of the regulations concerning which objections have been made on which such person desires to be heard. The notice of appearance shall also set forth with particularity the position to be taken concerning the objections on which he wishes to be heard. No person shall be heard if he failed to file notice of his appearance within the time prescribed, in the absence of a clear showing of good cause why the notice of appearance was not filed. All present at the hearing shall conform to all reasonable standards of orderly and ethical conduct.

§ 121.59 *Request for stay of effectiveness of regulation pending a hearing.* When a hearing is requested under § 121.55, the request may also include a request for a stay of effectiveness of the order (§ 121.59), in whole or in part, which request shall include the reasons for the stay together with a showing that the stay involves no hazard to the public health.

§ 121.60 *Prehearing and other conferences.* (a) The presiding officer, on his own motion or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a prehearing conference to consider:

(1) The simplification of the issues.

(2) The possibility of obtaining stipulations, admissions of facts, and documents.

(3) The limitation of the number of expert witnesses.

(4) The scheduling of witnesses to be called.

(5) The advance submission of all documentary evidence.

(6) Such other matters as may aid in the disposition of the proceeding.

The presiding officer shall make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, and the scheduling of witnesses, and limiting the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The presiding officer may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening of the hearing.

§ 121.61 *Submission of documentary evidence in advance of hearing.* (a) All documentary evidence to be offered at the hearing shall be submitted to the presiding officer and to the interested parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The presiding officer, after consultation with the parties at a conference called in accordance with § 121.60 shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within the time specified by the presiding officer in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 121.62 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the presiding officer and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document should be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 121.63 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The presiding officer shall admit only evidence which is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) The presiding officer shall file as an exhibit a copy of the FEDERAL REGISTER promulgating the regulation to which objections were taken and the objections that form the basis for the hearing. All documents constituting the record bearing on the point in controversy, and not entitled to protection under section 301 (j) of the act, accumulated up to the start of the hearing shall be open for inspection by interested persons during office hours in the office of the Hearing Clerk of the Department, Room 5440, 330 Independence Avenue SW., Washington 25, D. C.

(f) If any person objects to the admission or rejection of any evidence or to other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the presiding officer. A ruling of the presiding officer on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 121.64 *Transcript of the testimony.* Testimony given at a public hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the presiding officer of their authenticity, relevancy, and materiality, shall be received in evidence subject to the Administrative Procedure Act (sec. 7 (c), 60 Stat. 238; 5 U. S. C. 1008 (c)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the presiding officer shall exercise his discretion in determining whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 121.65 *Oral and written arguments.* (a) Unless the presiding officer issues an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The presiding officer shall announce at the hearing a reasonable period within which interested persons may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or properly identified exhibits where such evidence occurs.

§ 121.66 *Indexing of record.* (a) Whenever it appears to the presiding officer that the record of hearing will be of such length that an index to the record will permit a more orderly analysis of the evidence and reduce delay, the presiding officer shall require counsel for the parties to prepare a daily topical index, which will be available to the presiding officer and all parties. Preparation of such an index shall be apportioned among all counsel present in such manner as appears just and proper in the circumstances.

(b) The index shall include each topic of testimony upon which evidence is taken, the name of each witness testifying upon the topic, the page of the record at which each portion of his testimony appeared, and the number of each exhibit relating to the topic. The index shall also contain the name of each witness, followed by the topics upon which he testified and the page of the record at which such testimony appears.

§ 121.67 *Certification of record.* At the close of the hearing, the presiding officer shall afford interested persons a short time (not longer than 1 week, except in unusual cases) in which to point out errors that may have been made in transcribing the testimony. The presiding officer shall promptly thereafter order such corrections made as in his judgment are required to make the transcript conform to the testimony, and he shall certify the transcript of testimony and the exhibits to the Commissioner.

§ 121.68 *Filing the record of the hearing.* As soon as practicable after the close of the hearing, the complete record of the hearing shall be filed in the office of the Hearing Clerk. The record shall include the transcript of the testimony, all exhibits, and any written arguments that may have been filed.

§ 121.69 *Copies of the record of the hearing.* The Department will make provision for a stenographic record of the testimony and for such copies of the transcript thereof as it requires for its own purposes. Any person desiring a copy of the record of the hearing or of any part thereof shall be entitled to the same upon payment of the costs thereof.

§ 121.70 *Proposed order after public hearing.* As soon as practicable after the time for filing written arguments has ended, the Commissioner shall prepare and cause to be published in the FEDERAL REGISTER a proposed order which shall set forth in detail the findings of fact and conclusions, and recommend decision on the objections that were the subject of the hearing and tentative regulations. The proposed order shall specify a reasonable time, ordinarily not to exceed 30 days, within which any interested person may file exceptions. The exceptions shall point out with particularity the alleged errors in said proposed order and shall contain a specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied by a memorandum or brief.

§ 121.71 *Final order after public hearing.* As soon as practicable after the time for filing exceptions has passed, the record and the exceptions shall be presented to the Secretary and he shall cause to be published in the FEDERAL REGISTER his final order promulgating the regulation, which shall specify the date on which the order shall take effect.

§ 121.72 *Adoption of regulation on initiative of Commissioner.* (a) The Commissioner upon his own initiative may propose the issuance of a regulation prescribing, with respect to any particular use of a food additive, the conditions under which such additive may be safely used. Notice of such proposal shall be published in the FEDERAL REGISTER and shall state the reasons for the proposal.

(b) Action upon a proposal made by the Commissioner shall, after publication of the notice, proceed as provided in § 121.51.

§ 121.73 *Judicial review.* The Commissioner hereby designates the Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare as the officer upon whom copy of petition for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the order of the Secretary of Health, Education, and Welfare is based. The transcript and record shall be certified by the Secretary.

§ 121.74 *Procedure for amending and repealing tolerances or exemptions from tolerances.* (a) The Commissioner on his own initiative, or on request from an interested person furnishing reasonable grounds therefor, may propose the issuance of a regulation amending or repealing a regulation pertaining to a food additive or granting or repealing an exemption for such additive. Requests for such amendment or repeal shall be made in writing.

(b) "Reasonable grounds" shall include an explanation showing wherein the person has a substantial interest in such regulation and an assertion of facts (supported by data if available) showing that new information exists with respect to the food additive or that new uses have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the existing regulation or exemption may justify its amendment or repeal. New data should be furnished in the form specified in § 121.51 for submitting petitions.

(c) The notice announcing the proposal to amend or repeal a regulation shall show whether the proposal was made on the initiative of the Commissioner or at the request of an interested person, naming such person. From this point, the proceedings shall be the same as prescribed by the regulations in this part and by section 409 (b) of the act, for the issuance of a regulation.

§§ 121.75–121.99 [Reserved.]

SUBPART B—EXEMPTION OF CERTAIN FOOD ADDITIVES FROM THE REQUIREMENT OF TOLERANCES

§ 121.100 *Substances that are generally recognized as safe.* It is impractical to list all substances that are generally recognized as safe for their intended use. However, by way of illustration, the Commissioner regards such common food ingredients as salt, pepper, sugar, vinegar, baking powder, and monosodium glutamate as safe for their intended use. In addition, the following lists include some substances that, when used for the purposes indicated, in accordance with good food manufacturing practice, are regarded by the Commissioner as generally recognized as safe for such uses.

BUFFERS AND NEUTRALIZING AGENTS

Acetic acid.
Aluminum ammonium sulfate.
Aluminum sodium sulfate.
Aluminum potassium sulfate.
Ammonium bicarbonate.
Ammonium carbonate.
Ammonium hydroxide.
Ammonium phosphate (mono- and dibasic-).
Calcium carbonate.
Calcium chloride.
Calcium citrate.
Calcium gluconate.
Calcium hydroxide.
Calcium lactate.
Calcium oxide.
Calcium phosphate.
Citric acid.
Lactic acid.
Linoleic acid.
Magnesium carbonate.
Magnesium oxide.
Oleic acid.
Potassium acid tartrate.
Potassium bicarbonate.
Potassium carbonate.
Potassium citrate.
Potassium hydroxide.
Sodium acetate.
Sodium acid pyrophosphate.
Sodium aluminum phosphate.
Sodium bicarbonate.
Sodium carbonate.
Sodium citrate.
Sodium hydroxide.
Sodium phosphate (mono-, di-, tri-).
Sodium potassium tartrate.
Sodium sesquicarbonate.
Sulfuric acid.
Tartaric acid.

COLORS

Caramel.
Carbon black.
Charcoal.
Titanium dioxide.
Ultramarine blue.

PRESERVATIVES

SEQUESTRANTS

Calcium acetate.
Calcium chloride.
Calcium citrate.
Calcium diacetate.
Calcium gluconate.
Calcium hexametaphosphate.
Calcium phytate.
Citric acid.
Dipotassium phosphate.
Disodium phosphate.
Monocalcium acid phosphate.
Monoisopropyl citrate.
Potassium citrate.
Sodium acid phosphate.
Sodium citrate.
Sodium diacetate.
Sodium gluconate.
Sodium hexametaphosphate.
Sodium metaphosphate.
Sodium phosphate (mono-, di-, tribasic-).
Sodium potassium tartrate.
Sodium pyrophosphate.
Sodium tartrate.
Sodium tetrapyrophosphate.
Sodium tripolyphosphate.
Tartaric acid.

ANTIMYCOTICS

Calcium propionate.
Potassium sorbate.
Propionic acid.
Sodium propionate.
Sodium sorbate.
Sorbic acid.

ANTIOXIDANTS

Ascorbic acid.
Ascorbyl palmitate.
Calcium ascorbate.
Erythorbic acid.
Sodium ascorbate.
Tocopherols.

GENERAL

Acetic acid.
Citric acid.
Phosphoric acid.
Sorbitol.

MISCELLANEOUS

Aluminum sodium sulfate.
Aluminum sulfate.
Butane.
Calcium phosphate, tribasic.
Carbon dioxide.
Carnauba wax.
Glycerin.
Glycerol monostearate.
Helium.
Magnesium carbonate.
Magnesium hydroxide.
Monoammonium glutamate.
Nitrogen.
Papain.
Propane.
Propylene glycol.
Triacetin (glyceryl triacetate).
Tricalcium phosphate.
Sodium carbonate.
Sodium phosphate.
Sodium polyphosphate.

NONNUTRITIVE SWEETENERS

Calcium cyclohexyl sulfamate.
Calcium saccharin.
Saccharin.
Sodium cyclohexyl sulfamate.
Sodium saccharin.

NUTRIENTS

Ascorbic acid.
Calcium carbonate.
Calcium oxide.
Calcium panthothenate.
Calcium phosphate (mono-, di-, tribasic).
Calcium sulfate.
Carotene.
Ferric phosphate.
Ferric pyrophosphate.
Ferric sodium pyrophosphate.
Ferrous sulfate.
Iron, reduced.
l-lysine monohydrochloride.
Niacin.
Niacinamide.
D-Pantothenyl alcohol.
Potassium chloride.
Pyridoxine hydrochloride.
Riboflavin.
Riboflavin-5-phosphate.
Sodium pantothenate.
Sodium phosphate (mono-, di-, tribasic).
Thiamine hydrochloride.
Thiamine mononitrate.
Tocpherols.
α-Tocopherol acetate.
Vitamin A.
Vitamin A acetate.
Vitamin A palmitate.
Vitamin B_{12}.
Vitamin D_2.
Vitamin D_3.

STABILIZERS

Agar-agar.
Carob bean.
Carrageen.
Guar gum.

EMULSIFYING AGENTS

Acetyl tartaric acid esters of mono- and diglycerides, except lauric.
Mono- and diglycerides, except lauric.
Monosodium phosphate derivatives of mono- and diglycerides, except lauric.
Propylene glycol.

Product	Tolerance	Uses
MISCELLANEOUS		
Aluminum calcium silicate	2 percent	Table salt.
Calcium silicate	5 percent	As an anticaking agent in baking powder.
Calcium silicate	2 percent	As an anticaking agent in table salt.
Caffeine	½ to ½ grain in 6-ounce bottles of cola drinks.	In cola drinks.
Ethyl formate	15 parts per million	When used as fumigant for cashew nuts.
Magnesium silicate	2 percent	Table salt; anticaking agent.
Ox Bile Extract U. S. P. (solids)	0.01 percent	Egg whites.
Taurocholic acid (or its sodium salt)	do	Do.
Tricalcium silicate	2 percent	As an anticaking agent in table salt.
Triethyl citrate	0.25 percent	Egg whites.
NUTRIENTS		
Copper gluconate	0.005 percent	In any food.
Cuprous iodide	0.01 percent	Used in table salt as source of dietary iodine.
Potassium iodide	do	Do.
PRESERVATIVES		
ANTIMYCOTICS		
Caprylic acid		Antimycotic in cheese wraps.
Potassium bisulfite		Not in meats or in foods recognizable as a source of vitamin B.
Potassium metabisulfite		Do.
Sodium benzoate	0.1 percent	No special use specified.
Sodium bisulfite		Not in meats or in foods recognizable as a source of vitamin B.
Sodium metabisulfite		Do.
Sodium sulfite		Do.
ANTIOXIDANTS		
Benzoic acid	0.1 percent	No special use specified.
Butylated hydroxytoluene	0.02 percent	Edible fats and oils.
Butylated hydroxyanisole	do	Do.
Dilauryl thiodipropionate	do	Do.
Gum guaiac	0.1 percent	Do.
Nordihydroguaiaretic acid	0.02 percent	Do.
Propyl gallate	do	Do.
Thiodipropionic acid	do	Do.
GENERAL		
Sulfur dioxide		Not in meats or in foods recognizable as a source of vitamin B.
SEQUESTRANTS		
Isopropyl citrate	0.02 percent	No special use specified.
Sodium thiosulfate	0.1 percent	Salt.
Stearyl citrate	0.15 percent	No special use specified.
STABILIZERS		
Magnesium stearate		As migratory substance; use in manufacturing plastic film in wrapping foods.
SURFACTANTS		
Cholic acid	0.01 percent	Egg white.
Desoxycholic acid	do	Do.
Glycocholic acid	do	Do.

Dated: December 3, 1958.

[SEAL]

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

[F. R. Doc. 58-10106; Filed, Dec. 8, 1958; 8:45 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[File 23-483]

FIRMA LEO SAVELSBERG, FELDSAATEN-GROSSHANDLUNG

ORDER TERMINATING EXPORT CONTROL DENIAL ORDER

In the matter of Leo Savelsberg, doing business under the firm name and style of Firma Leo Savelsberg, Feldsaaten-Grosshandlung, 21 Durenerstrasse, Julich, Rhineland, Germany; respondent.

An order having heretofore been made herein on the 16th day of July 1958 (23 F. R. 5549, July 22, 1958), denying all export privileges to the respondent, Leo Savelsberg, doing business under the firm name and style of Firma Leo Savelsberg, Feldsaaten-Grosshandlung, because of his failure to answer interrogatories heretofore served upon him; and

The respondent now having answered all the said interrogatories: *It is ordered*, This 3d day of December 1958, that the denial order of July 16, 1958, be and the same hereby is terminated.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 58-10158; Filed, Dec. 8, 1958; 8:51 a. m.]

Office of the Secretary

DIRECTOR, COAST GUARD AND GEODETIC SURVEY

DELEGATION OF AUTHORITY FOR NEGOTIATION OF CONTRACTS FOR PROCUREMENT OF SUPPLIES AND SERVICES FOR PROGRAMS

Pursuant to authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Director, Coast and Geodetic Survey is hereby authorized to negotiate, without advertising, under sections 302 (c) (4), (5), (9), (10) and (11) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, contracts for the procurement of supplies and services for authorized programs of the Coast and Geodetic Survey, other than administrative programs.

The authority granted herein, which expires on December 31, 1959, shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304, 305, and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration. The authority of the agency head to make the findings under these sections may be exercised by the Assistant Secretary for Administration.

The authority contained herein may be redelegated to any official of the Coast and Geodetic Survey. However, the authority to make the determination contemplated by section 302 (c) (11) of the act may be redelegated only to the chief officer responsible for procurement and only with respect to contracts which will not require the expenditure of more than $25,000. The authority to make the determination with respect to contracts negotiated under this section for more than $25,000 is assigned to the Assistant Secretary of Commerce for Administration. When such a determination is required, a complete justification therefor shall be presented to the Assistant Secretary.

Dated: December 3, 1958.

LEWIS L. STRAUSS,
Secretary of Commerce.

[F. R. Doc. 58-10138; Filed, Dec. 8, 1958; 8:47 a. m.]

CHARLES P. GRISELL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Charles P. Grisell.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: November 28, 1958.
4. Title of position: Asst. Director, Power Equipment Division.
5. Name of private employer: Blaw-Knox, Power Piping & Sprinkler Division, 829 Beaver Avenue, Pittsburgh, Pa.

CARLTON HAYWARD,
Director of Personnel.

NOVEMBER 19, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Blaw-Knox Company
Bank deposits

CHARLES P. GRISELL.

DECEMBER 1, 1958.

[F. R. Doc. 58-10155; Filed, Dec. 8, 1958; 8:51 a. m.]

GEORGE A. SANDS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the last six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 8, 1958.

GEORGE A. SANDS.

NOVEMBER 28, 1958.

[F. R. Doc. 58-10156; Filed, Dec. 8, 1958; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 167]

NEVADA

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totaling 153.20 acres in Elko County, Nevada as suitable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended:

MOUNT DIABLO MERIDIAN

T. 34 N., R. 56 E.,
Sec. 30, Lots 13 to 47 inclusive (SW¼).

The area described contains 153.20 acres subdivided into 35 tracts.

2. Classification of the above described lands by this order segregates them from all appropriation, including location under the mining laws, except as to application under the mineral leasing laws.

3. The lands are located in the southwest portion of Elko County, Nevada, approximately 3 miles southeast of the town of Elko. Precipitation at Elko is 10 inches annually. Topography ranges from undulating to hilly. Soils are shallow upland types. Elevation is approximately 6,200 feet above sea level. Frost-free period is 103 days. Vegetation consists of upland sagebrush, scattered juniper, and associated annuals. Estimated carrying capacity is 23 acres per A. U. M. The lands are nontimbered and nonmineral. All mineral rights in the lands will be reserved to the United States.

4. The individual tracts will range in size from 2.5 acres to 7.5 acres. All tracts will be rectangular in shape. The appraised value of the tracts is $50.00 per acre for the tracts classified for homesites and $100.00 per acre for the tract classified as a business site. Rights-of-way 50' wide within tracts for road purposes and for public utilities will be reserved as shown below. Leases will be for a period of 3 years at a minimum rental of $10.00 per year payable in advance for the entire lease period.

Description of tracts	Acres	Advance rentals (3 years)	Right-of-way width and location	Appraised value
13	5.00	$37.50	50' N & E boundary	$250.00
14	5.00	37.50	50' N & W boundary	250.00
15	5.00	37.50	50' N & E boundary	250.00
16	4.15	30.00	50' N & W boundary	207.50
17	2.90	30.00	50' W boundary	145.00
18	3.75	30.00	No	187.50
19	2.50	30.00	50' E boundary	125.00
20	5.00	37.50	50' W boundary	250.00
21	5.00	37.50	50' E boundary	250.00
22	5.00	37.50	50' E boundary	250.00
23	5.00	37.50	50' W boundary	250.00
24	5.00	37.50	50' E boundary	250.00
25	4.15	30.00	50' W boundary	207.50
26	3.30	30.00	50' W Boundary	165.00
27	3.75	30.00	50' S Boundary	187.50
28	3.75	30.00	50' W Boundary	187.50
29	5.00	37.50	50' W & S Boundary	250.00
30	5.00	37.50	50' E & S Boundary	250.00
31	2.50	30.00	50' E & N Boundary	125.00
32	5.00	37.50	50' N Boundary	250.00
33	5.00	37.50	50' N Boundary	250.00
34 [1]	5.00	37.50	50' N, E & S Boundary	250.00
35 [1]	3.30	30.00	50' W Boundary	165.00
36 [1]	7.50	112.50	50' N, W & S Boundary	750.00
37	5.00	37.50	50' W½ S Boundary	250.00
38	5.00	37.50	50' E Boundary	250.00
39	2.50	30.00	50' E Boundary	125.00
40	3.75	30.00	No	187.50
41 [1]	5.00	37.50	50' N Boundary	250.00
42 [1]	5.00	37.50	50' N Boundary	250.00
43 [1]	4.15	30.00	50' W & S Boundary	207.50
44 [1]	5.00	37.50	50' S Boundary	250.00
45	2.50	30.00	50' S Boundary	125.00
46	5.00	37.50	50' S Boundary	250.00
47	3.75	30.00	50' E & S Boundary	187.50

[1] Under application from an individual having statutory preference.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above, providing that during the period of their leases they either (a) construct the improvements specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The Improvements referred to in Paragraph 5 above must conform with health, sanitation and construction requirements of applicable ordinances and must in addition, meet the following standards:

a. Building must be suitable for year-round habitation, must be neat and attractive and must be placed on a permanent foundation.

b. All buildings must be built in a workmanlike manner of attractive properly finished materials and may consist of wood or masonry construction.

c. All habitable rooms used for eating, sleeping, or living shall be provided with not less than one window with an area of not less than 12 square feet.

d. The dwelling shall have a floor space of not less than 500 square feet.

e. There shall be at least two doors, not on a common wall, as a means of access to each dwelling unit.

f. All dwellings must be connected to a sewage disposal system in accordance with the requirements of the Nevada State Department of Health as to type, size, and construction. No other type of sewage disposal will be permitted. For information relative to sanitary requirements the lessee may contact the Nevada State Department of Health at 325 West Street, Reno, Nevada. An applicant for purchase will be required to submit a certificate of approval signed by the proper authority of the Health Department.

8. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 50 Ryland Street, Reno, Nevada.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., April 18, 1959. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to November 25, 1958 will be granted the preference right provided for by 43 CFR 257.5 (a).

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, 50 Ryland Street, Reno, Nevada.

E. J. PALMER,
State Supervisor.

NOVEMBER 25, 1958.

[F. R. Doc. 58–10143; Filed, Dec. 8, 1958; 8:48 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 1, 1958.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial Number I–09685 for the withdrawal of the lands described below, from all forms of appropriation including the United States mining laws but not the mineral leasing laws. The applicant desires the land for Biladeau Lakes Game Management Area.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 5 S., R. 4 E.,
Sec. 20, SE¼SW¼, SW¼SE¼;
Sec. 27, W½SW¼;
Sec. 28, SW¼NW¼, S½;
Sec. 29, N½, NE¼SW¼, SE¼;
Sec. 32, Lot 1;
Sec. 33, Lots 3 and 4, NW¼NE¼, NE¼NW¼.

This area includes 1,224.75 acres, more or less.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 58–10144; Filed, Dec. 8, 1958; 8:48 a. m.]

Fish and Wildlife Service

[Director's Order 8]

BUREAU OF SPORT FISHERIES AND WILDLIFE; CERTAIN REGIONAL DIRECTORS

DELEGATION OF AUTHORITY WITH RESPECT TO COOPERATIVE AGREEMENTS

SECTION 1. *Delegation.* The Regional Directors, Regions 1 to 6, inclusive, are each authorized to exercise the authority of the Director, Bureau of Sport Fisheries and Wildlife, to enter into agreements with Federal, State, and public and private agencies and organizations for the cooperative conduct of any Bureau of Sport Fisheries and Wildlife function or activity authorized by law. This delegation shall include, but not be limited to, agreements for management of wildlife conservation areas, agreements for the development, protection, rearing, and stocking of all species of wildlife, and agreements for predatory animal and rodent control operations.

SEC. 2. *Limitation.* The foregoing authorization shall be exercised in strict conformity with applicable laws and regulations, policies, and administrative procedures.

SEC. 3. *Redelegation.* The authority granted by this order may not be redelegated.

[Secretary's Order No. 2821; Commissioner's Order No. 4]

D. H. JANZEN,
Director.

DECEMBER 3, 1958.

[F. R. Doc. 58-10142; Filed, Dec. 8, 1958; 8:48 a. m.]

Office of the Secretary

[Arizona 018379]

ARIZONA

WITHDRAWING LANDS IN AID OF LEGISLATION

By virtue of the authority vested in the Secretary of the Interior, and pursuant to section 4 of the act of March 3, 1927 (44 Stat. 1347; 25 U. S. C. 398d), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby temporarily withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, in aid of legislation:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 24 W.,
Sec. 30, lots 14 and 15.
T. 9 S., R. 25 W.,
Sec. 25, lots 3, 4, and 5.

The areas described contain 81.64 acres.

Pending the enactment of such legislation the Commissioner of Indian Affairs is hereby authorized to administer the withdrawn lands.

This order shall take precedence over but not otherwise affect existing withdrawals of the lands for reclamation purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

DECEMBER 3, 1958.

[F. R. Doc. 58-10145; Filed, Dec. 8, 1958; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-121]

GENERAL DYNAMICS CORP.

NOTICE OF FILING OF APPLICATION FOR FACILITY EXPORT LICENSE

Please take notice that General Dynamics Corporation, San Diego, California, has submitted an application dated October 29, 1958, for a license to export a thirty kilowatt (thermal) research reactor to Comitato Nazionale Per Le Ricerche Nucleari, Rome, Italy.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with the Republic of Italy, the Commission may issue a facility export license authorizing the export of the reactor to Rome, Italy.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactors.

In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2) a petition for leave to intervene in these proceedings must be served upon the parties and filed with the Atomic Energy Commission within 30 days after the filing of this notice with the Federal Register Division.

Dated at Germantown, Md., this 28th day of November 1958.

For the Atomic Energy Commission.

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

[F. R. Doc. 58-10095; Filed, Dec. 8, 1958; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

UNITED KINGDOM

FINDING REGARDING FOREIGN SOCIAL INSURANCE AND PENSION SYSTEMS

Section 202 (t) (2) of the Social Security Act (42 U. S. C. 402 (t) (2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by the United Kingdom of Great Britain and Northern Ireland with respect to the social insurance or pension system of such country, from which evidence it appears that such country has a social insurance or pension system of general application in such country which pays periodic benefits on account of old age, retirement, and death, and under which citizens of the United States, not citizens of the United Kingdom, who leave that country are permitted to receive such benefits while outside that country.

Accordingly, it is hereby determined and found by the Commissioner of Social Security that the United Kingdom of Great Britain and Northern Ireland does meet the requirements of section 202 (t) (2) of the Social Security Act (42 U. S. C. 402 (t) (2)).

Dated: November 24, 1958.

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: December 2, 1958.

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

[F. R. Doc. 58-10141; Filed, Dec. 8, 1958; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Order E-13233]

AMERICAN AIRLINES, INC., ET AL.

CERTAIN MUTUAL ASSISTANCE IN EVENT OF STRIKE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 4th day of December 1958.

In the matter of a certain agreement among American Airlines, Inc., Capital Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., Docket No. 9977; Agreement CAB No. 12633.

On November 3, 1958, American Airlines, Inc. (American), Capital Airlines, Inc. (Capital), Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United), filed with the Board an agreement which provides for certain mutual assistance in the event of a strike, as hereinafter more fully described. Formal objections to the agreement were filed by the International Association of

Machinists and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees (jointly), by the Air Line Pilots Association, International, and by six supplemental air carriers (jointly). In addition, the Board has received numerous communications from individuals and organizations urging either approval or disapproval of the agreement.[1]

This agreement, which became effective October 20, 1958, provides for monthly payments to a party whose flight operations are shut down because of a strike, by the other carrier parties still operating. Such payments are to consist of the increased revenues which the operating parties earn and which are attributable to the strike, less applicable added direct expenses. These payments will be made in the event of (1) strikes in which union demands are in excess of or opposed to the recommendations of a Presidential emergency fact-finding board appointed under section 10 of the Railway Labor Act; or (2) strikes which have been called before exhaustion of the procedures of the Railway Labor Act; or (3) strikes which are "otherwise unlawful". (Agreement, page 3, clause 1.)

The agreement further provides that the party suffering such a strike will, while its employees are still on duty, "make every reasonable effort * * * to provide the public with information concerning all air services rendered by the other parties [to the agreement], and to direct to them as much of the traffic normally carried by the party suffering such a strike as possible, all as the best interests of the members of the public may require". (Agreement, page 3, clause 2.) Any other certificated air carrier may join in the agreement at any time. There is no provision for withdrawal therefrom. The agreement shall continue in force until October 20, 1959, unless sooner disapproved by the Board, in which case it shall terminate to the extent disapproved and payments made thereunder shall become a debt owing from the recipient to the paying parties, if the Board should disapprove these payments.[2]

After examining the agreement, the Board has concluded that it is an agreement among air carriers affecting air transportation for, among other things, pooling or apportioning earnings, losses and traffic and for other cooperative working arrangements, and the Board therefore has accepted it for filing under section 412 (a) of the act. In determining whether the agreement should be approved or disapproved under section 412 (b) of the act, the Board must determine whether the agreement is adverse to the public interest or in violation of the act. Among the criteria of public interest are those enumerated in section 2 of the act. In addition, section 401 (1) (4) of the act makes compliance with Title II of the Railway Labor Act a condition of the holding of a certificate by any air carrier.

The Board has tentatively concluded that the following questions, among others, are relevant in determining whether the agreement is consistent with the public interest and does not violate any provisions of the act:

1. Does the agreement violate any applicable provisions of the Railway Labor Act?

2. Will the operation of the agreement improve or impair labor-management relations in the industry?

3. Will the agreement discriminate in restraint of trade against other air carriers not parties to it?

4. What effect, if any, will the agreement have upon administration of the mail-pay program?

5. What effect, if any, will the agreement have upon the extent of Government participation in labor-management disputes?

The resolution of these questions requires careful determination of important issues, since the agreement, if approved, may have a very substantial impact upon employers, employees, air carriers who are not parties to the agreement, and the general public. It, therefore, appears that some form of hearing is appropriate despite the fact that there is no statutory requirement for a hearing in respect of agreements filed under section 412 of the act. The Board also recognizes that the present impairment of service to the public by the suspension of operations of certain air carriers and the threatened suspension of operations of other carriers because of labor disputes, together with the effect which Board action on this agreement may have on labor-management relationships in the airline industry, makes prompt action by the Board desirable. It, therefore, appears to the Board that the matter of the approval or disapproval of the agreement should be set down for oral argument at an early date.

Accordingly, the Board invites all interested parties to indicate their desire to participate in the oral argument by submitting a written reques therefor together with a written statement of their views at least ten days prior to the oral argument. The Board also invites participation by those Government agencies which may have an interest in the outcome of this proceeding or from whose informed judgment on the matters in issue herein the Board may benefit.

The Board notes that the agreement appears to require implementation on such matters as the actual methods of determining increased revenues and expenses attributable to a strike, of routing traffic to other parties to the agreement, and of deciding under what conditions the agreement comes into operation. Such further implementation to the extent that it has been agreed upon constitutes an amendment or amendments to the agreement which are fileable under section 412 of the act. The Board will therefore require the carrier parties to file any such amendments to the agreement sufficiently in advance of the oral argument so that all interested persons will be apprised thereof. Also, in the event that payment or payments have already been made pursuant to the agreement, the Board will require the carriers to file a statement of the amounts of any such payment made by each of the parties to the agreement to any carrier-party affected by the strike.

Therefore, it is ordered: 1. That American, Capital, Eastern, Pan American, TWA and United shall file with the Board as amendments to the agreement any subsidiary agreements or arrangements which set forth the actual or contemplated methods for (a) determining when employee demands are in excess of, or opposed to, the recommendations of a board established under section 10 of the Railway Labor Act, when a strike has been called before exhaustion of the procedures of the Railway Labor Act, or when a strike is otherwise unlawful, all as stated in clause 1 of the agreement, and by whom such determinations may be made; (b) measurement of the increased revenues attributable to a strike and applicable added direct expenses as stated in clause 1 of the agreement; and (c) routing of traffic to other parties and other operations encompassed in clause 2 of the agreement. Said carriers shall also file any other subsidiary agreement or arrangement relating to, or implementing, the agreement. Said parties shall also file a statement of any monies which have been paid pursuant to the agreement indicating the amount paid by each carrier-party and to whom such payment has been made. Such amendments and statement shall be filed within seven days of the date of this order, and a copy thereof shall be served upon each employee organization designated as a collective bargaining representative of the employees of the filing carrier;

2. That this proceeding be and it is hereby set down for oral argument before the Board on January 14, 1959, at 10:00 a. m., in Room 5042, Department of Commerce Building, Washington, D. C.;

3. That all persons desiring to participate in the oral argument shall file with the Board a written request to participate in such oral argument, together with a written submission of their views and comments, not later than ten days prior to the date fixed for the oral argument in paragraph 2 above;

4. That American, Capital, Eastern, Pan American, TWA and United serve a copy of this order upon each employee organization with which the said six carriers bargain collectively as representatives of their employees; that such service be made within five days of the date of this order; and that a report of such service, stating the names and addresses of all such organizations served, be filed with the Board within ten days of the date of this order;

5. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 58-10175; Filed, Dec. 8, 1958; 8:54 a. m.]

[1] All of these comments have been filed in the public docket.

[2] The Board does not consider that the language of the agreement, of which the above is a paraphrase, requires the Board to take specific action with regard to payments thereunder, if it disapproves the agreement.

[Docket No. 9555]

SEABOARD & WESTERN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Seabord & Western Airlines, Inc., for disclaimer of jurisdiction or approval under section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on December 12, 1958, is postponed to December 17, 1958 at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-10176; Filed, Dec. 8, 1958; 8:54 a. m.]

[Docket No. 8671]

K. L. M. ROYAL DUTCH AIRLINES; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 12, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., December 4, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-10178; Filed, Dec. 8, 1958; 8:55 a. m.]

[Docket No. 1706-A]

REOPENED PAN AMERICAN MAIL RATE CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on December 22, 1958, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington 25, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., December 2, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-10179; Filed, Dec. ", 1958; 8:55 a. m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

NOTICE OF TENTATIVE DECISION ON APPLICATION FOR APPROVAL OF ACQUISITION OF VOTING SHARES OF A BANK

Notice is hereby given that, pursuant to section 3 (a) of the Bank Holding Company Act of 1956 ("the act"), First Virginia Corporation, Arlington, Virginia ("Applicant"), has applied for the Board's prior approval of action whereby Applicant would acquire from 51 to 92 percent of the 40,500 outstanding voting shares of Old Dominion Bank, Arlington, Virginia. Information contained in the application and other information relied upon by the Board in making its tentative decision are summarized in the Board's Tentative Statement of this date, which is attached hereto and made a part hereof, and is on file with the Federal Register Division and available for inspection at the office of the Board's Secretary and at the Federal Reserve Banks.

The record in this proceeding to date consists of the application, the views and recommendations of the Commissioner of Banking for the State of Virginia, this Notice of Tentative Decision, and the facts set forth in the Board's Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments on or objections to the Board's proposed action, stating the nature of his interest, the reasons for such comments or objections, and the issues of fact or law, if any, presented by said application which he desires to controvert. Such statement should be addressed: Secretary, Board of Governors of the Federal Reserve System, Washington 25, D. C.

Following expiration of the said 15-day period, the Board's tentative decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board and is so ordered.

Dated at Washington, D. C., this 3d day of December 1958.

By the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F. R. Doc. 58-10147; Filed, Dec. 8, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-17137]

PHILLIPS PETROLEUM CO.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGE IN RATE

DECEMBER 3, 1958.

Phillips Petroleum Company (Phillips) on November 3, 1958, tendered for filing 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 increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 31, 1958.

Purchaser: Texas Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 7 to Phillips' FPC Gas Rate Schedule No. 145.

Effective Date: December 4, 1958.[2]

In support of the proposed periodic increased rate, Phillips states that the proposed increased price was negotiated at arm's length, that periodic price escalation provisions are advantageous to pipeline purchasers in providing a low price when their cost of service is high and that to deny the increased price, which will not result in an excessive rate of return, would be unfair. Phillips comments on Exhibit No. 324 in Docket No. G-1148, et al. (General Investigation of Phillips' Rates) and cites higher increased rates which have become effective in the area as well as higher rates for initial services.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 7 to Phillips' FPC Gas Rate Schedule No. 145 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Phillips' FPC Gas Rate Schedule No. 145.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until May 4, 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 (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10162; Filed, Dec. 8, 1958; 8:52 a. m.]

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[1] Presently effective rate is in effect subject to refund in Docket No. G-13420 and order in Docket No. G-11326.

[2] The effective date is the first day after the expiration of statutory notice.

[Docket Nos. G-9566, G-11831]

SHAMROCK OIL AND GAS CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

DECEMBER 3, 1958.

Take notice that The Shamrock Oil and Gas Corporation (Applicant) filed on January 28, 1957, the Docket No. G-11831, pursuant to section 7 (b) of the Natural Gas Act (act), an application for permission to abandon service originally authorized in Docket No. G-6258 and for which authority to continue rendering said service was applied for, and is presently pending, in an application filed by Applicant in Docket No. G-9566 on October 27, 1955, pursuant to section 7 (c) of the act, all as hereinafter described and as more fully represented in the applications which are on file with the Commission and open for public inspection.

Heretofore, by order issued on April 16, 1956, In the Matters of Southern Production Company, et al., Docket No. G-6212, et al., Applicant was granted a certificate of public convenience and necessity in Docket No. G-6258, pursuant to section 7 (c) of the act, authorizing the sale of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) for resale. The authorized sale involved consisted of a temporary sale of excess or surplus residue gas from Applicant's McKee Gasoline Plant, Moore County, Texas, under contract dated November 22, 1954, (Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 13), effective only for the calendar year of 1955 or until 7,300,000 Mcf of gas had been delivered but not to extend beyond April 1, 1956.

Thereafter, Applicant filed an application for a certificate of public convenience and necessity in Docket No. G-9566 on October 27, 1955, pursuant to section 7 (c) of the act, authorizing, in effect, an extension of the aforesaid temporary sale of excess residue gas from the McKee Plant through the calendar year of 1956 or until 7,300,000 Mcf had been delivered but not to extend beyond April 1, 1957. This application has not been previously disposed of and is presently pending and otherwise open. This extension of sale is covered by letter agreement, dated October 17, 1955, which is filed as Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 13. Supplement No. 6 superseded Supplement No. 4 mentioned above.

Applicant now proposes in Docket No. G-11831 to terminate the sale and delivery of natural gas to Natural as aforesaid on March 31, 1957.

In support of its abandonment application, Applicant states that the volume of excess residue gas available for delivery declined and will continue to decline; that the total volume available and delivered during 1956 amounted to approximately 4,000,000 Mcf; that it will continue to deliver gas through March 31, 1956, because the full maximum volume of 7,300,000 Mcf would not be delivered by said date; and that, by letter dated January 10, 1957, Natural informed Applicant that it did not desire to further extend the letter agreement of October 17, 1955, and would cease purchasing gas thereunder as of March 31, 1957.

These related matters should be heard on a consolidated record and disposed of 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 January 6, 1959 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 applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 29, 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. 58-10163; Filed, Dec. 8, 1958; 8:52 a. m.]

[Docket Nos. G-6850, G-9629]

K. D. OWEN AND D. C. BINTLIFF

NOTICE OF APPLICATION, CONSOLIDATION AND DATE OF HEARING

DECEMBER 3, 1958.

In the matters of K. D. Owen and D. C. Bintliff, Docket No. G-6850; D. C. Bintliff, Docket No. G-9629.

Take notice that K. D. Owen (Owen) and D. C. Bintliff (Bintliff) whose addresses are respectively 2402 Esperson Building and 812 Rusk Avenue, Houston 2, Texas, filed on November 3, 1954, an application in Docket No. G-6850 pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale, subject to the jurisdiction of the Commission, as described below, all as more fully represented in the application which is on file with the Commission and open to public inspection. Owen and Bintliff sought authorization to sell gas produced from the J. M. O'Brien "B" lease in the Greta Field, Refugio County, Texas, to Transcontinental Gas Pipe Line Corporation who would transport the gas in interstate commerce for resale.

Temporary authorization to commence the sale was issued by the Commission on May 23, 1955.

The sale is being made pursuant to a gas sale contract dated November 1, 1949, which is on file with the Commission as the K. D. Owen FPC Gas Rate Schedule No. 4.

On November 7, 1954, Owen filed an amendment to the above application reciting that Bintliff had assigned to Owen all his interest in the property involved and requesting that Bintliff be deleted as a party applicant.

On November 7, 1954, Bintliff filed in Docket No. G-9629 an application pursuant to section 7 (b) of the Natural Gas Act seeking authorization to abandon the service being rendered by him with respect to Docket Nos. G-4021, G-4024, G-6603, G-6611, and G-6850, stating that all his interest in the properties involved had been assigned to Owen who was to continue rendering the same service under the same terms and conditions. Each of said dockets with respect to the proposed abandonment by Bintliff, except Docket No. G-6850, have previously been disposed of by the Commission.

By notice of the Commission dated December 20, 1955, Docket No. G-6850 was consolidated with the proceeding entitled In the Matters of Elge Rasberry et al., Docket Nos. G-3597 et al., and was set down for hearing to be held on January 19, 1956. Subsequently by notice issued December 29, 1956, Docket No. G-6850 was severed from the consolidated proceedings and postponed to a date to be set by further notice.

Thereafter the following parties filed, on the date indicated, petitions to intervene in the consolidated proceedings (and also in G-6850), in opposition to granting the certificates.

Party	*Date filed*
Brooklyn Union Gas Co.	January 3, 1956
Long Island Lighting Co.	January 4, 1956
United Gas Improvement Co.	January 4, 1956

Transcontinental Gas Pipe Line Corporation filed on January 4, 1956, a petition to intervene favoring the grant of a certificate.

At the hearing in the consolidated proceeding held on January 19, 1956, counsel for Brooklyn Union Gas Company and Long Island Lighting Company withdrew their petitions to intervene in certain of the dockets involved, including G-6850. Counsel for United Gas Improvement Company stated his company had no objection to the issuance of a certificate in G-6850, among others, so long as the customary ordering clause respecting rates and escalation clauses be included in the order granting a certificate.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 13, 1959, 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 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.

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 January 6, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10164; Filed, Dec. 8, 1958; 8:52 a. m.]

[Docket No. G-15376]

FT. BRANCH NATURAL GAS CO., INC.

NOTICE OF APPLICATION

DECEMBER 3, 1958.

Take notice that Ft. Branch Natural Gas Company, Inc. (Applicant) an Indiana corporation with a principal office in Ft. Branch, Indiana, filed an application and a supplement thereto on June 27 and September 2, 1958, respectively, pursuant to section 7 (a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corporation (Texas Eastern) to establish a physical connection of its existing facilities with proposed facilities of Applicant and to sell and deliver to Applicant volumes of natural gas for distribution and resale in the communities of Ft. Branch and Haubstadt, Indiana.

Applicant proposes to construct and operate approximately 3.7 miles of 3-inch lateral pipeline extending from a proposed connection with Texas Eastern's 24-inch main line just north of Ft. Branch, south through Ft. Branch to the city gate of Haubstadt. In addition, it will also construct the necessary distribution facilities to provide natural gas service in the two communities.

The application recites that the communities of Ft. Branch and Haubstadt have a combined population of approximately 3,500. Based on experience in other similar communities, Applicant estimates the gas requirements of its proposed service area as follows:

Year of service	Requirements in Mcf	
	Peak day	Annual
1	699	42,900
2	865	60,183
3	1,140	80,134
4	1,418	100,631
5	1,576	111,559

The gas will be used for residential and commercial purposes.

Applicant estimates the cost of constructing its facilities at $91,248 during the first year of operation, with annual increments thereafter bringing the total cost to $204,617 in the fifth year of operation. The initial requirements of the project will be financed by the private sale of $100,000 worth of common stock to Applicant's directors, with subsequent capital requirements to be met by the issuance of first mortgage bonds or financed out of earnings. Applicant proposes to charge a retail rate ranging from 80 cents per Mcf to $2.00 per Mcf.

Applicant states that it has been granted the necessary franchises by the communities of Ft. Branch and Haubstadt, and has filed an application for a certificate of public convenience and necessity with the Public Service Commission of Indiana.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 22, 1958.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10165; Filed, Dec. 8, 1958; 8:53 a. m.]

[Docket No. G-8288, etc.]

SUN OIL CO. ET AL.

ORDER REOPENING PROCEEDINGS, CONSOLIDATING PROCEDINGS, AND FIXING DATE OF HEARING

DECEMBER 3, 1958.

In the matters of Sun Oil Compay, Docket No. G-8288; E. J. Hudson, et al., Docket No. G-4335; Maracaibo Oil Exploration Corporation, Docket No. G-6279; Sohio Petroleum Company, Docket Nos. G-8488 and G-12660; Maracaibo Oil Exploration Corporation (Operator) et al., Docket No. G-13032.

Upon appeals by Sun Oil Company (Sun), Sohio Petroleum Company (Sohio), and by E. J. Hudson et al. and Maracaibo Oil Exploration Corporation, jointly (Maracaibo), independent producers of natural gas within the purview of the Commission's regulations, the United States Court of Appeals for the Fifth Circuit on April 23, 1958, granted petitions to review an order of the Commission to the extent that the Commission was directed to reopen the proceedings in Docket Nos. G-8288, G-4335, G-6279, and G-8488 to afford petitioners a "reasonable opportunity to adduce such evidence as they may be advised is relevant to the inquiry whether the proposed rate of 16 cents plus 1 cent state tax[1] is just and reasonable." In all other respects, the petitions were denied. Sun Oil Co. et al. v. F. P. C., 255 F. 2d 557, 559, rehearing denied, May 30, 1958, certiorari denied, October 13, 1958.

Petitioners, who make sales of natural gas produced from their acreage in the Egan Field, Acadia Parish, Louisiana, to Transcontinental Gas Pipe Line Company (Transco) under a single sale contract, sought review of an order of the Commission issued February 6, 1957 (17 FPC 191), affirming the initial decision of the presiding examiner granting a motion to dismiss increased rate proposals filed by petitioners as a result of the operation of a "favored-nation" provision in their sale contract (17 FPC 174). Petitioners had proposed an increase from 8.8 cents plus 1 cent state tax to 16 cents per Mcf plus 1 cent state tax for natural gas sold to Transco in the Egan Field. The Commission dismissed the proposed increased rates and affirmed the examiner on the ground that (17 FPC 191, 193) "there is no showing on the record either of revenue requirement or that the increased rates are no higher than necessary to promote exploration for and development of gas supplies while, at the same time, providing protection to the ultimate consumer contemplated by the act," citing Union Oil Co., 16 FPC 100. Further, we said that to determine that the increased rate is needed, it is essential that the conventional rate-base method of ratemaking be used at least as a basis of comparison or point of departure, citing City of Detroit v. F. P. C., 230 F. 2d 810 (CADC), certiorari denied, 352 U. S. 829. We concluded that the record before us did not contain the evidence found essential by the Court.

The rationale for the decision of the Fifth Circuit is found in its decision in Bel Oil Corp. et al. v. F. P. C., 255 F. 2d 548, also entered on April 23, 1958, reviewing 16 FPC 100, and in which certiorari was also denied on October 13, 1958. The Court held (at page 553) that evidence of unregulated prices in the field is not sufficient to warrant a finding by the Commission that a price comparable to them is just and reasonable within the intendment of the Natural Gas Act. Although not deciding that the rate-base method is essential in every case, the Court agreed with the Commission that we did not have sufficient evidence before us to approve the 16 cent rate plus 1 cent state tax as just and reasonable. The Court concluded, however, that the proceedings should be reopened to permit the petitioners further opportunity to introduce "such evidence as they may be advised is relevant to the inquiry" of whether the proposed rate is just and reasonable.

Upon consideration of the foregoing we deem it necessary to reopen the proceedings in Docket Nos. G-8288, G-4335, G-6279, and G-8488 for the specific purpose of providing Sun, Sohio, and Maracaibo the opportunity described in the Court's opinion.

Following our dismissal order of February 6, 1957, Sohio refiled the 16 cent rate plus 1 cent state tax. Maracaibo Oil Exploration Corporation (Operator) et al., incorporating the increased rate for sales formerly made to Transco by E. J. Hudson et al., on July 10, 1957, also refiled the same rate. By orders issued June 4 and August 9, 1957, we entered upon a hearing concerning the lawfulness of the refiled rates. In addition, we

[1] Louisiana Gas Gathering Tax.

suspended the operation of the refiled rates and deferred their use until November 10, 1957, and January 10, 1958, in Docket Nos. G–12660 and G–13032, respectively. Accordingly, it is appropriate and in the public interest that we consolidate the related proceedings in Docket Nos. G–12660 and G–13032 with the proceedings heretofore consolidated with Docket No. G–8288 for the purpose of hearing and decision.

The Commission orders:

(A) The proceedings in Docket Nos. G–8288, G–4335, G–6279, and G–8488 are reopened for the specific purpose hereinbefore specified; and the proceedings are hereby remanded to the Presiding Examiner for such further hearing.

(B) The proceedings in Docket Nos. G–12660 and G–13032 are hereby consolidated with the proceedings heretofore consolidated with the proceeding in Docket No. G–8288 for the purpose of hearing and decision.

(C) A hearing be held in the above-captioned proceedings commencing on January 19, 1959, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the purposes hereinbefore stated.

By the Commission.

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

[F. R. Doc. 58–10166; Filed, Dec. 8, 1958; 8:53 a. m.]

[Docket No. G–16358]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 3, 1958.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation, with its principal place of business in Owensboro, Kentucky, filed an application on September 19, 1958, as supplemented on October 31, 1958, for permission and approval to abandon by sale to Western Kentucky Gas Company (Western Kentucky) a total of 26.5 miles of 2 to 8 inches of pipeline and appurtenant facilities and for a certificate of public convenience and necessity authorizing the relocation and operation of certain meter stations as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file at the Commission, and open to public inspection.

Applicant states that pursuant to a letter agreement between it and Western Kentucky executed August 27, 1958, Applicant proposes to sell to Western Kentucky for the sum of $20,000, certain natural gas facilities described below:

(1) The Sebree 2-inch line No. 331, Webster County, Kentucky, extending 174 feet westerly from Texas Gas' Sebree town border station to a connection with an existing 2-inch pipeline of Western Kentucky.

(2) The Russellville 4-inch line No. 703, Logan County, Kentucky, extending 567 feet northeasterly from Texas Gas' Russellville town border station to a connection with an existing Western Kentucky pipeline serving Russellville.

(3) The Franklin 4-inch line No. 801, Simpson and Warren Counties, Kentucky, extending 37,565 feet northward from Texas Gas' Franklin town border station to a point approximately 5 feet south of the Woodburn, Kentucky 2-inch side valve serving the Woodburn town border station.

(4) The Bowling Green 8-inch line No. 901, Warren County, Kentucky, extending 4,270 feet northeasterly from Texas Gas' Bowling Green town border station to an interconnection with Applicant's Bowling Green 6-inch north and south spurs, together with such spurs extending 5,257 feet and 4,104 feet, respectively, to interconnections with existing Western Kentucky pipelines serving Bowling Green.

(5) The Scottsville 3- and 4-inch line No. 809, Warren County, Kentucky, extending 26,985 feet southward from Texas Gas' meter station at Petros to the terminus of such line near Drakes Creek.

(6) The Glasgow 6-inch line No. 917, Barren County, Kentucky, extending 3,410 feet east and southward from Texas Gas' Glasgow town border station to a connection with an existing Western Kentucky pipeline serving Glasgow.

(7) The Hopkinsville 6-inch line No. 702, Christian County, Kentucky, extending 57,783 feet northeastward from Texas Gas' Hopkinsville town border station to an interconnection with Texas Gas' existing Russellville to Newberg Road 10-inch mainline.

The application states that the subject facilities are presently used to sell and deliver natural gas to Western Kentucky at various town border and farm tap meters for resale in communities and to farmers. Applicant will continue to sell the same volumes of gas to Western Kentucky, but at slightly different locations.

Applicant states that prior to the transfer, it will relocate its Hopkinsville and Franklin sales meter stations to its effective point of interconnection of Applicant's existing facilities and the respective facilities to be transferred to Western Kentucky so that such stations will meter the gas immediately before delivery to Western Kentucky.

The application states that the transfer of the Hopkinsville, Franklin and Scottsville facilities is proposed because they are used only to serve farm tap customers of Western Kentucky and can be easily integrated into its existing distribution operations.

The other sections of pipelines to be transferred are located downstream from meter stations at which sales are made to Western Kentucky and, Applicant states, should belong to Western Kentucky because it owns the gas transported through such lines. No change in the location of such meter stations is proposed.

The estimated cost of such relocation is $7,700, which Applicant proposes to defray from cash on hand.

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 January 6, 1959, 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 non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 22, 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. 58–10167; Filed, Dec. 8, 1958; 8:53 a. m.]

[Project No. 2205]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF APPLICATION FOR LICENSE

DECEMBER 3, 1958.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Central Vermont Public Service Corporation of Rutland, Vermont, for license for one proposed and four constructed developments, designated as Project No. 2205, situated in the Lamoille River, in Franklin and Chittenden Counties, Vermont.

The project consists of the following: East Georgia proposed development would be located at river mile 14.75 and will consist of a concrete gravity dam approximately 80 feet high and 300 feet long with controlled spillway creating a reservoir with normal pool elevation of 340 feet; a powerhouse containing a 7,100 horsepower turbine connected to a 5,000 KW generator operating under a head of 51.5 feet; Peterson existing plant at river mile 6 consisting of a dam 75 feet high and 347 feet long with controlled spillway creating a reservoir with normal pool elevation of 151 feet; a powerhouse containing an 8,100 horsepower turbine connected to a 5,000 KW generator operating under head of 52 feet; Milton existing plant at river mile 8.5 consisting of a dam 25 feet high and 136 feet long with flash boards creating a reservoir with normal pool elevation of 246.2 feet; an open forebay channel 200 feet long; an 11 foot diameter steel penstock 380 feet long; two 16 foot diameter surge

tanks; two steel penstocks 7 feet 9 inches in diameter to powerhouse containing two 4,500 horsepower turbines connected to 3,000 KW generators operating under a head of 95.2 feet; Clark Falls existing plant at river mile 8.75 consisting of a dam 40 feet high and 387 feet long with controlled spillway creating a reservoir with normal pool elevation of 288 feet; a 12 foot diameter steel penstock 300 feet long to a 28 foot by 22 foot forebay at the powerhouse which contains a 4,000 horsepower turbine connected to a 3,000 KW generator operating under a head of 41.6 feet; Fairfax Falls existing plant at river mile 20.75 consisting of a dam 45 feet high and 255 feet long with flashboards, creating a reservoir with normal pool elevation of 424.9 feet; two 7 foot diameter steel penstocks 227 feet long to a powerhouse containing two 2,000 horsepower turbines connected to 1,440 KW generators operating under a head of 84.9 feet.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 12, 1959. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10168; Filed, Dec. 8, 1958; 8:53 a. m.]

[Docket No. G-4331, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

ORDER REOPENING PROCEEDINGS AND FIXING DATE OF HEARING

DECEMBER 3, 1958.

In the matters of Union Oil Company of California, Docket No. G-4331; Union Oil Company of California and The Louisiana Land and Exploration Company, Docket No. G-4332; Morris Rauch et al., Docket No. G-4334; Bel Oil Corporation, Docket No. G-4505.

Upon appeals by Union Oil Company of California and the Louisiana Land and Exploration Company (Union et al.), Morris Rauch et al. (Rauch) and Bel Oil Corporation (Bel Oil), independent producers of natural gas within the purview of the Commission's regulation, the United States Court of Appeals for the Fifth Circuit on April 23, 1958, granted petitions to review an order of the Commission to the extent that the Commission was directed to reopen the proceedings in Docket Nos. G-4331, G-4332, G-4334, and G-4505, to afford petitioners a "reasonable opportunity to adduce such evidence as they may be advised is relevant to the inquiry whether the proposed rate of 16 cents plus 1 cent state tax [1] is just and reasonable." In all other respects, the petitions were denied. Bel Oil Corporation et al. v. F. P. C. 255 F. 2d 548, 555, certiorari denied, October 13, 1958.

[1] Louisiana Gas Gathering Tax.

Petitioners make sales of natural gas produced from their acreage in East White Lake, West White Lake, Fresh Water Bayou, Vinton, Tigre Lagoon, and North Elton Fields, Louisiana, to Transcontinental Gas Pipe Line Company (Transco) under several sales contracts. Each sought review of an order of the Commission issued December 6, 1956 (16 F. P. C. 100-118), affirming the initial decision of the presiding examiner granting a motion to dismiss increased rate proposals filed by petitioners as a result of automatic escalations provided in the basic sales contracts of Union et al. and Bel Oil or as a result of the operation of a "favored-nation" provision in the basic sales contract in the case of Rauch, (16 F. P. C. 106-107). Petitioners had proposed an increase from 8.8 cents plus 1 cent state tax to 16 cents per Mcf plus 1 cent state tax for natural gas sold to Transco from the above-mentioned fields.

The Commission dismissed the proposed increased rates and affirmed the examiner on the ground that (16 F. P. C. 110) "On this record it is not possible to strike a fair balance between investor and consumer interests. We cannot be sure that the rates are sufficient to promote exploration for and development of gas supplies and, at the same time to provide the protection to the ultimate consumer contemplated by the act." Further, we said that to determine that the increased rates are needed, it is essential that the conventional rate-base method of rate-making be used at least as a basis of comparison or point of departure, citing City of Detroit v. F. P. C., 230 F. 2d 810 (CADC), certiorari denied, 352 U. S. 829. We concluded that the record before us did not contain the evidence found essential by the Court.

In its decision in Bel Oil Corporation et al. v. F. P. C. supra, the Fifth Circuit held that evidence of unregulated prices in the field is not sufficient to warrant a finding by the Commission that a price comparable to them is just and reasonable within the intendment of the Natural Gas Act. Although not deciding that the rate-base method is essential in every case, the Court agreed with the Commission that we did not have sufficient evidence before us to approve the 16 cent rate plus 1 cent state tax as just and reasonable. The Court concluded, however, that the proceedings would be reopened to permit the petitioners further opportunity to introduce "such evidence as they may be advised is relevant to the inquiry" of whether the proposed rate is just and reasonable.

Upon consideration of the foregoing we deem it necessary to reopen the proceedings in Docket Nos. G-4331, G-4332, G-4334 and G-4505 for the specific purpose of providing Union et al., Rauch and Bel Oil the opportunity described in the Court's opinion.

The Commission orders:

(A) The proceedings in Docket Nos. G-4331, G-4332, G-4334, and G-4505 are reopened for the specific purpose hereinbefore specified; and the proceedings are hereby remanded to the Presiding Examiner for such further hearing.

(B) A hearing be held in the above-captioned proceedings commencing on January 13, 1959, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the purposes hereinbefore stated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10169; Filed, Dec. 8, 1958; 8:53 a. m.]

[Docket No. E-6855]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

DECEMBER 3, 1958.

Take notice that on November 26, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company ("Applicant"), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing (1) the issuance of 100,000 shares of Preferred Stock ("New Preferred Stock") and (2) the issuance of $10,000,000 in principal amount of First Mortgage Bonds ("New Bonds"). The New Preferred Stock will have par value of $100 per share with $_____ dividend payable quarterly. The New Bonds will be __ percent Series due 1989 and are to be issued under Applicant's Indenture of Mortgage dated September 1, 1926 with The Hanover Bank of New York, Trustee, as heretofore supplemented by Supplemental Indentures and as to be further supplemented by a Seventeenth Supplemental Indenture to be dated as of January 1, 1959. Applicant proposes to sell the New Preferred Stock and the New Bonds by competitive bidding. The dividend rate of the New Preferred Stock and the interest rate of the New Bonds will be determined by competitive bidding. Applicant states that the proceeds from the sale of the New Preferred Stock and the New Bonds wil be used to initially reimburse its treasury, in part, for construction expenditures heretofore made and will enable Applicant to pay off $13,000,000, principal amount of short-term notes, estimated to be outstanding as of the date of issuance of the New Preferred Stock and New Bonds.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 23d day of December 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10170; Filed, Dec. 8, 1958; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3621]

SUBURBAN TRUST CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

DECEMBER 3, 1958.

In the matter of Suburban Trust Company, capital stock; File No. 1-3621.

Philadelphia-Baltimore Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This application is made by the Exchange at the request of the issuer, by reason of the small volume of trading on the Exchange.

Upon receipt of a request, on or before December 17, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views of any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-10149; Filed, Dec. 8, 1958; 8:50 a. m.]

[File No. 7-1947]

SPERRY RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 3, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Sperry Rand Corporation warrants for common stock; File No. 7-1947.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before December 19, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-10150; Filed, Dec. 8, 1958; 8:50 a. m.]

[File No. 7-1948]

EASTERN GAS & FUEL ASSOCIATES

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 3, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Eastern Gas & Fuel Associates common stock; File No. 7-1948.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Boston Stock Exchanges.

Upon receipt of a request, on or before December 19, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-10151; Filed, Dec. 8, 1958; 8:50 a. m.]

[File No. 7-1949]

STANDARD PACKAGING CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 3, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Standard Packaging Corporation common stock; File No. 7-1949.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before December 19, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-10152; Filed, Dec. 8, 1958; 8:50 a. m.]

[File No. 7-1950]

TRI-CONTINENTAL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

DECEMBER 3, 1958.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Tri-Continental Corporation warrants for common stock; File No. 7-1950.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the American Stock Exchange.

Upon receipt of a request, on or before December 19, 1958, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addi-

tion, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 58-10153; Filed, Dec. 8, 1958; 8:50 a. m.]

TARIFF COMMISSION

CALF AND KIP LEATHER

NOTICE OF MODIFICATION OF INVESTIGATION

Notice is hereby given that, pursuant to the request of the applicant, the scope of investigation No. 73 under section 7 of the Trade Agreements Extension Act of 1951, as amended, notice of the institution of which was published in 23 F. R. 9113, has been modified to exclude lining leather made from calf or kip skins provided for in paragraph 1530 (b) (4) of the Tariff Act of 1930.

Issued: December 3, 1958.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 58-10154; Filed, Dec. 8, 1958; 8:50 a. m.]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

CORPS OF ENGINEERS, U. S. ARMY

TERMINATION OF DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

Notice is given that the authority delegated to the Corps of Engineers, U. S. Army, on September 2, 1954, and promulgated in the FEDERAL REGISTER on March 24, 1955, 20 F. R. 1793, to perform the following functions, pursuant to Public Law 358, 83d Congress, is hereby terminated:

1. Land acquisition.
2. Development of designs, construction schedules, and working construction cost estimates.
3. Preparation of contract plans and specifications.
4. Serving as contracting officer including solicitation of bids and awards of contracts.
5. Field construction supervision including job control to assure compliance with contract provisions.
6. Construction accounting and cost accounting, including the authority to make disbursements of corporate funds, based upon properly approved vouchers, for payment of contracts and expenses for the delegated functions.

Henceforth, all contracting, procurement, and land acquisition for the St. Lawrence River navigation project authorized by Public Law 358, 83d Congress, (33 U. S. C. 981 et seq.), will be done in the name of the Saint Lawrence Seaway Development Corporation by a designated official or contracting officer of the Corporation, and all disbursement of corporate funds will be done by a disbursing officer of the Corporation.

The Corps of Engineers, U. S. Army, will continue to serve as contracting officer on all contracts uncompleted as of December 31, 1958, awarded by the Corps of Engineers, U. S. Army, for the St. Lawrence Seaway project.

All new work performed after January 1, 1959, by the Corps of Engineers for engineering and design, and preparation of contract plans and specifications will be done under section 8 of Public Law 358, 83d Congress (33 U. S. C. 987), on a reimbursable cost basis.

This termination of the delegation of functions and authority to the Corps of Engineers, U. S. Army, is effective as of January 1, 1959.

SAINT LAWRENCE SEAWAY
DEVELOPMENT CORPORATION,
LEWIS G. CASTLE,
Administrator.

[F. R. Doc. 58-10148; Filed, Dec. 8, 1958; 8:49 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.

Alabama Textile Products Corp., Andalusia, Ala.; effective 12-1-58 to 11-30-59 (men's dress shirts, sport shirts, and work pants).

The Andala Co., Andalusia, Ala.; effective 12-1-58 to 11-30-59 (men's work shirts and pants).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 12-1-58 to 11-30-59; workers engaged in the production of men's and boys' shirts (men's and boys' dress and sport shirts).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 12-1-58 to 11-30-59; workers engaged in the production of women's blouses (tailored shirt blouses).

Bali Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 12-1-58 to 11-30-59 (brassieres).

Berwick Shirt Co., 10th and Pine Streets, Berwick, Pa.; effective 11-24-58 to 11-23-59 (men's sport shirts).

Blue Bell, Inc., Lenoir, N. C.; effective 12-1-58 to 11-30-59 (boys', kiddies', girls', misses', and ladies' dungarees).

Blue Bell, Inc., Luray, Va.; effective 12-1-58 to 11-30-59 (dungarees).

Cortland Corset Co., Inc., East Court Street, Cortland, N. Y.; effective 12-1-58 to 11-30-59 (corsets, corselettes and girdles).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11-28-58 to 11-27-59; workers engaged in the production of ladies' and girls' dungarees (ladies' and girls' jeans).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky.; effective 11-28-58 to 11-27-59; workers engaged in the production of men's overalls and jackets (men's and boys' bib overalls and jackets).

Crisfield Shirt & Pajama Co., Princess Anne, Md.; effective 12-1-58 to 11-30-59 (boys' shirts).

Dushore Lingerie Co., Inc., Cherry Street, Dushore, Pa.; effective 11-21-58 to 11-20-59 (women's sleepwear, woven fabric).

Ely & Walker Factory, Canton, Miss.; effective 11-20-58 to 11-19-59 (men's sport shirts).

Evergreen Garment Co., Inc., Evergreen, Ala.; effective 11-21-58 to 11-20-59 (men's sport shirts).

Gloria Manufacturing Corp., 815 24th Street, Newport News, Va.; effective 11-21-58 to 11-20-59 (children's dresses).

Hartsville Manufacturing Co., Hartsville, S. C.; effective 11-17-58 to 11-16-59 (cotton wash dresses).

International Latex Corp., Manchester, Ga.; effective 12-1-58 to 11-30-59 (bibs, shower caps, brassieres).

T. S. Lankford and Sons, 151½ Walnut Street, Abilene, Tex.; effective 12-1-58 to 11-30-59; learners may not be employed at special minimum wage rates in the production of separate skirts (girls' and sub-teen sportswear—shorts, blouses; men's work clothing and barrack bags).

Manhattan Shirt Co., U. S. By-Pass No. 29 and No. 70, Lexington, N. C.; effective 12-1-58 to 11-30-59 (men's and women's sport shirts, dress shirts).

Manhattan Shirt Co., Leeds Avenue, Charleston Heights, S. C.; effective 12-1-58 to 11-30-59 (men's and women's dress shirts).

Manhattan Shirt Co., Poplar Hill Avenue & Calvert Street, 416 E. Main Street, Salisbury, Md.; effective 12-1-58 to 11-30-59 (men's and ladies' dress shirts).

Manhattan Shirt Co., 29 Hoffman Street, Kingston, N. Y.; effective 12-1-58 to 11-30-59 (men's pajamas).

Manhattan Shirt Co., 717 Capouse Avenue, Scranton, Pa.; effective 12-1-58 to 11-30-59 (men's sport shirts).

Manhattan Shirt Co., Tripp Street, Americus, Ga.; effective 11-27-58 to 11-26-59 (men's dress shirts).

Manhattan Shirt Co., 21 Academy Street, Middletown, N. Y.; effective 12-1-58 to 11-30-59 (men's sport shirts, ladies' dress shirts).

Myco Manufacturing Co., Inc., Montgomery, Pa.; effective 12-1-58 to 11-30-59 (ladies' housecoats, dusters, robes).

Phillips-Van Heusen Corp., Brinkley, Ark.; effective 12-1-58 to 11-30-59 (dress shirts).

Primo Pants Co., Versailles, Mo.; effective 12-1-58 to 11-30-59 (men's and boys' pants).

Publix Shirt Corp., Huntingdon, Tenn.; effective 12-1-58 to 11-30-59 (men's and boys' sport shirts).

Regal Shirt Corp., 208 South Third Street, Catawissa, Pa.; effective 12-1-58 to 11-30-59 (men's sport shirts).

States Nitewear Manufacturing Co., Inc., Healy and Bates Streets, P. O. Box 909, New Bedford, Mass.; effective 12-1-58 to 11-30-59 (ladies' and children's cotton nightgowns and pajamas).

Sun Garment Co., 2401 Hyde Parkway, St. Joseph, Mo.; effective 12-1-58 to 11-30-59 (shirts).

Troy Textiles, Inc., Troy, Ala.; effective 11-24-58 to 11-23-59 (men's sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Berry Garment Manufacturers, Columbus, Kans.; effective 12-1-58 to 11-30-59; 10 learners (Ivy League or other pants; coveralls).

Century Manufacturing Co., 3 North Main Street, Sandwich, Ill.; effective 11-24-58 to 11-23-59; 5 learners (overalls and dungarees).

El Jay Dress Co., Inc., Main Street, Childs, Pa.; effective 11-18-58 to 11-17-59; 5 learners (women's dresses).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Texas; effective 11-24-58 to 11-23-59; 10 learners engaged in the production of slacks, boxer shorts and shorts (outerwear) (boys' wear, pants, coats).

Frisco Textiles, Inc., P. O. Box 185, Frisco City, Ala.; effective 11-24-58 to 11-23-59; 10 learners (women's and children's sportswear—women's slim jeans and children's boxer slacks).

Gloucester Pants Co., Inc., 377 Main Street, Gloucester, Mass.; effective 12-1-58 to 11-30-59; 10 learners (men's and boys' trousers).

H & A Pants Manufacturing Co., 625 Washington Boulevard, Baltimore, Md.; effective 12-1-58 to 11-30-59; 5 learners (boys' pants).

Irene Blouse Co., Inc., Nicholson, Pa.; effective 11-24-58 to 5-17-59; 10 learners (replacement certificate) (ladies' blouses).

Renovo Shirt Co., Mena, Ark.; effective 11-24-58 to 11-23-59; 10 learners engaged in the production of ladies' shirts (ladies' sport shirts).

Selro Manufacturing Co., Denton, Md.; effective 11-19-58 to 11-18-59; 10 learners (ladies' sportswear—shorts, pedal-pushers, etc.).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa; effective 12-1-58 to 11-30-59; 5 learners (infants' layette garments).

Stafford-Hayes, Inc., 402 South State Street, Clarks Summit, Pa.; effective 12-1-58 to 11-30-59; 5 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Tippah County, Ripley, Miss.; effective 11-24-58 to 5-23-59; 50 learners (men's work shirts; men's and boys' sport shirts).

Form-O-Uth Brassiere Co., P. O. Box P, McLean, Tex.; effective 11-28-58 to 5-27-59; 10 learners (brassieres).

Charles W. Hanson Garment Manufacturing Co., Monroe, Ga.; effective 11-24-58 to 5-23-59; 50 learners (men's and boys' work and dress pants).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Hill Hosiery Mill, Inc., Thomasville, N. C.; effective 11-24-58 to 11-23-59; 5 learners for normal labor turnover purposes (children's hosiery).

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn.; effective 11-29-58 to 11-28-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Triangle Hosiery Co., Inc., 510 Grimes Street, High Point, N. C.; effective 11-20-58 to 11-19-59; 5 percent of the total number of factory production workers 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).

Ashland Knitting Mills, Inc., Front and Chestnut Streets, Ashland, Pa.; effective 11-24-58 to 11-23-59; 5 percent of the total number of factory production workers for normal labor turnover purposes (cotton knit underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, 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.

Golo of Dunmore, Golo Park, Dunmore, Pa.; effective 12-1-58 to 11-30-59 (women's shoes).

Greenup Manufacturing Co., Greenup, Ill.; effective 11-24-58 to 11-23-59 (children's shoes).

Loree Footwear Corp., Rossiter, Indiana Co., Pa.; effective 12-1-58 to 11-30-59 (women's casuals).

Penn Footwear Co., Line and Grove Streets, Nanticoke, Pa.; effective 12-1-58 to 11-30-59 (ladies' and children's casual shoes).

Rex Shoe Co., Inc., 1950 Wyoming Avenue, Exeter (Pittston), Pa.; effective 12-1-58 to 11-30-59 (ladies' shoes, leather and fabric).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Doro Apparel Corp., Pottsville Street, Wiconisco, Pa.; effective 11-24-58 to 5-23-59; 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 320 hours at the rates of at least 90 cents an hour for the first 160 hours and not less than 95 cents an hour for the remaining 160 hours (belts, shoulder pads).

Grant County Manufacturing Co., Williamstown, Ky.; effective 11-20-58 to 5-19-59; 10 learners for normal labor turnover purposes engaged in the hand sewing of compressed core balls only, in the occupation of hand sewers for a learning period of 400 hours at the rates of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 240 hours (baseballs, softballs).

The following learner 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.

Beatrice Needle Craft, Inc., Ponce, P. R.; effective 11-5-58 to 5-4-59; 50 learners for plant expansion purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

The Bravada Corp., Arecibo, P. R.; effective 11-10-58 to 11-9-59; 25 learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours (men's tee shirts and briefs).

Superior Embroidery Co., Inc., 19 Morel Campos Street, Mayaguez, P. R.; effective 11-6-58 to 5-5-59; 25 learners for plant expansion purposes in the occupation of machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours (machine embroidery).

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.

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.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act has been issued to the firm listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Oak Park Academy, Nevada, Iowa; effective 11-24-58 to 8-31-59; authorizing the employment of: (1) 6 student-workers in the printing industry in the occupations of compositor, pressman and related skilled and semi-skilled occupations including incidental clerical work in shop for a learning period of 1,000 hours at the rates of 85 cents an hour for the first 500 hours and 90 cents an hour for the remaining 500 hours; (2) 6 student-workers in the broom shop industry in the occupations of broom maker, stitcher and related skilled and semi-skilled occupations for a learning period of 360 hours at the rates of 85 cents an hour for the first 180 hours and 90 cents an hour for the remaining 180 hours.

This student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issu-

ance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 28th day of November 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58-10146; Filed, Dec. 8, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 4, 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. 35129: *Trailer-on-flatcar service from and to Memphis, Tenn.* Filed by Southwestern Freight Bureau, Agent (No. B-7429), for interested rail carriers. Rates on various commodities loaded in or on highway trailers and transported on railroad flat cars between Memphis, Tenn., on the one hand and stations in southern Louisiana on the Texas and New Orleans Railroad, on the other.

Grounds for relief: Rail and motor truck competition.

Tariff: Supplement 35 to Southwestern Lines tariff I. C. C. 4285.

FSA No. 35130: *Trailer-on-flatcar service between Whippany, N. J., and southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7435), for interested rail carriers. Rates on various commodities loaded in or on highway trailers and transported on railroad flat cars between Whippany, N. J., on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor truck competition and grouping.

Tariff: Supplement 20 to Southwestern Lines tariff I. C. C. 4298.

FSA No. 35131: *Roofing material from Illinois to the South.* Filed by Illinois Freight Association, Agent (No. 37), for interested rail carriers. Rates on asphaltum, iron or steel roofing clips, iron or steel shims or wedges, or paste roofing cement, included in carload shipment of concrete or cement building or roofing slabs from points in Illinois to points in southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 34 to Illinois Freight Association tariff I. C. C. 736.

FSA No. 35132: *Substituted service, rail for motor, N. Y., N. H. & H. R. R. Co.* Filed by The New York, New Haven and Hartford Railroad Company (No. 211), for interested rail and motor carriers. Rates on commodities loaded in highway trailers and transported on railroad flat cars between Providence, R. I., and New Haven, Conn.; also between Providence, R. I., and New Haven, Conn., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Motor truck competition.

FSA No. 35133: *Commodity rates from and to Greenville and Northern Railway stations.* Filed by O. W. South, Jr., Agent (SFA No. A3750), for interested rail carriers. Rates on various commodities (other than coal and coke), carload and less-than-carload between stations on the Greenville and Northern Railway, on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Grouping and establishment of specific commodity rates from and to new or previously nonrated stations.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

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