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Washington, Thursday, June 20, 1957

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10716

ADMINISTRATION OF THE INTERNATIONAL CULTURAL EXCHANGE AND TRADE FAIR PARTICIPATION ACT OF 1956

By virtue of the authority vested in me by the International Cultural Exchange and Trade Fair Participation Act of 1956 (70 Stat. 778), by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *United States Information Agency.* (a) Except in respect of the functions delegated by section 2 (c), or reserved by section 4, of this order, the Director of the United States Information Agency shall coordinate the functions provided for in the International Cultural Exchange and Trade Fair Participation Act of 1956 (hereinafter referred to as the Act) and shall be responsible for advising the President and keeping him informed with respect to the said functions.

(b) The following-designated functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency:

(1) The functions so conferred by the provisions of section 3 (2) of the Act (the provisions of section 2 (b) of this order notwithstanding).

(2) The functions so conferred by section 3 (4) of the Act (the provisions of sections 2 (d) and 3 (b) of this order notwithstanding).

(3) The functions so conferred by section 11 of the Act, except to the extent that such functions are delegated by section 2 (c) of this order.

(4) The functions so conferred by sections 4, 6, and 7 of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(c) The Director of the United States Information Agency, with such assistance of the Department of State and the Department of Commerce as may be appropriate, shall prepare and transmit to the President the reports which the President is required to transmit to the Congress by section 9 of the Act.

(d) The Director of the United States Information Agency shall consult with the Secretary of State or the Secretary of Commerce, or both, in connection with the establishment of any interagency committees under the authority delegated by section 1 (b) (3) of this order the activities of which will pertain to functions delegated by section 2 or section 3 of this order, or both, respectively.

(e) Funds appropriated or otherwise made available to the President to carry out the purposes of the Act shall be allocated by the Director of the United State Information Agency to the Department of State as may be necessary to carry out the functions delegated under section 2 of this order; to the Department of Commerce as may be necessary to carry out the functions delegated under section 3 of this order; and to such other departments or agencies of the Government as may be deemed necessary to carry out the purposes of the Act. The agencies to which funds are so allocated shall obtain apportionments thereof directly from the Bureau of the Budget.

SEC. 2. *Department of State.* Subject to the provisions of sections 1 (a) and 4 of this order, the following-designated functions conferred upon the President by the Act are hereby delegated to the Secretary of State:

(a) The functions so conferred by sections 3 (1), 10 (b), and 10 (c) (3) of the Act.

(b) The functions so conferred by section 3 (2) of the Act (the provisions of section 1 (b) (1) of this order notwithstanding).

(c) The functions so conferred by section 3 (3) of the Act to the extent that they pertain to the Universal and International Exhibition of Brussels, 1958, together with the functions so conferred by section 11 of the Act to the extent that they pertain to the said Exhibition.

(d) The functions so conferred by sections 3 (4), 4, 6, and 7 of the Act to the extent that they pertain to the functions

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

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

delegated by the foregoing provisions of this section.

SEC. 3. *Department of Commerce.* Subject to the provisions of sections 1 (a) and 4 of this order, the following-designated functions conferred upon the President by the Act are hereby delegated to the Secretary of Commerce:

(a) The functions so conferred by section 3 (3) of the Act, exclusive of functions pertaining to the Universal and International Exhibition of Brussels, 1958.

(b) The functions so conferred by sections 3 (4), 4, 6, and 7 of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

SEC. 4. *Functions reserved to the President.* There are hereby excluded from the functions delegated by the provisions of this order the functions conferred upon the President (a) with respect to the appointment of officers authorized to be appointed by the first proviso of section 3 (3) of the Act, (b) with respect to the transmittal of periodic reports to the Congress under section 9 of the Act, and (c) with respect to the waiver of provisions of law or limitations of authority under section 8 of the Act.

SEC. 5. *Procedures for coordination abroad.* The provisions of Part II of Executive Order No. 10575 of November 6, 1954 (19 F. R. 7249), are hereby extended and made applicable to the functions provided for in the Act and to United States agencies and personnel concerned with the administration abroad of the said functions.

SEC. 6. *Definition.* As used in this order, the word "functions" embraces duties, powers, responsibilities, authority, and discretion.

SEC. 7. *Prior directives and actions.* This order supersedes the provisions of the letters of the President to the Director of the United States Information Agency dated August 16, 1955, and August 21, 1956, and the letter of the President to the Secretary of State dated December 27, 1956 (22 F. R. 101–103); provided that this order shall not operate to terminate any authority to perform functions without regard to the provisions of law and limitations of authority specified in those letters. Except to the extent that they may be inconsistent with law or with this order, other directives, regulations, and actions relating to the functions delegated by this order and in force immediately prior to the issuance of this order shall remain in effect until amended, modified, or revoked by appropriate authority.

SEC. 8. *Effective date.* Without prejudice to anything done under proper authority with respect to any function under the Act at any time subsequent to the approval of the Act and prior to the issuance of this order, the effective date of this order shall be deemed to be the date on which the Act was approved.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 17, 1957.

[F. R. Doc. 57-5075; Filed, June 18, 1957; 3:13 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (6) is added to § 6.302 as set out below.

§ 6.302 *Department of State.* * * *

(e) *Office of the Deputy Under Secretary for Economic Affairs.*

* * * * *

(6) One Special Assistant to the Deputy Under Secretary.

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

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

[F. R. Doc. 57-5034; Filed, June 19, 1957; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, the headnote of paragraph (g) of § 6.314 is redesignated to read "Office of the Assistant Secretary for Legislation."

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

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

[F. R. Doc. 57-5035; Filed, June 19, 1957; 8:50 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

STUDENT TRAINEE

Paragraph (a) (1) of § 24.121 is amended to read as follows:

§ 24.121 *Student Trainee, GS–2–4, in the following codes: GS–402, 408, 455, 458, 462, 483, 802, 1311, 1341, 1371, 1521, or other code covering positions of student trainee for any professional field as follows: Any biological science (Group GS–400), any branch of engineering (Group GS–800), any physical science (Group GS–1300), any profession of the Mathematics and Statistics Group (GS–1500), architecture, landscape architecture, patent examining, food and drug inspection, economics, and accounting—*(a) *Educational requirements.* (1) For Student Trainee, GS–2, applicants must have been enrolled or accepted for enrollment in an accredited college or university in a curriculum leading to the bachelor's degree in one of the specialized fields shown in the headnote of this sec-

tion; or they must have been graduated from an accredited high school with credits in all courses required for admission to such a college curriculum and they must have the intention of enrolling and beginning their college study within four months of the date of entrance on duty in the student trainee positions.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

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

[F. R. Doc. 57-5033; Filed, June 19, 1957; 8:50 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; MASSACHUSETTS

Under the tabulations of average values of efficient family-type farms for Massachusetts appearing at § 331.17, Chapter III, Title 6, Code of Federal Regulations, revisions are as follows:

1. The average value for Barnstable County is hereby revoked.

2. On May 28, 1957 for the purposes of Title I of the Bankhead-Jones Farm tenant, as amended, average values of efficient family-type farms for Dukes County were determined to be $25,000.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Dated: June 14, 1957.

[SEAL] D. H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-5031; Filed, June 19, 1957; 8:50 a. m.]

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; TEXAS

On June 6, 1957, 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.

TEXAS

County	Average value	County	Average value
Archer	$30,000	Brown	$35,000
Bestrop	20,000	Burleson	25,000
Baylor	40,000	Burnet	30,000
Bee	40,000	Calhoun	40,000
Blanco	25,000	Camp	25,000
Bosque	30,000	Cherokee	30,000
Bowie	30,000	Clay	30,000
Brazoria	36,000	Coleman	35,000
Brazos	25,000	Collin	35,000

TEXAS—Continued

County	Average value	County	Average value
Colorado	$30,000	McCulloch	$25,000
Comanche	30,000	Madison	25,000
Concho	40,000	Mason	25,000
Denton	24,000	Matagorda	36,000
Dimmit	40,000	Menard	30,000
Erath	30,000	Milam	25,000
Falls	30,000	Mills	30,000
Fayette	20,000	Panola	25,000
Gillespie	25,000	Red River	30,000
Grayson	25,000	Refugio	40,000
Grimes	25,000	Runnels	35,000
Harrison	25,000	San Saba	35,000
Hood	30,000	Schleicher	40,000
Howard	40,000	Somervell	30,000
Jack	30,000	Tarrant	40,000
Jackson	36,000	Tom Green	40,000
Jim Wells	40,000	Upshur	25,000
Kimble	30,000	Uvalde	40,000
Kleberg	40,000	Victoria	40,000
Lampasas	40,000	Waller	25,000
Lee	20,000	Washington	25,000
Leon	25,000	Wichita	30,000
Limestone	25,000	Wise	35,000
Live Oak	35,000	Young	30,000
Llano	25,000	Zavala	40,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Date: June 14, 1957.

[SEAL] D. H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-5032; Filed, June 19, 1957; 8:50 a. m.]

Subchapter G—Miscellaneous Regulations

[FHA Instruction 445.1]

PART 381—EMERGENCY LOANS

TITLE EVIDENCE

Section 381.8 (f), Title 6, Code of Federal Regulations (21 F.R. 10358) is revised to clarify the title clearance and loan closing procedures which are applicable when real estate security is being obtained. Section 381.8 (f) is revised to read as follows:

§ 381.8 *Security requirements.* * * *

(f) When a real estate lien is to be taken, either as primary or as additional security, the applicant will provide evidence of title showing that the Government will receive the required lien.

(1) Title clearance and loan closing will be handled in accordance with the requirements of Part 307 of this chapter, except that:

(i) The promissory note will be dated the date of execution instead of the date of loan closing.

(ii) When mortgagee title insurance is to be obtained, the amount of the policy shall not exceed the value of the real estate, or the amount of the loan, whichever is the lesser. However, when the real estate lien is being taken as additional rather than as primary security, the loan approval official may authorize taking the policy for a still lesser amount down to the minimum amount necessary to obtain title insurance, if the lower amount will result in any significant saving to the applicant.

(iii) When the real estate lien is being taken only as additional security and the applicant is in immediate need of funds with which to carry on his farming operations, the loan may be closed prior to completion and review of title evidence if the applicant, at or before the time of loan closing:

(*a*) Executes the required real estate lien. In such cases, the lien will be prepared on the basis of information furnished by the applicant or obtained from any prior mortgages or conveyances of record against the property;

(*b*) Makes written application for, or states in writing that he has made definite arrangements for, the required title examination and title opinion or certificate or mortgagee title insurance to be obtained as soon as possible; and

(*c*) Agrees in writing that he will take promptly any title clearance action and will execute any additional real estate liens necessary to provide the required real estate security.

(R. S. 161; U. S. C. 22)

Dated: June 14, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-5030; Filed, June 19, 1957; 8:49 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 502—SPECIAL MILK PROGRAM FOR CHILDREN

Regulations are hereby revised and reissued for the operation of a Special Milk Program for Children pursuant to the authority contained in section 201 (c) of the Agricultural Act of 1949, as amended by Public Law 752, 84th Congress, approved July 20, 1956.

Sec.

AUTHORITY: §§ 502.200 to 502.217 issued under sec. 4, 62 Stat. 1070, 15 U. S. C. 714b. Interpret or apply sec. 201, 63 Stat. 1052, as amended, 70 Stat. 596; 7 U. S. C. 1446.

§ 502.200 *General purpose and scope.* This part announces the policies and prescribes the general regulations with respect to the operation of the Special Milk Program under section 201 (c) of the Agricultural Act of 1949, as amended, and sets forth the general requirements for participation in the program. The

pertinent part of 201 (c), as amended, reads as follows:

> * * * for each of the two fiscal years in the period beginning July 1, 1956, and ending June 30, 1958, not to exceed $75,000,000, of the funds of the Commodity Credit Corporation shall be used to increase the consumption of fluid milk by children in (1) nonprofit schools of high-school grade and under; and in (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

§ 502.201 *Administration.* (a) Within the United States Department of Agriculture, the Agricultural Marketing Service (hereinafter referred to as AMS) shall act for and on behalf of the Commodity Credit Corporation (hereinafter referred to as CCC) in connection with the operation of this program. Within AMS, and under the general supervision of the Administrator of AMS, the Food Distribution Division (hereinafter referred to as FDD–AMS) shall be responsible for program administration.

(b) To the extent practicable and permissible under State law, responsibility for the administration of this program in schools and child-care institutions within a State shall be in the educational agency of the State: *Provided, however,* That another State agency, upon request by an appropriate State official, may be approved by FDD–AMS to administer the program in child-care institutions.

(c) FDD–AMS shall administer the program in any class of schools (hereinafter referred to as private schools) and in child-care institutions in which the program is not administered by the State.

§ 502.202 *Advance of funds to State agencies.* (a) For the Federal fiscal year beginning July 1, 1957 and ending June 30, 1958 FDD–AMS shall reserve for advance to a State agency entering into agreement with CCC an amount equal to 110 percent of the expenditures of that agency under the program in the Federal fiscal year ending June 30, 1957. Expenditures in that year shall be determined by FDD–AMS on the basis of the latest information available to FDD–AMS at the time the reserve for each State is developed.

(b) This reserve shall be advanced to the State agency on a quarterly basis, or as needed. FDD–AMS reserves the right to request any State agency to justify its need for any scheduled quarterly payment prior to its advancement. In the event that a State agency does not justify the need for the full amount of any scheduled quarterly payment, FDD–AMS shall withhold from such payment the amount determined to be in excess of program needs.

(c) In the event that a State agency justifies the need for funds in excess of the amount of its reserve, additional funds will be provided to such State agency to the extent funds are available for such purpose.

(d) Following the close of the Federal fiscal year, any funds advanced under this program to an agency of a State that remain unobligated under the program shall be returned to AMS within 30 days after a demand is made by FDD–AMS. The State shall also pay to AMS any interest paid or credited to it by reason of the deposit of any funds advanced to it under this program.

§ 502.203 *Accounting for program funds by State agencies.* Each State agency entering into an agreement with CCC shall maintain a separate account of all Federal funds advanced to it under the program and shall maintain a current record of payments made to schools and child-care institutions and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

§ 502.204 *Use of funds.* Funds made available under this program shall be used to encourage the increased consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.205 *Agreements between CCC and State agencies.* CCC shall enter into written agreements with State agencies for the administration of the program within the States. The agreement shall show the class or classes of schools and child-care institutions for which the State agency is assuming responsibility.

§ 502.206 *Agreements between State agencies and schools and child-care institutions.* State agencies shall enter into written agreements with schools and child-care institutions setting forth the terms and conditions under which the State agencies will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children. Such agreements shall contain, as a minimum, the requirements of § 502.209.

§ 502.207 *Agreements between CCC and private schools and child-care institutions.* In those States in which FDD-AMS will administer the program in private schools and child-care institutions, CCC shall enter into written agreements with such private schools and child-care institutions setting forth the terms and conditions under which AMS will reimburse the schools and child-care institutions in connection with the purchase of milk for service to children.

§ 502.208 *Reimbursement.* (a) Reimbursement payments shall be made for milk purchased for service to children by participating schools and child-care institutions, except that reimbursement shall not be made for the first half pint of milk served as part of a Type A or Type B lunch by schools participating in the National School Lunch Program. The maximum rate of reimbursement shall be 4 cents per half pint for schools serving Type A or Type B meals under the National School Lunch Program. For all other schools and for child-care institutions, the maximum reimbursement rate shall be 3 cents per half pint.

(b) Less-than-maximum rates of reimbursement shall be assigned, or assigned rates shall be adjusted, if circumstances indicate such action is advisable.

(c) In child-care institutions, and in schools operating a food service outside the National School Lunch Program or serving more than one meal a day, a portion of the milk served to children may be excluded from reimbursement if such action is deemed advisable in order to encourage the continued expansion of the service of complete school lunches or to accomplish the objectives of this program.

(d) Schools operating the program in more than one school attendance unit may be regarded as a single school or as individual schools for reimbursement purposes. If regarded as a single school, reimbursement shall not be made at a rate in excess of 3 cents per half pint unless all units are serving Type A or Type B meals under the National School Lunch Program.

(e) Schools and child-care institutions offering milk as a separately priced item shall make maximum use of the reimbursement payments received under this program to reduce the price of milk to children. The full amount of such payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed one cent per half pint. Exceptions to this provision may be granted in instances where the situation in a school or child-care institution justifies a distribution cost margin fractionally above one cent, and such exceptions shall be subject to periodic reviews.

(f) A school or child-care institution which does not offer milk to children as a separately-priced item shall, at the time it applies for participation, submit for approval the methods and practices under which it plans to encourage increased consumption of milk by children. Reimbursement payments will be made in connection with increased consumption of milk by children, evidenced by satisfactory information furnished by such schools or child-care institutions.

§ 502.209 *Requirements for participation.* (a) Schools and child-care institutions shall make written application for participation to the State agency, except that in those States in which FDD–AMS administers the program in private schools or child-care institutions, application shall be made to FDD–AMS. In approving the application, the State agency or FDD–AMS shall determine that the applicant is a school or child-care institution as defined in § 502.215 and shall designate the effective date on which the school or child-care institution may begin operations. Schools and child-care institutions whose applications are approved shall execute agreements with the State agency or CCC.

(b) Schools and child-care institutions participating in the program shall meet the following minimum requirements, which requirements shall be included in the agreements entered into between the schools and child-care institutions and State agencies and between the private schools and child-care institutions and CCC:

(1) Conduct a nonprofit food service or, in the event no other food service is maintained, conduct a nonprofit milk service;

(2) Claim reimbursement only for milk as defined in this part and in accordance with the provisions of § 502.208;

(3) Submit claims for reimbursement in accordance with procedural requirements established by FDD–AMS; and

(4) Maintain such records and furnish such reports and documents as are prescribed by the State agency or by FDD–AMS. All invoices, receipts and records pertaining to the program shall be maintained for a period of three years after the end of each Federal fiscal year's operations. Records shall be made available for audit purposes to the State agency and AMS, or to AMS in the case of a private school or child-care institution which contracts directly with CCC.

§ 502.210 *Effective dates for reimbursement.* A State agency or AMS may grant written approval to begin operations under this program prior to the processing of the application from a school or child-care institution. Such approval shall be attached to the subsequently filed application and the agreement executed by the school or child-care institution. Reimbursement shall be made for any milk served in accordance with the requirements of this part from the date upon which the school or child-care institution was authorized to begin operations: *Provided, however,* That no reimbursement shall be made for milk that was served more than 30 days prior to the receipt of the application by the State agency or AMS: *Provided, further,* That in no event shall reimbursement be made by any State agency for milk served prior to the effective date of the State agency's agreement with CCC.

§ 502.211 *Administrative analyses and audits.* The State agency shall provide AMS with full opportunity to conduct administrative analyses and audits of all operations of the State agency under this program. The State agency shall make available its records, including the receipts and expenditure of funds under the program, upon reasonable request by AMS. AMS shall also have the right to make audits of the records and operations of any participating school or child-care institution.

§ 502.212 *State agency reports and records.* Within 30 days after the end of each calendar month, the State agency shall make a report to FDD–AMS concerning the operation of the program for that month, on a form provided by FDD–AMS. The State agency shall maintain for a period of three years after the end of each Federal fiscal year's operations, all records pertaining to the program.

§ 502.213 *Investigations.* The State agency shall promptly investigate all complaints received or irregularities noted in connection with the operation of the program in participating schools and child-care institutions and shall take appropriate action to correct any irregularities.

§ 502.214 *Overclaims.* (a) Excess payments resulting from overclaims made by schools or child-care institutions which are discovered by the State agency during audits, administrative visits or by other means, shall be collected by the State agency either by direct refund or by deduction from subsequently filed claims. Any amounts thus recovered by the State agency may be used to pay other claims of the same Federal fiscal year.

(b) The State agency shall likewise recover all excess payments made by it to schools and child-care institutions discovered by AMS administrative analyses or audits of State agency operations or during AMS audits of participating schools and child-care institutions. However, before a final determination is made in such cases, the State agency shall have full opportunity to submit additional information, explanation or information concerning such excess payments.

(c) Excess payments resulting from overclaims made by schools or child-care institutions in which the program is administered by FDD–AMS, discovered by AMS during audits, administrative visits or by other means, shall be collected by AMS either by direct refund or by deduction from subsequently filed claims.

§ 502.215 *Definitions*—(a) *State.* The 48 States, the District of Columbia, the Territories of Alaska and Hawaii, and such other Territories as may be designated by the Secretary from time to time.

(b) *School.* (1) Any school which is a public school of high school grade and under within the definition of the statutes of the State, and

(2) Any private school of high school grade and under exempt from income tax under the Internal Revenue Code, as amended. The term "school" as used in this part includes, where applicable, the authorized sponsoring agency which has entered into an agreement under this program for the school.

(c) *Child-care institution.* Any nonprofit nursery school (other than nursery schools falling within the definition of school in this section), child-care center, settlement house, summer camp, or similar nonprofit institution devoted to the care and training of children.

(d) *Nonprofit food or milk service.* Food or milk service maintained by or on behalf of the school or child-care institution for the benefit of the children, all of the income from which is used solely for the operation or improvement of such food or milk service.

(e) *Milk.* Fluid whole milk, flavored or unflavored, which meets the State and local standards for unflavored whole milk as to butterfat content and sanitation.

(f) *Cost of milk.* The purchase price paid by the school or child-care institution to the milk distributor for milk delivered to the school. This does not include any amount paid to the milk distributor for the rental of or installment purchase of milk service equipment.

(g) *Distribution costs.* Direct expenses incurred by the school or child-care institution in connection with the sale, handling and service of milk. This may include expenses incident to acquisition or rental of necessary milk service equipment.

§ 502.216 *Miscellaneous provisions*—(a) *Disqualifications and compliance clause.* Any State agency or any school or child-care institution may be disqualified from future participation if it fails to comply with the provisions of the regulations in this part, its agreement with CCC or the State agency or other pertinent rules, regulations or instructions. This does not preclude the possibility of other action being taken through other means available where considered necessary. Fraud in the payment of, or claiming for, reimbursement under the program will be prosecuted under applicable Federal statutes. If any part of the money received by the State agency in connection with the program, by any improper or negligent action is diminished, lost, misapplied, or diverted from the program by the State agency, or by any school or child-care institution to which funds are disbursed, FDD-AMS may order such money to be replaced with funds from sources within the State and, until replaced, may direct that no subsequent payments shall be made to the State agency or to such school or child-care institution. The State agency shall have full opportunity to submit additional evidence, explanation or information concerning instances of noncompliance or diversion of funds, before a final determination is made in such cases.

(b) *Saving clause.* Any or all of the provisions of this part may be waived, withdrawn, or amended, at any time by AMS: *Provided, however,* That such action shall not be taken without prior notice to State agencies having agreements with CCC.

§ 502.217 *Program information.* Schools and child-care institutions desiring information concerning the program should write to their State educational agency or to the appropriate Area Office of FDD–AMS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 139 Centre Street, Room 501, New York 13, New York.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Food Distribution Division, AMS, United States Department of Agriculture, 50 Seventh Street NE., Room 252, Atlanta, Georgia.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Food Distribution Division, AMS, United States Department of Agriculture, 431 South Dearborn Street, Room 926, Chicago 5, Illinois.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Food Distribution Division, AMS, United States Department of Agriculture, 500 South Ervay Street, Room 3–127, Dallas 1, Texas.

(e) In the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Food Distribution Division, AMS, United States Department of Agriculture, Room 344, Appraisers Building, 630 Sansome Street, San Francisco 11, California.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This part, as revised, shall become effective July 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

JUNE 17, 1957.

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TITLE 7—AGRICULTURE

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

[1023—Allotments—(Cigar-Binder and Cigar-Filler and Binder–58–1)]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

TOBACCO MARKETING QUOTA REGULATIONS, 1958–59 MARKETING YEAR

GENERAL

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

MISCELLANEOUS

AUTHORITY: §§ 723.911 to 723.928 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, as amended, 63, 69 Stat. 684; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.911 *Basis and purpose.* The regulations contained in §§ 723.911 to 723.928 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1958 farm acreage allotments and normal yields for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco. The purpose of the regulations in §§ 723.911 to 723.928 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1958–59 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.911 to 723.928, public notice (22 F. R. 3202) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.911 to 723.928 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.912 *Definitions.* As used in §§ 723.911 to 723.928, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Committees": The definition of this term as set forth in Part 718 (22 F. R. 3749) of this chapter shall apply in §§ 723.911 to 723.928.

(b) "County office manager": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(c) "Department": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(d) "Deputy Administrator": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(e) "Director" means the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Farm": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(g) "New farm" means a farm on which tobacco will be harvested in 1958 for the first time since 1952. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used in §§ 723.911 to 723.928 shall include the meaning described in paragraph (b) of § 723.916 with respect to 1957 harvested acreage.

(h) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1953 through 1957. If in accordance with applicable law and regulations, no 1955, 1956, or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956, or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used in §§ 723.911 to 723.928 shall include the meaning described in paragraph (b) of § 723.916 with respect to 1957 harvested acreage.

(i) "Cropland": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(j) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1957 into the total of the 1957 tobacco acreage allotment for such old farms: *Provided,* That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(k) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(l) "Operator": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(m) "Persons": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(n) "Producer": The definition of this term as set forth in Part 718 (22 F. R.

3747) of this chapter shall apply in §§ 723.911 to 723.928.

(o) "Secretary": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(p) "State administrative officer": The definition of this term as set forth in Part 718 (22 F. R. 3747) of this chapter shall apply in §§ 723.911 to 723.928.

(q) "Tobacco" means:

(1) Type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gabhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(2) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(3) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(4) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut;

(5) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(6) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(7) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or

(8) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.913 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

§ 723.914 *Instructions and forms.* The director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out §§ 723.911 to 723.928. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 723.915 *Applicability of §§ 723.911 to 723.928.* Sections 723.911 to 723.928 govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1958.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.916 *Determination of 1958 preliminary acreage allotments for old farms.* The 1958 preliminary acreage allotment for an old tobacco farm shall be the 1957 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (b) of this section) of tobacco on the farm in each of the three years 1955–57 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1953–57: *Provided,* That any 1958 preliminary allotment shall not exceed the 1957 farm acreage allotment or be less than 0.01 acre.

(b) For the purposes of paragraph (a) of this section, the 1956 and 1957 harvested acreage, respectively, shall include any acreage on the farm applicable to the kind of tobacco involved which is devoted in 1956 or 1957, respectively, to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 and 1957 harvested acreage, respectively, shall be deemed to be the 1956 or 1957 acreage allotment, respectively, in any case in which (1) the tobacco planted acreage in 1956 or 1957, respectively, was less than the 1956 or 1957 acreage allotment, respectively, for such farm; (2) the owner or operator of such farm notified the county committee not later than August 1, 1956 or 1957, respectively, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1956 or 1957, respectively, and carried over or stored to postpone or avoid payment of penalty, has been reduced because the 1956 or 1957 acreage allotment, respectively, was not fully planted.

(c) If the county and State committee determine that a farm has been retired from agricultural production, no 1958 preliminary acreage allotment (or 1958 farm tobacco acreage allotment) shall be determined for such farm: *Provided:* That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(d) For the purpose of determining 1958 preliminary acreage allotments, the 1957 farm acreage allotment shall mean the correctly determined 1957 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year, except that the 1957 farm acreage allotment as referred to in paragraphs (a) and (b) of this section shall mean the 1957 allotment after any such reduction.

§ 723.917 *1958 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.916 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 723.918 shall not exceed the State acreage allotment.

§ 723.918 *Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 723.916, the individual 1958 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of the State committee or its representative as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed in the case of cigar-binder (types 51 and 52) tobacco one percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1957-58 marketing year, and shall not exceed in the case of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco 4 percent of the total acreage allotted to all farms in the State for the production of such kind of tobacco for the 1957–58 marketing year.

§ 723.919 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1958 shall be reduced as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected

with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) If any producer files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1937, the acreage allotment for the farm shall be reduced as provided in this section, except that if each producer on the farm establishes to the satisfaction of the county and State committees that the filing of, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction of the allotment will not be required if the report is corrected and payment of all additional penalty is made.

(d) Any such reduction shall be made with respect to the 1958 farm acreage allotment, provided it can be made no later than May 1, 1958. If the reduction cannot be so made effective with respect to the 1958 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made no later than a corresponding date to be specified in a subsequent year. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(e) The amount of reduction in the 1958 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished, or with respect to which a false acreage report was filed, shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown or with respect to which a false acreage report was filed in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(f) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a), (b) or (c) of this section.

(g) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a), (b) or (c) of this section.

§ 723.920 *Reallocation of allotments released from farms removed from agricultural production or shifted from production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm. The provisions of this paragraph shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm, or due to a false acreage report.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco but which will be used in 1958 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 723.926 (b).

§ 723.921 *Farms divided or combined.* (a) If land operated as a single farm in 1957 will be operated in 1958 as two or more farms, or is otherwise required under the definition of a farm to be divided for 1958, the 1958 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in 1957 bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee and with State committee approval and agreement of the interested parties in writing, the 1958 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts (1) in the same proportion as the five-year average acreage of tobacco harvested on each such tract during the years 1953–57 bore to the five-year average acreage of tobacco harvested on the entire farm during 1953–57 or (2) if the farm to be divided in 1958 consists of two or more tracts which were separate and distinct farms, or distinct portions of such farms, before being combined for 1957, in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1958 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1957 are combined and operated in 1958 as a single farm, the 1958 allotment shall be the sum of the 1958 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1958 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 723.922 *Determination of normal yields for old farms.* The county committee will determine a normal yield for each farm for which a 1958 tobacco acreage allotment was established by first obtaining the average of the two highest yields for such farms in the three years 1951, 1953 and 1954, or if tobacco was grown in less than two of such years the yield for the one year will be used in lieu of the average yield of two years. If in any case the preliminary yield so obtained exceeds 125 percent or is less than 80 percent of the county check yield (to be ascertained as hereinafter provided), such preliminary yield shall be adjusted to the applicable percentage, and any preliminary yield may be also adjusted for drought, flood or other abnormal conditions affecting the yield, but the yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the preliminary yield so computed for such farm varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the preliminary yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the normal yield for the farm: *Provided,* That if the farm has been reconstituted since 1950, the normal yield for such farm shall be determined by the county committee by appraisal taking into consideration available yield data for the land involved and yields established as heretofore provided in this section for similar farms in the community. The State committees or their representatives are authorized to make changes or require changes to be made in farm preliminary normal yields per acre which are necessary to result in a normal yield that is determined in accordance with these regulations, whether or not a producer questions or appeals the normal yield as determined for the farm to the State committee; however, such changes shall not be permitted to result in a weighted yield per acre for all farms in the county that is in excess of 102 percent of the county check yield. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the two highest yields in the county in the three years 1951, 1953 and 1954 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yield; such State check yield to be determined by the Deputy Administrator on the basis of the average of the two highest yields in the State in the three years 1951, 1953 and 1954, but not to exceed 125 percent or be less than 80 percent of the average of the two high year averages of all States which grow the type of tobacco indicated in each of the following groups: (a) Types 51–52, (b) Types 42–44, and (c) Types 54 and 55.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.923 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 723.920, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the allotments for old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during one of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further,* That production of tobacco on a farm in 1955, 1956, or 1957 for which in accordance with applicable law and regulations no 1955, 1956 or 1957 tobacco acreage allotment, respectively, was determined, shall not be deemed such experience for any producer.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco acreage allotment is established for the 1958–59 marketing year.

(4) The farm shall be operated by the owner thereof.

(5) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1953–57 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1952 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1953–57 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in the section of these regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One half of one percent of the 1958 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.924 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office not later than March 11, 1958, unless the farm operator was discharged from the armed services subsequent to December 31, 1957, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.925 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.922 for similar farms in the community.

MISCELLANEOUS

§ 723.926 *Determination of acreage allotments and normal yields for farms returned to agricultural production or shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco.* (a) Notwithstanding the foregoing provisions of §§ 723.911 to 723.925, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1958 or which was returned to agricultural production in 1957 too late for the 1957 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm

allotments since the farm was acquired) may be established as the 1958 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) Notwithstanding the foregoing provisions of §§ 723.911 to 723.925, an allotment may be established by the county and State committees for a farm which in 1957 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco will be produced in 1958. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.920 (b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county and State committees so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.918.

(c) The normal yield for any such farm under paragraph (a) or (b) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.922 for similar farms in the community.

§ 723.927 *Approval of determinations made under §§ 723.911 to 723.926, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee and the State committee may revise or require revision of any determinations made under §§ 723.911 to 723.926. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

(b) The county committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided,* That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than May 1, 1958.

(d) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1958–59 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1958–59 marketing year.

§ 723.928 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 17th day of June 1957. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 57-5060; Filed, June 19, 1957; 8:55 a. m.]

[1023—Allotments—(Maryland-58)-1]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1958–59 MARKETING YEAR

GENERAL

AUTHORITY: §§ 727.911 to 727.928 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63, 69 Stat. 684; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 727.911 *Basis and purpose.* The regulations contained in §§ 727.911 to 727.928 are issued pursuant to the Agri-

cultural Adjustment Act of 1938, as amended, and govern the establishment of 1958 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.911 to 727.928 is to provide the procedure for allocating on an acreage basis, the national marketing quota for Maryland tobacco for the 1958–59 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.911 to 727.928, public notice (22 F. R. 3202) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.911 to 727.928, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.912 *Definitions.* As used in §§ 727.911 to 727.928, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Committees": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(b) "County office manager": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(c) "Department": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(d) "Deputy Administrator": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(e) "Director" means the Director, or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Farm": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(g) "New farm" means a farm on which tobacco will be harvested in 1958 for the first time since 1952. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is a new farm. The term "harvested" as used herein shall include the meaning described in paragraph (b) of § 727.916 with respect to 1957 harvested acreage.

(h) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1953 through 1957. If in accordance with applicable law and regulations, no 1955, 1956 or 1957 tobacco acreage allotment was determined for the farm, any acreage of tobacco harvested in 1955, 1956 or 1957, respectively, shall not be considered as harvested acreage in determining whether the farm is an old farm. The term "harvested" as used herein shall include the meaning described in paragraph (b) of § 727.916 with respect to 1957 harvested acreage.

(i) "Cropland": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(j) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1957 into the total of the 1957 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factors of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(k) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(l) "Operator": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(m) "Person": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(n) "Producer": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(o) "Secretary": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(p) "State administrative officer": The definition of this term as set forth in Part 718 of this chapter (22 F. R. 3747) shall apply in §§ 727.911 to 727.928.

(q) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.913 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-hundredth acre. The rule of fractions will be to round upward fractions of more than five-thousandths and to round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

§ 727.914 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 727.915 *Applicability of §§ 727.911 to 727.928.* Sections 727.911 to 727.928 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1958.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.916 *Determination of 1958 preliminary acreage allotments for old farms.* The 1958 preliminary acreage allotment for an old tobacco farm shall be the 1957 farm acreage allotment with the following exceptions:

(a) If the harvested acreage (as that term is explained in paragraph (b) of this section) of tobacco on the farm in each of the three years 1955–57 was less than 75 percent of the farm acreage allotment for each of such respective years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1953–57: *Provided*, That any 1958 preliminary allotment shall not exceed the 1957 farm acreage allotment or be less than 0.01 acre.

(b) For the purposes of paragraph (a) of this section, the 1956 and 1957 harvested acreage, respectively, shall include any acreage on the farm applicable to tobacco which is devoted in 1956 or 1957, respectively, to participation in the Acreage Reserve Program or the Conservation Reserve Program. Also, for such purposes, the 1956 and 1957 harvested acreage, respectively, shall be deemed to be the 1956 or 1957 acreage allotment, respectively, in any case in which (1) the tobacco planted acreage in 1956 or 1957, respectively, was less than the 1956 or 1957 acreage allotment, respectively, for such farm; (2) the owner or operator of such farm notified the county committee not later than August 1, 1956 or 1957, respectively, that he desired to preserve such allotment; and (3) no quantity of excess tobacco produced on the farm prior to January 1, 1956 or 1957, respectively, and carried over or stored to postpone or avoid payment of penalty, has been reduced because the 1956 or 1957 acreage allotment, respectively, was not fully planted.

(c) If the county and State committees determine that a farm has been retired from agricultural production, no 1958 preliminary acreage allotment (or 1958 farm tobacco acreage allotment) shall be determined for such farm: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production.

(d) For the purpose of determining 1958 preliminary acreage allotments, the 1957 farm acreage allotment shall mean the correctly determined 1957 farm acreage allotment prior to reduction, if any, because of a violation of the tobacco marketing quota regulations for a prior marketing year, except that the 1957

farm acreage allotment as referred to in paragraphs (a) and (b) of this section shall mean the 1957 allotment after any such reduction.

§ 727.917 *1958 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 727.916 shall be adjusted uniformily so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for over-looked old farms pursuant to § 727.918 shall not exceed the State acreage allotment.

§ 727.918 *Adjustment of acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for over-looked old farms.* Notwithstanding the limitations contained in § 727.916, the farm acreage allotment for an old farm may be increased if the community and county committees find (with the approval of the State committee) that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section, correction of errors made in old farm allotments, and allotments for overlooked old farms shall not exceed three-fourths of one percent of the total acreage alloted to all tobacco farms in the State for the 1957–58 marketing year.

§ 727.919 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1958 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) If a bill of nonwarehouse sale for each nonwarehouse sale of tobacco produced on a farm fails to show (1) the pounds of tobacco marketed (actual or estimated weight), (2) the amount paid therefor, (3) the signature of the farm operator and (4) the date of such sale, the farm operator shall be deemed to have failed to account for disposition of tobacco marketed from the farm, and, in the event that a satisfactory account of such disposition is not otherwise furnished, including the execution and submission of a bill of nonwarehouse sale for each nonwarehouse sale of tobacco from the farm and the payment of all additional penalty, if any, the allotment next established for such farm and kind of tobacco shall be reduced.

(d) If any producer files, or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm in 1957, the acreage allotment for the farm shall be reduced, as provided in this section, except that if each producer on the farm establishes to the satisfaction of the county and State committees that the filing of, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction of the allotment will not be required if the report is corrected and payment of all additional penalty is made.

(e) Any such reduction shall be made with respect to the 1958 farm acreage allotment, provided it can be made no later than May 1, 1958. If the reduction cannot be so made effective with respect to the 1958 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made no later than a corresponding date to be specified in a subsequent year. This section shall not apply if the allotment for any prior year was reduced on account of the same violations.

(f) The amount of reduction in the 1958 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished, or with respect to which a false acreage report was filed, shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown or with respect to which a false acreage report was filed in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c) or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a), (b), (c) or (d) of this section.

§ 727.920 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm or due to a false acreage report.

§ 727.921 *Farms divided or combined.* (a) If land operated as a single farm in 1957 will be operated in 1958 as two or more farms, or is otherwise required under the definition of a farm to be divided for 1958, and the 1958 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1953–57 five-year average acreage of tobacco harvested on each such tract bore to the 1953–57 five-year average acreage of tobacco harvested on the entire farm: *Provided,* That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1958 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1957 are combined and operated in 1958 as a single farm, the 1958 allotment shall be the sum of the 1958 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1958 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 727.922 *Determination of normal yields for old farms.* The county committee will determine by appraisal a normal yield for each farm for which a 1958 tobacco acreage allotment was established on the basis of the best yield information available for the years 1950–55. The preliminary yield so appraised shall not exceed 125 percent or be less than 80 percent of the county check yield (to be ascertained as hereafter provided). Any preliminary yield may be also adjusted for drought, flood or other abnormal conditions affecting the yield, but the preliminary yield so adjusted shall not exceed 125 percent or be less than 80 percent of the county check yield. If the total production extension for all farms in the county in 1956 obtained by multiplying the 1956 acreage allotment for each farm by the preliminary yield so computed for such farm varies more than one percent from the total production extension obtained by multiplying the county check yield by the total of all allotted tobacco acreage in the county for 1956, the yield for each farm will then be factored to the extent required to eliminate any variance. Subject to the approval of the State committee, the yields may be further factored to provide a yield for each farm in the county that is not more than 125 percent or less than 80 percent of the county check yield. The yield for the farm thus determined shall be the normal yield for the farm. State committees or their representatives are authorized to make changes or require changes to be made in farm preliminary normal yields per acre which are necessary to result in a normal yield that is determined in accordance with §§ 727.911 to 727.928 whether or not a producer questions or appeals the normal yield as determined for the farm to the State committee; however, such changes shall not be permitted to result in a weighted yield per acre for all farms in the county that is in excess of 102 percent of the county check yield. The county check yield shall be determined by the Deputy Administrator on the basis of the average of the three highest yields in the county in any three years during the period 1950–55 adjusted where necessary so as to conform with and, except for factoring, to not exceed 125 percent or be less than 80 percent of the State check yields; such State check yield to be determined by the Deputy Administrator on the basis of the average of the three highest yields in the State in any three years during the period 1950–55, but not to exceed 125 percent or be less than 80 percent of the average of the three high year averages of all States.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.923 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 727.920, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacoo: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in Maryland tobacco and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge: *And provided further,* That production of tobacco on a farm in 1955, 1956, or 1957 for which in accordance with applicable law and regulations no 1955, 1956 or 1957 tobacco acreage allotment, respectively, was determined shall not be deemed such experience for any producer.

(2) The farm operator shall live on and receive 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm shall not have a 1958 allotment for any kind of tobacco other than that for which application is made under this part.

(4) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a Maryland tobacco acreage allotment is established for the 1958–59 marketing year.

(5) The farm shall be operated by the owner thereof.

(6) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1953–57 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1952 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1953-57 and at time of division of the farm contained cropland but received no part of the allotment due (*a*) to division of the allotment on a contribution basis, or (*b*) to agreement and approval of all interested parties as provided in the section of these regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-eighth of one percent of the 1958 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 727.924 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office no later than February 15, 1958, unless the farm operator was discharged from the armed services subsequent to December 31, 1957, in which case such application shall be filed within a reasonable

period prior to planting tobacco on the farm.

§ 727.925 *Determination of normal yields for new farms.* The normal yield for a new farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 727.922 for similar farms in the community.

MISCELLANEOUS

§ 727.926 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 727.911 to 727.925, the acreage allotments for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1958 or which was returned to agricultural production in 1957 too late for the 1957 allotment to be established shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1958 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 727.922 for similar farms in the community.

§ 727.927 *Approval of determinations made under §§ 727.911 to 727.926, and notices of farm acreage allotments.* (a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by or on behalf of the State committee, and the State committe may revise or require revision of any determinations made under §§ 727.911 to 727.926. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

(b) The county committee shall mail a written notice of the farm acreage allotment and marketing quota to the operator of each farm shown by the records of the county committee to be entitled to such allotment. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. A copy of such notice, containing thereon the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to whch the allotment is established.

(c) If the records of the county committee indicate that the allotment establish for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided,* That the notice of allotment for any farm shall, insofar as practicable, be mailed no later than May 1, 1958.

(d) If the county committee determines with the approval of the State committee that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1958–59 marketing year, provided the acreage of tobacco harvested from the farm is not in excess of the acreage shown on the erroneous notice. In the event the acreage of tobacco harvested exceeds the farm acreage allotment shown on the erroneous notice, the acreage allotment for the farm as correctly determined and shown on a revised notice of farm acreage allotment and marketing quota shall be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1958–59 marketing year.

§ 727.928 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may within fifteen days after mailing of the official notice of farm acreage allotment and marketing quota, file application in writing with the ASC county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 17th day of June 1957. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 57-5059; Filed, June 19, 1957; 8:55 a. m.]

[Amdt. 4]

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE 1957 CROP OF WHEAT

DISPOSITION OF EXCESS WHEAT

Basis and purpose. The amendment herein is issued under the Agricultural Adjustment Act of 1938, as amended, and is for the purpose of permitting producers to have an extended period of time for disposing of excess wheat due to flooding or excessive rainfall conditions.

In order that producers may have an opportunity to comply with the following provision, it is hereby found that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 728.751 (r) is amended by adding the following sentence immediately following the dates established for disposing of excess wheat in the States of Kansas, Oklahoma and Texas. "If a producer proves to the satisfaction of the county committee that he was unable to dispose of the excess wheat acreage prior to the original disposal date because of the physical condition of the wheat acreage due to flooding or excessive rainfall, an extension of time but not beyond May 25, 1957, sufficient to afford a fair and reasonable opportunity for such disposal may be granted by the county committee to dispose of such excess acreage by turning under, cutting off or pasturing. If flooding or excessive rainfall conditions exist after May 25, 1957 then additional time may be granted by the county committee if the excess acreage is destroyed because of flood, excessive rainfall or by mechanical means to the extent that it cannot be harvested for grain or used for hay or silage. Such acreage must be disposed of prior to the date established by the

county committee in each case in which an extension is granted."

2. Section 728.751 (r) is further amended by adding the following sentence immediately following the dates established for disposing of excess wheat in all other States in the commercial wheat area: "If a producer proves to the satisfaction of the county committee that he was unable to dispose of the excess wheat acreage prior to the original disposal date because of the physical condition of the wheat acreage due to flooding or excessive rainfall, an extention of time sufficient to afford a fair and reasonable opportunity for such disposal may be granted by the county committee, provided the excess acreage is destroyed by flooding, excessive rainfall or by mechanical means to the extent that it cannot be harvested for grain or used for hay or silage. Such acreage must be disposed of prior to the date established by the county committee in each case in which an extension is granted."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 374, 52 Stat. 65, as amended, 68 Stat. 904; 7 U. S. C. 1374)

Done at Washington, D. C., this 17th day of June 1957. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 57-5056; Filed, June 19, 1957; 8:53 a. m.]

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

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1957

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 and to establish, pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1957 and to prescribe the time in which quotas may be filled. Further, this regulation establishes (1) the amounts of certain quotas that may be filled by direct-consumption sugar, pursuant to section 207 of the act, (2) liquid sugar quotas pursuant to section 208, and (3) limitations on total importations to effectuate Article 7 of the International Sugar Agreement pursuant to section 411 of the act.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1957 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended and give effect to the revised determination.

The further purpose of this action is to amend § 811.93 (22 F. R. 3751) to prorate a deficit in the quota for Puerto Rico for 1957 as established in § 811.91, as amended herein.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811, Amendment 2 (22 F. R. 3751). To permit areas for which larger quotas or prorations are hereby established to plan to market or to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.90, 811.91 (a), 811.92 and 811.93 of Sugar Regulation 811 (21 F. R. 10332; 22 F. R. 369, 423, 3751) are amended to read as hereinafter set forth.

1. Section 811.90 is amended to read:

§ 811.90 *Sugar Requirments, 1957.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 is hereby determined to be 9,100,000 short tons, raw value.

2. Section 811.91 (a) is amended to read:

§ 811.91 *Quotas for domestic areas.* (a) For the calendar year 1957 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established, pursuant to section 202 of the act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the act, in column (2) as follows:

[Short tons, raw value]

Area	Quota (1)	Direct-consumption limit (2)
Domestic beet sugar	1,976,334	(1)
Mainland cane sugar	608,137	(1)
Hawaii	1,102,988	31,051
Puerto Rico	1,153,314	134,589
Virgin Islands	15,727	000

[1] No limit.

3. Section 811.92 is amended to read:

§ 811.92 *Quotas for foreign countries.* For the calendar year 1957, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established, pursuant to section 202 of the act, in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established, pursuant to section 207 of the act, in column (2), as follows:

[Short tons, raw value]

Country	Quotas (1)	Direct-consumption limits (2)
Republic of the Philippines	980,000	59,920
Cuba	3,030,885	375,000
Peru	82,537	9,694
Dominican Republic	66,607	8,642
Mexico	49,509	15,697
Nicaragua	12,306	10,351
Haiti	6,388	6,388
Netherlands	3,522	3,522
China	3,445	3,445
Panama	3,445	3,445
Costa Rica	3,440	3,440
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other	0	0

4. Section 811.93 is amended to read:

§ 811.93 *Determination and proration of area deficits and adjusted quotas—* (a) *Deficit in quota for Puerto Rico.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1957 Puerto Rico will be unable by 163,061 short tons of sugar, raw value, to market the quota established for it in § 811.91, as amended.

(b) *Quotas in effect upon proration of deficit in part of quota established pursuant to section 202 (a) (2).* The part of the deficit determined in paragraph (a) of this section applicable to that portion of the quota for Puerto Rico established pursuant to the provisions of section 202 (a) (2) of the act, which amounts to 73,314 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.91, as amended, of this part to domestic areas able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.91, as amended, of this part plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar	39,293	2,015,627
Mainland cane sugar	12,091	620,228
Hawaii	21,930	1,124,918
Puerto Rico	0	1,153,314
Virgin Islands	0	15,727

(c) *Quotas in effect upon proration of deficit in part of quota otherwise established.* Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 89,747 short tons, raw value, is hereby prorated

on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and § 811.92, for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.92, for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quota including prorations herein and in paragraph (b)
Domestic beet sugar	26,635	2,042,262
Mainland cane sugar	8,196	628,424
Hawaii	14,865	1,139,783
Puerto Rico	0	1,153,314
Virgin Islands	0	15,727
Cuba	40,051	3,070,936

Quotas for foreign countries other than Cuba remain as established in § 811.92.

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. On January 11, 1957, requirements (total quotas) were established for 1957 at 9,000,000 tons, the same level that had been established under the final determination for 1956. In 1956 the entire 9,000,000 tons were charged to quotas (marketed) and distribution into consumption channels amounted to 8,900,000 tons. Since distribution through May 31 this year is 160,000 tons below that for the corresponding period last year, it appears that the 9,000,000 tons supply previously made available for this year should have been adequate.

In recent weeks holders of offshore supplies of cane sugar appear to have been reluctant sellers, except on rising prices. To date this year the domestic beet industry has supplied only about 20 percent of the total quantity distributed, whereas the quota for the domestic beet industry has amounted to 22.4 percent of the requirements total. If the distribution of beet sugar continues to fall behind total distribution to the extent that it has for the year to date, it will fail by around 200,000 tons to fill the beet sugar quota previously established.

Although large supplies of mainland cane sugar, as well as beet sugar, will be marketed after the fall harvest begins, such supplies will not be available in significant amounts to the Northeast.

Distribution in any area accomplished late in the year either through actual deliveries or constructive deliveries is of little value in satisfying the requirements of consumers this year but is of primary concern with respect to requirements for next year. Accordingly, to the extent that quota supplies fail to reach consumers in time or in areas that will satisfy the needs of consumers this year, additional quota supplies are required.

Beet sugar has recently been selling in the Chicago market at the same price that prevailed in January and February 1956, although the New York duty paid price of raw sugar subsequently has risen from 5.88 to 6.55 cents per pound and the New York price of refined cane sugar has risen from 8.65 cents per pound to 9.10. Accordingly, the recent tighter supplies and higher prices for raw cane sugar have been largely without purpose from the standpoint of maintaining and protecting the domestic sugar industry.

Quotas. The quotas established in §§ 811.91 and 811.92 were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedure for determining the others.

The deficit in the quota for Puerto Rico is determined in § 811.93 (a) on the basis of the quota for that area as amended in § 811.91. The deficit of 163,061 short tons, raw value, so determined is prorated pursuant to section 204 (a) of the act, 73,314 tons being prorated to domestic areas able to supply additional sugar on the basis of the quotas established in § 811.91 of this amendment and 89,747 tons being prorated to such domestic areas and Cuba on the basis of the quotas in effect after proration of the 73,314 tons.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U. S. C. 1112, 1114)

Done at Washington, D. C., this 12th day of June 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-5057; Filed, June 19, 1957; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6465]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CHESTNUT FARMS CHEVY CHASE DAIRY

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Chestnut Farms Chevy Chase Dairy, Washington, D. C., Docket 6465, May 21, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a large manufacturer and distributor of dairy products in Washington, D. C., with discriminating in price in violation of section 2 (d) of the Clayton Act as amended through granting advertising allowances to some of its customers on unequal terms and paying no allowances at all to the great majority of the rest of its customers, all of whom competed with those favored.

After hearings in due course, the hearing examiner made his initial decision, including findings and order to cease and desist. The Commission, on May 21, rendered its opinion denying respondent's appeal therefrom, modified the findings, and substituted its own order for that of the examiner.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondent Chestnut Farms-Chevy Chase Dairy Company, a corporation, its officers, employees, agents, representatives, and successors and assigns, directly or through any corporate or other device, in or in connection with the sale of milk, cream, butter, oleomargarine, eggs, cheeses, and frozen juices in the District of Columbia and surrounding metropolitan area, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondent or its successors and assigns, unless such payment is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, Chestnut Farms-Chevy Chase Dairy Company, and its successor and assign, National Dairy Products Corporation, shall, within sixty (60) days after service upon them of this order, file with the commission a report, in writing, setting forth in detail the manner and form in which they have complied with said order.

Issued: May 21, 1957.

By the Commission.

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

[F. R. Doc. 57-5023; Filed, June 19, 1957; 8:48 a. m.]

[Docket 6614]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

EMERSON RADIO AND PHONOGRAPH CORP.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.130 *Manufacture or preparation;* § 13.280 *Unique nature or advantages.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Emerson Radio and Phonograph Corporation, Jersey City, N. J., Docket 6614, May 18, 1957]

This proceeding was heard by a hearing examiner on the complaint of the

Commission charging a manufacturer in Jersey City, N. J., with representing falsely in advertising in newspapers, periodicals, etc., and in advertising matter furnished to dealers that its radios were "transistor" radios, did not contain vacuum tubes, and were the smallest pocket radios ever made.

After entry of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 18, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Emerson Radio and Phonograph Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of radios in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that radios containing vacuum tubes are "transistor radios" or that they do not contain vacuum tubes.

2. Representing that certain of its radios are the smallest radios on the market unless such is the fact.

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

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

Issued: May 17, 1957.

By the Commission.

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

[F. R. Doc. 57-5022; Filed, June 19, 1957; 8:47 a. m.]

[Docket 6690]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GLENSDER TEXTILE CORP. ET AL.

Subpart—*Importing, selling, or transporting flammable wear:* § 13.1057 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111; 15 U. S. C. 45, 1191) [Cease and desist order, Glensder Textile Corporation et al., New York, N. Y., Docket 6690, May 15, 1957]

In the Matter of Glensder Textile Corporation, a Corporation, and Edwin Rosenberg, Arthur Klein, Sidney Nathan and Louis Grossman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an importer in New York City with violating the Flammable Fabrics Act by importing into the United States and selling Japanese silk scarves "so highly flammable as to be dangerous when worn".

After entry of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 15 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Glensder Textile Corporation, a corporation, and its officers, and respondents Edwin Rosenberg, Arthur Klein, Sidney Nathan, and Louis Grossman, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

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

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

Issued: May 15, 1957.

By the Commission.

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

[F. R. Doc. 57-5021; Filed, June 19, 1957; 8:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950- ——)

DEFINITION OF DISABILITY (FOR PURPOSES OF DISABILITY INSURANCE BENEFITS AND CHILD'S INSURANCE BENEFITS)

Regulations No. 4, as amended (20 CFR 404.1 et seq.) are further amended by adding after Subpart O a new Subpart P to read:

SUBPART P—RIGHTS AND BENEFITS BASED ON DISABILITY

§ 404.1501 *Meaning of disability; benefits based on disability.* (a) Among the requirements an individual must meet to be entitled to disability insurance benefits, or to child's insurance benefits after attainment of age 18, is that he be unable to engage in any substantial gainful activity because of a medically determinable impairment and that his impairment be expected to continue for a long and indefinite period of time, or to result in death.

(b) In determining whether an individual's impairment makes him unable to engage in such activity, primary consideration is given to the severity of his impairment. Consideration is also given to such other factors as the individual's education, training and work experience.

(c) It must be established by medical evidence, and where necessary by appropriate medical tests, that the applicant's impairment results in such a lack of ability to perform significant functions—such as moving about, handling objects, hearing or speaking, or, in a case of mental impairment, reasoning or understanding—that he cannot, with his training, education and work experience, engage in any kind of substantial gainful activity.

(d) Whether or not the impairment in a particular case constitutes a disability is determined from all of the facts of that case. Examples of some impairments which would ordinarily be considered as preventing substantial gainful activity are set out in paragraph (e) of this section. The existence of one of these impairments (or of an impairment of greater severity), however, will not in and of itself always permit a finding that an individual is under a disability as defined in the law. Conditions which fall short of the levels of severity indicated must also be evaluated in terms of whether they do in fact prevent the individual from engaging in any substantial gainful activity.

(e) The examples are:

(1) Loss of use of two limbs.

(2) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease.

(3) Diseases of heart, lungs or blood vessels which has resulted in major loss of heart or lung reserve as evidenced by X-ray, electrocardiogram or other objective findings so that, despite medical treatment, it produces breathlessness, pain or fatigue on slight exertion, such as walking several blocks, using public transportation or doing small chores.

(4) Cancer which is inoperable and progressive.

(5) Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation or memory.

(6) Mental disease (e. g., psychosis or severe psychoneurosis) requiring continued institutionalization or constant supervision of the affected individual.

(7) Loss or diminution of vision to the extent that the affected individual has central visual acuity of no better than 20/200 in the better eye after best correction, or has an equivalent concentric contraction of his visual fields.

(8) Permanent and total loss of speech.

(9) Total deafness uncorrectible by a hearing aid.

(f) Under the law, an impairment must also be expected either to continue for a long and indefinite period or to result in death. Indefinite is used in the sense that it cannot reasonably be anticipated that the impairment will, in the foreseeable future, be so diminished as no longer to prevent substantial gainful activity. Thus, for example, an individual who suffers a bone fracture that has prevented him from working for an extended period of time will not be considered under a disability if his recovery can be expected in the foreseeable future.

(g) Impairments which are remediable do not constitute a disability within the meaning of this section. An individual will be deemed not under a disability if, with reasonable effort and safety to himself, the impairment can be diminished to the extent that the individual will not be prevented by the impairment from engaging in any substantial gainful activity.

(Secs. 205, 1102, 49 Stat. 624, as amended; 42 U. S. C. 405, 1302. Interpret or apply sec. 202, 49 Stat. 623, as amended, sec. 223, 70 Stat. 815; 42 U. S. C. 402, 423)

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

Approved: June 14, 1957.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-5039; Filed, June 19, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

CROSS REFERENCE: For promulgation of a waiver order affecting § 19.35 *Department of the Interior vessels operated by Pacific Micronesian Lines, Inc.*, see Title 46, Chapter I, Part 154, *infra*.

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable To Certain Vessels During Emergency

[CGFR 57-28]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

The Secretary of Defense in a letter to the Secretary of the Treasury dated May 18, 1957, recommended a general waiver of navigation and vessel inspection laws of the United States as follows:

Each year since 1951, the Secretary of Defense has recommended waiver of the vessel inspection laws of the United States for certain vessels operating in the waters of the Trust Territory. This is to recommend a limited waiver similar to the one recommended last year.

In the interest of national defense it is requested pursuant to the provisions of Public Law 891, 81st Congress, that the requirements of the vessel inspection laws relating to licensed and unlicensed personnel, passengers' quarters, crews' quarters, life-saving equipment and the number of passengers allowed to be carried on freight vessels be waived for the period July 1, 1957, to June 30, 1958, for vessels which are or will be operated by the Pacific Micronesian Lines, Inc., for the Department of the Interior in Trust Territory waters.

Section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note preceding 1), states in part as follows:

That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. * * *

The purpose for the following waiver order designated § 154.35, as well as 33 CFR 19.35, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard as requested by the Secretary of Defense and to publish this waiver in the FEDERAL REGISTER. 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 is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order is promulgated and shall be in effect to and including June 30, 1958, unless sooner terminated by proper authority, and § 154.35 is revised as follows:

§ 154.35 *Department of the Interior vessels operated by Pacific Micronesian Lines, Inc.* Pursuant to the recommendation of the Secretary of Defense in a letter dated May 18, 1957, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of the navigation and vessel inspection laws relating to licensed and unlicensed personnel, passenger quarters, crew quarters, lifesaving equipment, and the number of passengers allowed to be carried on freight vessels, administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the operation of vessels of the Department of the Interior and now operated by Pacific Micronesian Lines, Inc., or other vessels which may be used as substitutes for such vessels, in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and all the ports of the United States, including its territories and possessions, and foreign ports. This waiver order shall be in effect from July 1, 1957, to and including June 30, 1958, unless sooner terminated by proper authority.

(Sec. 1, 64 Stat. 1120; 46 U. S. C., note prec. 1)

Dated: June 13, 1957.

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

[F. R. Doc. 57-5042; Filed, June 19, 1957; 8:51 a. m.]

[1] This is also codified as 33 CFR Part 19.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-627]

[Rules Amdt. 3-80]

PART 3—RADIO BROADCAST SERVICES

SUBSIDIARY COMMUNICATIONS AUTHORIZATIONS

In the matter of amendment of § 3.293 of the Commission's Rules and Regulations relating to Subsidiary Communications Authorizations of FM Broadcast Stations; Rules Amdt. 3-80.

1. The Commission has before it for consideration the requests of some 20 FM broadcast stations requesting amendment of § 3.293 of its rules and regulations to extend for a one-year period the time during which FM broadcast stations may continue to conduct functional music operations on a simplex basis.[1]

2. The Commission amended its rules effective July 1, 1955, to specify conditions under which FM broadcast stations would be permitted to provide functional music service such as background music, storecasting, transitcasting, etc. (Report and Order (FCC 55-340) in Docket

[1] The requesting stations are: Robert P. Adams (KUTE-FM) Glendale, Cal., Progress Broadcasting Corp., (WHOM-FM) New York, N. Y., North Shore Broadcasting Co., (WEAW-FM) Evanston, Ill., Silver City Crystal Co., (WMMW-FM) Meriden, Conn., Functional Music, Inc., (WFMF) Chicago, Ill., Michigan Music Co., (WMUZ) Detroit, Mich., The Capital Broadcasting Co., (WNAV-FM) Annapolis, Md., Radio KITE, Inc., San Antonio, Tex., Music Unlimited, (KSON-FM) San Diego, Cal., Continental Telecasting Corp., (KRKD-FM) Los Angeles, Cal., KMLA Broadcasting Corp., (KMLA) Los Angeles, Cal., WCAU, Inc., (WCAU-FM) Philadelphia, Pa., Sundail Broadcasting Corp., (KDFC) San Francisco, Cal., WHBL, Inc. (WHBL-FM) Sheboygan, Wis., Wm. Penn Broadcasting Co., Inc., (WPEN-FM) Philadelphia, Pa., WWDC, Inc. (WWDC-FM) Washington, D. C., King Broadcasting Co., (KING-FM) Seattle, Wash., Lincoln Broadcasting Co., (WLDM-FM) Detroit, Mich., Mt. Mitchell Broadcasters, Inc., (WMIT) Clingmans Peak, N. C., FM Broadcasters (WPKM) Tampa, Fla., WBFM, Inc. (WBFM) New York, New York.

No. 10832, issued March 22, 1955). In taking this action the Commission concluded that although functional music operations were "predominantly nonbroadcast in nature", they would be allowed as "an adjunct to the FM broadcast operation in order that the latter might draw financial sustenance from them." It was emphasized that functional music is a subsidiary service, authorized for the primary purpose of aiding the main undertaking—the broadcast service to the public. FM broadcasters desiring to furnish a functional music service must obtain a Subsidiary Communications Authorization (SCA).

3. In authorizing functional music operations by FM broadcasters, the Commission contemplated that, as soon as feasible, all such operations should be conducted on a multiplex basis under which the functional music programs would be transmitted on a sub-channel simultaneously with the regular broadcast programs on the main channel. However, in light of the unavailability of multiplex equipment at that time, it was provided that functional music could be conducted on a simplex basis for the first year following the effective date of the new rules—or until July 1, 1956. In a Report and Order released June 15, 1956 (FCC 56-552) this date was extended to July 1, 1957.

4. In requesting that simplex operation be authorized for another year, the FM broadcast stations submit that satisfactory multiplex equipment has not become generally available and that, consequently, unless they are permitted to continue to provide functional music service on a simplex basis after July 1, they will be required to terminate their service. Detailed affidavits by engineers and equipment manufacturers have been furnished indicating the present status in the development of multiplex equipment. The broadcasters represent that they will convert to multiplexing as soon as satisfactory equipment can be obtained and submit that they expect that sufficient progress will have been made in the development and production of equipment to enable them to convert within a year.

5. While the Commission believes that all functional music operations should be conducted ultimately on a multiplex basis, such operations have been authorized on a simplex basis for an interim period in order that functional music operations by FM broadcast stations would be expedited; that licensees who had invested in special equipment would be able to realize some return; and that an adequate period for development and manufacture of multiplex equipment at reasonable prices would be afforded. The material furnished by petitioners indicates that multiplex equipment is not sufficiently available to require all FM stations presently engaged in simplex operations to switch to multiplexing at this time; and we believe, therefore, that the public interest would be served by extending the time during which existing SCA holders may continue to conduct functional music operations on a simplex basis. However, we feel that a six-month extension will afford present SCA holders sufficient time to accomplish the changeover to multiplexing. Accordingly, we are amending the rules to provide that present SCA holders engaged in simplex operations may continue to do so for an additional six-month period—until January 1, 1958.

6. Although we are extending the time for simplex operations, we wish to reaffirm our basic view that all functional music activities should be conducted on a multiplex basis as soon as possible. The petitioners note that progress has been made during the past year in the design and manufacture of transmitting equipment. As of May 1957 47 FM stations held outstanding authorizations for multiplex operations; and of these, 35 were either actually operating or were preparing to commence multiplex operations in the near future. Seventeen stations have submitted technical measurements indicating satisfactory multiplexing operations. We expect that no further extension for simplex operation will be necessary after January 1, 1958. Moreover, we do not believe that the public interest would be served by authorizing new Subsidiary Communications Authorizations for simplex operations after July 1, 1957. Accordingly, new authorizations for SCA operations will be granted only for multiplexing.

7. In light of the foregoing, we are amending § 3.293 of the rules postponing to January 1, 1958, the date when existing SCA holders must convert to multiplexing. At the same time, we are extending all outstanding Subsidiary Communications Authorizations for simplexing to January 1, 1958 or to the expiration date of the outstanding license of the FM broadcast station holding the SCA, whichever is sooner.

8. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (b), (g) and (r) of the Communications Act of 1934, as amended. The amendment constitutes a relaxation of a rule and prior notice of rule making is not necessary. The public interest, convenience and necessity would be served by making the amendment effective less than 30 days after publication.

9. *It is ordered*, That, effective July 1, 1957, § 3.293 of the Commission's rules and regulations is amended to read as follows:

§ 3.293 *Subsidiary communications authorizations.* An FM broadcast licensee or permittee may apply for a Subsidiary Communications Authorization (SCA) to engage in a limited type of nonbroadcast service. These services are restricted to those involving programming consisting of news, music, time, weather, and other similar program categories. (The functional music services whereby FM stations undertake to supply programs of a predominantly musical nature to commercial establishments is an example of such an SCA service.) FCC Form 318—Application for Subsidiary Communications Authorization, shall be submitted; the applicant for the SCA shall there specify the particular nature or purposes of the SCA operation or operations sought. Subsequent to July 1, 1957 new SCA operations will be authorized only for multiplexing. Outstanding Subsidiary Communications Authorizations for simplex operations will not be extended beyond January 1, 1958. SCA operations on a multiplex basis may be carrier on without restriction as to time. Simplex operations pursuant to outstanding authorizations shall be conducted during those times not devoted to the 36 hours required under § 3.261 for FM broadcast operation.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: June 13, 1957.

Released: June 17, 1957.

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

[F. R. Doc. 57-5043; Filed, June 19, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 946]

[Docket No. AO-123-A21]

MILK IN LOUISVILLE, KY., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Junior Ball Room, Sealbach Sheraton Hotel, 4th and Walnut Streets, Louisville, Kentucky, beginning at 2:00 p. m., on June 24, 1957, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, 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 amendment, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended. The proposed amendment set forth below has not received the approval of the Secretary of Agriculture.

Proposed by the Falls Cities Cooperative Milk Producers Association:

1. Amend § 946.9 by adding a new paragraph as follows:

(d) A country plant which is operated by a cooperative association and (1) 75 percent or more of the producer milk from members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of October through February.

Copies of this notice of hearing and the order now in effect may be procured from the Market Administrator, 963 Baxter Avenue, Louisville 4, Kentucky, 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 18th day of June 1957.

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

[F. R. Doc. 57-5076; Filed, June 19, 1957; 9:31 a. m.]

[7 CFR Part 961]

MILK IN PHILADELPHIA, PA. MARKETING AREA

NOTICE OF PUBLIC MEETING TO PERMIT INTERESTED PARTIES OPPORTUNITY TO PRESENT DATA, VIEWS AND ARGUMENTS TO SHOW CAUSE WHY ORDER SHOULD NOT BE SUSPENDED

The handling of milk in the Philadelphia, Pennsylvania, marketing area has for a number of years been regulated under the provisions of Order 61 issued by the Secretary of Agriculture of the United States under the authority of the Agricultural Marketing Agreement Act. During this period independent orders establishing minimum prices to be paid producers for milk within the marketing area covered by Order 61 have also been issued by the Milk Control Commission of the Commonwealth of Pennsylvania. Historically, the Class I prices established by the two agencies have been similar (the Class I definition has not been identical however) and over the period from 1950 through 1956 the average difference has amounted to approximately 8 cents per hundredweight. From July through December 1956 the price of Class I milk under the Pennsylvania Milk Control Commission orders for Philadelphia was established at a level 5 cents over the Federal order price. Because of differences in accounting procedures and other reasons these differences have not resulted in significantly disparate prices to producers.

In recent months the State order has been amended on various occasions with the result that the January price announced by the Commission was 45 cents over the Federal order price, the February-March price was 41 cents over the Federal order price and such price since April 1, has been 51 cents over the Federal order price. Estimates based on current regulations indicate that this differential will continue throughout the year. By all pertinent standards of the Agricultural Marketing Agreement Act, under which Federal orders are promulgated, the prices which have been in effect in the Philadelphia market for recent periods prior to January 1 have secured for the area an adequate milk supply and have tended to effectuate the purposes of the Agricultural Marketing Agreement Act. Because of the wide discrepancy in prices between the Federal and State orders now existent, the Federal order price is and promises to be without force or effect in that handlers are returning prices to producers which are in excess of those required to be paid under the terms and provisions of Order 61. Notwithstanding, in accordance with the directives of Order 61 the Federal market administrator is required to expend funds obtained from assessments on regulated milk handlers to carry out his functions. The computation of class prices for the individual handlers and the audit program carried on to verify the reported receipts and utilization of producer milk and the correctness of payments to producers however, now effects no useful purpose. Since the Federal order, as a practical matter, is having no significant influence upon the prices being paid to dairy farmers in the Philadelphia market, there is serious doubt that it is effectuating the declared policy of the act and it is therefore imperative to consider the propriety of suspending such order.

Pursuant to the provisions of section 4 (b) of the Administrative Procedure Act with respect to informal rule making (5 U. S. C. 1001 et seq.) notice is hereby given of a public meeting to be held in U. S. District Court Room No. 1, United States Court House, Ninth and Market Streets, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. d. t., June 27, 1957, at which date, views or arguments may be presented concerning, and limited to, the question of whether or not the Federal order should be suspended.

Such data, views and arguments shall be presented by means of statements not under oath. Cross-examination will be limited in the discretion of the presiding officer and shall be confined to questions of a clarifying nature. Statistical tables, maps, charts, or other written exhibits shall be supplied in quadruplicate by the person offering the exhibit.

Issued at Washington, D. C., this 17th day of June 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-5054; Filed, June 19, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12007]

TELEVISION BROADCAST STATIONS; MOULTRIE AND WAYCROSS, GA.

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, Moultrie, and Waycross, Georgia.

1. The Commission has before it for consideration a petition filed June 12, 1957, by John H. Phipps, requesting the Commission to extend the time for filing reply comments in the above-entitled proceeding from June 13, 1957, to June 23, 1957.

2. In support of his request petitioner alleges that the engineering statements filed in this proceeding setting forth the areas and populations to be served by the various proposals and the other services available to those areas and populations are based on different assumptions and use different methods of calculations; that petitioner's consulting engineer resides in Tallahassee, Florida, and, due to the time lost in mail deliveries, it has not been possible for him to complete an analysis of all the engineering statements. Petitioner further alleges that the other parties to the proceeding do not object to the extension.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in the above-entitled proceeding.

4. In view of the foregoing: *It is ordered,* This 13th day of June 1957, that the time for filing reply comments in the above-entitled proceeding is extended from June 13, 1957, to June 24, 1957.

Released: June 14, 1957.

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

[F. R. Doc. 57-5044; Filed, June 19, 1957; 8:52 a. m.]

[47 CFR Part 3]

[Docket No. 12054; FCC 57-625]

TELEVISION BROADCAST STATIONS COLUMBUS, GA.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, Columbus, Georgia.

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

2. The Commission has before it a petition filed on December 3, 1956, by Television Columbus, requesting the institution of rule making to amend § 3.606 *Table of assignments,* so as to substitute

Channel 62 for Channel 4 in Columbus, Georgia. Petitioner notes that Channel 4 could be assigned to Panama City, Florida or Dothan, Alabama.[1]

3. On March 27, 1957, Television Columbus amended its petition so as to request that Channel 44 be deleted from Eufaula, Alabama and added to Columbus, Georgia, and that the educational reservation at Columbus be shifted from Channel 34 to 44.

4. In support of its request, petitioner submits that it is the licensee of Television Station WDAK–TV on Channel 28 at Columbus, that Columbus presents an ideal situation for deintermixture in that it meets the criteria specified in the Commission's Report and Order in Docket No. 11532.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and relevant data to the Commission.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 15, 1957, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. Parties submitting comments in this proceeding are requested to direct their attention to the matters raised in paragraph 31 of the Commission's Report and Order in Docket No. 11532 (FCC 56–587, issued June 26, 1956), and paragraph 5 of the Notice and Order (FCC 56–1080) issued in the same proceeding on November 6, 1956.

8. Columbus Broadcasting Company, Inc. is presently authorized to operate Station WRBL–TV on Channel 4 in Columbus and the rule making proposed herein would shift this channel out of Columbus. In the event the Commission decides to amend its rules as proposed, we will determine at that time what further steps should be taken in light of this outstanding authorization.

9. Authority for the adoption of the amendment proposed herein is contained in sections 1, 4 (i), and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r), and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

10. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: June 13, 1957.

Released: June 17, 1957.

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

[F. R. Doc. 57–5045; Filed, June 19, 1957; 8:52 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11803; FCC 57M–574]

BOSQUE RADIO

ORDER CONTINUING PRE-HEARING CONFERENCE AND HEARING

In re application of George H. Cook, tr/as Bosque Radio, Clifton, Texas, Docket No. 11803, File No. BP–10361; for construction permit.

The Hearing Examiner having under consideration a motion filed on June 11, 1957, requesting that the pre-hearing conference in the above-entitled proceeding presently scheduled for June 18, 1957, be continued until September 15, 1957;[2]

It appearing that a previous commitment of counsel for the applicant, involving an important and lengthy case in the Texas courts, will occupy his time and attention until about the middle of August and, thus, prevent his appearance in Washington, D. C. on the dates presently scheduled for the pre-hearing conference, on June 18, and for the commencement of the hearing, on July 2, 1957;

It further appearing that there is no other party involved in the proceeding, other than the Broadcast Bureau; and that counsel for the Broadcast Bureau has informally agreed to a waiver of the so-called "four-day" rule and to an immediate consideration and grant of the instant motion;

It is ordered, This 13th day of June 1957, that the motion be and it is hereby granted; and the pre-hearing conference in the above-entitled proceeding be and it is hereby continued to September 16, 1957, at 10 o'clock a. m., in Washington, D. C.

It is further ordered, That the hearing in such proceeding, presently scheduled to commence on July 2, 1957, be and it is hereby continued to a date which will be fixed during the course of the pre-hearing conference.

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

[F. R. Doc. 57–5046; Filed, June 19, 1957; 8:52 a. m.]

[Docket No. 12055 etc.; FCC 57–633]

RADIO TAMPA ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Richard M. Seidel, Bernice Schwartz and Harold H. Meyer, d/b as Radio Tampa, Tampa, Florida, Docket No. 12055, File No. BP–10348; Rand Broadcasting Company, Tampa, Florida, Docket No. 12056, File No. BP–11010; B. F. J. Timm, Lakeland, Florida, Docket No. 12057, File No. BP–11031; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1957;

The Commission having under consideration the above-captioned applications of Richard M. Seidel, Bernice Schwartz and Harold H. Meyer d/b as Radio Tampa, of the Rand Broadcasting Company and of B. F. J. Timm, each for a construction permit for a new standard broadcast station to operate on 1010 kilocycles with a power of 50 kilowatts, directional antenna, daytime only, Radio Tampa and the Rand Broadcasting Company requesting authority to construct at Tampa, Florida, and B. F. J. Timm requesting authority to construct at Lakeland, Florida;

It appearing that all the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of all three proposals would result in mutually destructive interference and that a grant of the application of B. F. J. Timm might be in contravention of § 3.35 of the Commission's rules on multiple ownerships and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 14, 1957, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that in a reply dated April 8, 1957, B. F. J. Timm contended that the Commission had previously concluded that his broadcast interests were not sufficiently extensive to constitute a contravention of § 3.35 of the Commission's rules; but that the Commission has had no previous occasion to consider his instant application as it may be affected by that section; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

[1] As alternative to the assignment of Channel 62, Channel 44 could be shifted from Eufaula, Alabama, or Channel 50 from LaGrange, Georgia to Columbus.

[2] September 15, 1957, falls on a Sunday, so the date under consideration for continuance of the pre-hearing conference is September 16, 1957.

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

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the application of B. F. J. Timm would be in contravention of the provisions of § 3.35 of the Commission's rules.

3. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the Lakeland, Florida proposal or one of the Tampa, Florida, proposals herein would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event that Tampa, Florida, is considered to have the greater need for a new radio facility under issue 3 above, which of the applications of Radio Tampa and Rand Broadcasting Company for operation in Tampa would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each of said two applicants to own and operate its proposed station.

(b) The proposal of each of said two applicants with respect to the management and operation of its proposed station.

(c) The programming service proposed in the application of each of said two applicants.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 17, 1957.

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

[F. R. Doc. 57-5047; Filed, June 19, 1957; 8:52 a. m.]

[Docket Nos. 12058, 12059; FCC 57-634]

KBR STATIONS, INC., AND WKNE CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of the KBR stations, Inc., Keene, New Hampshire, Docket No. 12058, File No. BP-10732; WKNE Corporation, Brattleboro, Vermont, Docket No. 12059, File No. BP-10919; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1957;

The Commission having under consideration the above-captioned applications of The KBR Stations, Inc., and the WKNE Corporation, each for a construction permit to operate on 1490 kilocycles with a power of 250 watts, unlimited time, at Keene, New Hampshire, and Brattleboro, Vermont, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the subject applications; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

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

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, The KBR Stations, Inc., and the WKNE Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 17, 1957.

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

[F. R. Doc. 57-5048; Filed, June 19, 1957; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[69565]

MINNESOTA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JUNE 14, 1957.

On July 25, 1955, the Department of the Army declared the following-described lands to the General Services Administration as excess to its needs:

FOURTH PRINCIPAL MERIDIAN

T. 54 N., R. 26 W.,
Sec. 4, lot 2.
T. 55 N., R. 26 W.,
Sec. 33, SE¼SW¼.
Except those portions in both sections lying below elevation 1278 (U. S. Engineer Datum, Pokegama Reservoir) of the existing natural ground surface.

The areas described contain approximately 34 acres and 27 acres respectively.

On December 23, 1955, the Acting Administrator of the General Services Administration notified the Department of the Interior of his determination, pursuant to the provisions of section 3 (d) (1) of the Federal Property and Administrative Services Act of 1949 as amended, that the lands were suitable for return to the public domain for disposition under the general public land laws because they were not substantially changed in character by improvements. The determination was concurred in by the Director, Bureau of Land Management on January 17, 1956, pursuant to delegated authority.

The lands were included in a withdrawal made by an Executive order of October 24, 1901 for flowage purposes in connection with the construction, operation and maintenance of the reservoir system at the headwaters of the Mississippi River. The act of August 6, 1914 (38 Stat. 683) restored to the public domain for entry under the homestead laws the lands withdrawn by the Executive order of October 24, 1901, except the lands described in paragraph 1 of this order, which lands the said act reserved and excluded from the lands subject to homestead entry.

The declaration of excess by the Department of the Army was made with the proviso that the lands shall forever be and remain subject to the right of the United States to overflow the same or any part thereof by such reservoirs as now exist or may hereafter be constructed upon the headwaters of the Mississippi River. The lands are not, therefore, suitable for disposal under the homestead or small tract laws. They are hereby classified as best suited for disposal by public sale pursuant to sec. 2455 of the Revised Statutes as amended by sec. 14 of the act of June 28, 1934 (44 Stat. 1274; 43 U. S. C. 1171) and the act of July 30, 1947 (61 Stat. 630), and are hereby opened to the filing of applications in accordance with the regulations contained in 43 CFR Part 250, et seq.

E. J. THOMAS,
Acting Director.

[F. R. Doc. 57-5052; Filed, June 19, 1957; 8:53 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Public Roads has filed an application, Serial No. Fairbanks 014496, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing. The applicant desires the land for a highway maintenance depot.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

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

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

The lands involved in the application are:

BIRCH LAKE AREA

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Section 11: S½NW¼SE¼SE¼, N½SW¼SE¼SE¼, N½S½SW¼SE¼SE¼.
Containing 12.5 acres.

L. T. MAIN,
Operations Supervisor.

[F. R. Doc. 57-5013; Filed, June 19, 1957; 8:46 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 11, 1957.

The Department of the Army, Corps of Engineers, has filed an application, Serial No. Oregon 05531, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under public land laws.

The applicant desires the land for use in connection with The Dalles Dam Project constructed for navigation and power development purposes. The land is in the flooded area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

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:

WILLAMETTE MERIDIAN, OREGON

T. 2 N., R. 14 E.,
Sec. 16: Lot 2.
4.70 acres.
(Memaloose Island in the Columbia River.)

RUSSELL S. GETTY,
Acting State Supervisor.

[F. R. Doc. 57-5014; Filed, June 19, 1957; 8:46 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 10, 1957.

The Corps of Engineers, U. S. Army, has filed an application, Serial No. Nevada 045218, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws.

The applicant desires the land for use by the Department of the Army for the construction of an Army Reserve Training Center in the City of Las Vegas, Nevada.

The acquisition of this site by withdrawal was approved by the Department of Army on March 25, 1957 under authority of the Act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141); the Act of October 31, 1951 (65 Stat. 712; 3 U. S. C. 301); Executive Order No. 10355 dated May 25, 1952; and Public Law 639, 84th Congress.

This proposed withdrawal will be subject to existing right-of-way for highway purposes across the southerly 75 feet of the land applied for. This proposed withdrawal is in addition to the existing withdrawal established by Public Land Order 338, dated January 7, 1947.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

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 applications 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:

MT. DIABLO MERIDIAN, NEVADA

T. 21 S., R. 61 E.,
Sec. 1, E½SE¼SE¼SW¼.

Acreage: 5.

BOYD HAMMOND,
Acting State Supervisor.

[F. R. Doc. 57-5015; Filed, June 19, 1957; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 014602, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for an addition to Ladd Air Force Base.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

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

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

The lands involved in the application are:

FAIRBANKS AREA

FAIRBANKS MERIDIAN

T. 1 S., R. 1 E.,
Sec. 16: Lots 1, 2, 3, 7, and 8, SE¼NE¼, E½SW¼, SE¼.

Containing 412.54 acres.

L. T. MAIN,
Operations Supervisor.

[F. R. Doc. 57-5041; Filed, June 19, 1957; 8:51 a. m.]

Geological Survey

[Power Site Cancellation 107, Corrected]

WHITEWATER RIVER, CALIFORNIA

In order to correct an error in Power Site Cancellation No. 107, dated October 31, 1956, the W½NE¼ sec. 15, T. 2 S., R. 3 E., San Bernardino Meridian, California, should be changed to read W½NW¼.

THOMAS B. NOLAN,
Director.

JUNE 13, 1957.

[F. R. Doc. 57-5012; Filed, June 19, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

TOBACCO STOCKS REPORT

REVISION OF FORM

Notice is hereby given that the Department of Agriculture has modified the reporting form for obtaining stocks of leaf tobacco owned by manufacturers and dealers for use in issuing a quarterly Stocks Report pursuant to authority contained in the Tobacco Stocks and Standards Act (7 U. S. C. 501 et seq.). The Revised Form TB-26, "Tobacco Stocks Report", will be effective for reporting stocks as of July 1, 1957.

The modification of the reporting requirement is in connection with the conversion of tobacco into a tobacco sheet. Instructions for supplying this additional information as well as space for reporting have been incorporated in the Revised Form TB-26, "Tobacco Stocks Report", which will be distributed to manufac-

turers and dealers for filing their Stocks Reports as of July 1, 1957. The Bureau of the Budget has approved the Revised Form TB–26, "Tobacco Stocks Report".

Done at Washington, D. C., this 17th day of June 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–5055; Filed, June 19, 1957; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE 20

NOTICE OF ADOPTION OF CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 20 as published in the FEDERAL REGISTER issue of May 8, 1957 (22 F. R. 3233).

Dated: June 17, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57–5038; Filed, June 19, 1957; 8:51 a. m.]

Office of the Secretary

L. KEVILLE LARSON

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 as reported in the FEDERAL REGISTER of July 13, 1956, 21 F. R. 5240, December 8, 1956, 21 F. R. 9749.

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

This statement is made as of May 31, 1957.

Dated: May 31, 1957.

L. KEVILLE LARSON.

[F. R. Doc. 57–5005; Filed, June 19, 1957; 8:45 a. m.]

LAWRENCE H. ZAHN

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 as reported in the FEDERAL REGISTER of January 3, 1957, 22 F. R. 88.

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

This statement is made as of June 3, 1957.

Dated: June 7, 1957.

LAWRENCE H. ZAHN.

[F. R. Doc. 57–5006; Filed, June 19, 1957; 8:45 a. m.]

VINCENT J. PAZZETTI, III

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 as reported in the FEDERAL REGISTER of December 15, 1956, 21 F. R. 9997.

A. Deletions: None.
B. Additions: None.

This statement is made as of June 3, 1957.

Dated: June 5, 1957.

VINCENT J. PAZZETTI, III.

[F. R. Doc. 57–5007; Filed, June 19, 1957; 8:45 a. m.]

ORVILLE SCHMIED

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 as reported in the FEDERAL REGISTER of June 30, 1956, 21 F. R. 4894, December 6, 1956, 21 F. R. 9685.

A. Deletions: MCP Corporation, Illinois Toll (Bond), Ohio Turnpike (Bond), South Park Development Co.
B. Additions: None.

This statement is made as of May 29, 1957.

Dated: June 5, 1957.

ORVILLE SCHMIED.

[F. R. Doc. 57–5009; Filed, June 19, 1957; 8:45 a. m.]

SAMUEL W. OFF

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 as reported in the FEDERAL REGISTER of December 15, 1956, 21 F. R. 9997.

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

This statement is made as of June 10, 1957.

Dated: June 10, 1957.

SAMUEL W. OFF.

[F. R. Doc. 57–5010; Filed, June 19, 1957; 8:45 a. m.]

HENRY S. KLINGENSTEIN

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 as reported in the FEDERAL REGISTER of July 3, 1956, 21 F. R. 4936, December 27, 1956, 21 F. R. 10346.

A. Deletions: No Change.
B. Additions: No Change.

This statement is made as of May 29, 1957.

Dated: May 31, 1957.

HENRY S. KLINGENSTEIN.

[F. R. Doc. 57–5011; Filed, June 19, 1957; 8:45 a. m.]

ROBERT P. BURRIS

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: Mr. Robert P. Burris.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: June 3, 1957.
4. Title of position: Chief, Carbon & Alloy Semi-Finished, Rail, Structural, Bars and Wire Branch.
5. Name of private employer: United States Steel Corporation, 525 Wm. Penn Place, Pittsburgh 30, Pa.

APRIL 19, 1957.

CARLTON HAYWARD,
Director of Personnel.

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.

United States Steel Corp.
Columbian National Life Ins. Co.
Connecticut General Life Ins. Co.
Lincoln National Life Ins. Co.
Continental Assurance Co.
Merrill Petroleums Ltd.
Schick, Inc.
Youngstown Steel Door Co.
Bank deposits.

Dated: June 3, 1957.

ROBERT P. BURRIS.

[F. R. Doc. 57-5008; Filed, June 19, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket 50-32 (formerly F-32)]

AEROJET-GENERAL NUCLEONICS

[Docket 50-55]

AEROJET-GENERAL CORP.

NOTICE OF ISSUANCE OF AMENDMENTS TO LICENSES AUTHORIZING TRANSFER OF POSSESSION OR TITLE OR BOTH TO FACILITIES AND LICENSE AUTHORIZING ACQUISITION AND TRANSFER OF TITLE TO FACILITIES

Please take notice that the Atomic Energy Commission has issued (1) amendments to License Nos. R-7, R-9 and R-10 set forth below authorizing Aerojet-General Nucleonics to transfer possession and title to the facilities referred to therein and (2) License R-12 set forth below authorizing Aerojet-General Corporation to acquire title to said facilities but not to operate, and further authorizing AGC to transfer title to said facilities to any person authorized by the Commission to acquire the same.

Dated at Washington, D. C., this 14th day of June 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[Docket 50-32 (Formerly F-32]

AEROJET-GENERAL NUCLEONICS

[License R-7, Amdt. 1; License R-9, Amdt. 2; License R-10, Amdt. 1]

AMENDMENT TO LICENSES PROVIDING FOR TRANSFER OF TITLE TO UTILIZATION FACILITIES

License Nos. R-7, R-9 and R-10 issued to Aerojet-General Nucleonics on February 23, March 14 and March 29, 1957, respectively, are hereby amended to authorize Aerojet-General Nucleonics to transfer possession or title, or both, to the reactors which are the subject thereof to any person licensed to acquire such possession or title, or both, as the case may be.

The physical transfer of the reactors shall be accomplished in accordance with the procedures set forth in the amendment to Areojet-General Nucleonics application filed in Docket No. 50-32 on March 25, 1957.

The transfer of title to the reactors pursuant to these amendments, if undertaken separately from the transfer of possession, shall not affect the responsibility of Areojet-General Nucleonics for full compliance with the requirements and conditions of Licenses R-7, R-9 and R-10.

Upon the completion of the transfer of possession and title to any reactor pursuant to these amendments, the license issued Areojet-General Nucleonics for said reactor shall be terminated without further notice.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[Docket 50-55]

[License R-12]

AEROJET-GENERAL CORPORATION

LICENSE FOR ACQUISITION AND TRANSFER OF TITLE TO UTILIZATION FACILITIES

Pursuant to section 104c of the Atomic Energy Act of 1954, as amended, and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", the Atomic Energy Commission hereby issues this license to Aerojet-General Corporation, Azusa, California, authorizing it (1) to acquire from Aerojet-General Nucleonics, San Ramon, California, title to the nuclear reactors which are the subject of Licenses R-7, R-9 and R-10 (designated by AGN as serial numbers of 101, 102 and 103, respectively) and (2) to transfer such titles to any person licensed by the AEC to acquire the same.

Nothing contained herein shall be deemed to authorize Aerojet-General Corporation to possess or use said facilities.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of the Regulations in Title 10, CFR, Part 50; and is subject to all applicable provisions of the Atomic Energy Act of 1954, and the rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect.

Upon completion of the transfer by Aerojet-General Corporation of the titles to the reactors described herein, this license shall be terminated.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-5051; Filed, June 19, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10539]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 14, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, with principal place of business at El Paso Natural Gas Company Building, El Paso, Texas, filed an application on June 8, 1956 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce:

(1) To Southern Union Gas Company for resale to Mr. V. Attaway and Mr. H. B. Raney, individuals, for domestic and irrigation purposes via a line tap and appurtenances, proposed to be constructed and operated by Applicant for such purpose, at an estimated cost of $275, which will be located near Milepost 8.1 on Applicant's existing 10¾ inch Warren-Saunders line in Lea County, New Mexico.

(2) To Lea County Gas Company for resale to Wholesome Dairy, located near Anthony, Dona Ana County, New Mexico, for meeting its fuel requirements via a line tap and appurtenances, proposed to be constructed and operated by Applicant for such purpose, at an estimated cost of $275, which will be located near Milepost 0.5 on Applicant's existing 2⅜ inch line serving Anthony and La Tuna Federal Correctional Institution, Dona Ana County, New Mexico.

(3) To The Tucson Gas, Electric Light and Power Company for resale to existing customers in Tucson, Arizona, and environs for domestic and commercial uses via Olivas City Gate station, at an estimated cost of $6,828, proposed to be constructed and operated by Applicant for such purpose, which will be located on Applicant's existing 26 and 30 inch California lines in Pima County, Arizona.

The total estimated cost of construction of the foregoing facilities is $7,378, which will be financed by Applicant out of its current working funds.

The estimated annual and peak-day gas requirements of the foregoing projects in Mcf at 14.73 psia for the first three years are as follows: (Southern Union Gas Company (Southern), Lea County Gas Company (Lea), and The Tucson Gas, Electric Light and Power Company (Tucson) are present customers of Applicant).

	1st year	2d year	3d year
Annual			
Southern	8,290	8,390	11,390
Lea	3,000	3,000	3,000
Tucson	150,000	214,000	236,000
Total	161,290	225,390	250,390
Peak day			
Southern	131.8	132.6	156.6
Lea	15.0	15.0	15.0
Tucson	1,100.0	1,540.0	1,760.0
Total	1,246.8	1,687.6	1,931.6

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 July 17, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a 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 unnec-

essary 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 July 5, 1957. 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. 57-5018; Filed, June 19, 1957; 8:47 a. m.]

[Docket No. G-10738]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 14, 1957.

Take notice that Colorado-Wyoming Gas Company (Applicant), a Delaware corporation, with principal place of business at 421 Continental Oil Building, Denver 2, Colorado, filed an application on July 12, 1956 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, a meter and regulating facilities on its existing 8-inch Ft. Collins-Loveland line about 5 miles north of Loveland, Colorado, which are necessary to the transportation and delivery in interstate commerce of natural gas to be sold by Applicant on an interruptible basis to U. S. Burnite Corporation for use in brick and ceramic kilns, driers and incidental equipment installed at said company's brick and ceramic plant located at Finley, Larimer County, Colorado.

The estimated cost of construction of the proposed facilities is $5,800 which will be financed by Applicant out of cash on hand. The estimated annual gas sales to U. S. Burnite Corporation at 14.73 psia is 29,840 Mcf. A daily gas delivery of 125 Mcf is indicated.

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 July 17, 1957 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 5, 1957. 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. 57-5019; Filed, June 19, 1957; 8:47 a. m.]

[Docket No. G-11385, etc.]

PARKER PETROLEUM CO., INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 14, 1957.

In the matters of Parker Petroleum Company, Inc., Orville H. Parker and John S. Bottomly, Docket Nos. G-11385 and G-11388; Parker Petroleum Company, Inc., Orville H. Parker and Melvin F. Endicott, Docket Nos. G-11386 and G-11389; Parker Petroleum Company, Inc., Orville H. Parker, Melvin F. Endicott, and John S. Bottomly, Docket Nos. G-11387 and G-11390.

Take notice that on October 29, 1956, Applicants in the above-captioned dockets filed applications for permission and approval to abandon and for certificates of public convenience and necessity to render service, pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications, which are on file with the Commission and open to public inspection.

The respective applications seek authority for:

(1) Orville H. Parker (Parker) and John S. Bottomly (Bottomly) in Docket No. G-11385 to abandon their sales of gas to Northern Natural Gas Company (Northern Natural) from certain acreage in the Hugoton Field, Stevens County, Kansas. Parker's sale, among others, was authorized on May 28, 1956, in Docket No. G-7811 and Bottomly's sale, among others, on January 24, 1956, in Docket No. G-9005.

(2) Parker and Bottomly, in Docket No. G-11388, to abandon sales of their shares of gas to Cities Service Gas Company (Cities Service) from the Boggs Field, Barber County, Kansas, which sales, among others, were authorized on August 29, 1955, in Docket No. G-8988.

(3) Parker and Melvin F. Endicott (Endicott) in Docket Nos. G-11386 and G-11389 to abandon their sales of gas to Cities Service from the Medicine Lodge North and Whelan Northeast Fields, in Barber County, Kansas, which sales, among others, were authorized on August 29, 1955, in Docket Nos. G-8986 and G-8989, respectively.

(4) Parker, Endicott and Bottomly in Docket Nos. G-11387 and G-11390 to abandon their sales of gas to Cities Service from the Rhodes Northeast Field in Barber County, Kansas, and the Glenwood Field in Beaver County, Oklahoma, which sales, among others, were, respectively, authorized on August 29, 1955, in Docket No. G-8987, and on May 21, 1956, in Docket No. G-9655.

(5) Parker Petroleum Company, Inc. (Parker Petroleum) to continue the sales proposed to be abandoned by Parker, Bottomly and Endicott in all of the dockets involved herein.

The respective applications state that by instruments of assignment of various dates, Parker Petroleum acquired all of the interests of Parker, Bottomly and Endicott in the leases dedicated to the sales contracts involved herein, in addition to other acreages.

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 July 23, 1957 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such 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 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 July 5, 1957. 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. 57-5020; Filed, June 19, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8711]

TACA INTERNATIONAL AIRLINES, S. A.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the application of TACA International Airlines, S. A. for renewal of its foreign air carrier permit

authorizing it to engage in foreign air transportation with respect to persons, property and mail between the terminal point San Salvador, El Salvador, the intermediate points Guatemala City, Guatemala, and Belize, British Honduras, and the terminal point New Orleans, Louisiana.

Notice is hereby given that the prehearing conference in the above-entitled application now assigned for June 17 is postponed to July 17, 1957, 10:00 a. m., e. d. s. t., Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., June 14, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-5061; Filed, June 19, 1957; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-173, 54-191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO SELECTION AND COMPOSITION OF BOARD OF DIRECTORS OF DUQUESNE LIGHT COMPANY

JUNE 12, 1957.

The Commission has approved certain steps of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935, filed by Standard Gas and Electric Company ("Standard Gas"), a registered holding company. In the Commission's Order dated October 1, 1952, jurisdiction was reserved over the selection and composition of the board of directors of Duquesne Light Company ("Duquesne"). By order dated March 13, 1953, the Commission reserved jurisdiction over the selection and composition of the initial board of directors of Duquesne after it ceased to be a subsidiary in the holding company system of Standard Power and Light Corporation (now Standard Shares, Inc.), the parent company of Standard Gas; and the approval of the step of the plan involved was conditioned upon Standard Gas securing from Duquesne a commitment that Duquesne and its subsidiaries would not at any time after it ceases to be a subsidiary in the Standard Power and Light Corporation holding company system have, as an officer or director, a person who then is an officer or director of any other company presently or formerly in that holding company system. Such commitment was obtained by Standard Gas. On February 4, 1957, the Commission denied the request of Standard Gas and Duquesne for a modification of the March 13, 1953, order with respect to interlocking directors and further continued the reservation as to the selection and composition of the initial board of directors of Duquesne.

It appearing to the Commission that Duquesne is not now a subsidiary in the Standard Power and Light Corporation (now Standard Shares, Inc.) holding company system and that no person who is a member of the Duquesne board of directors is an officer or director of any other company presently or formerly in that holding company system; and the Commission having considered the manner of selection and the composition of the Duquesne board of directors and observing no basis for adverse findings with respect thereto:

It is ordered, That the jurisdiction heretofore reserved with respect to the selection and composition of the board of directors of Duquesne be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-5025; Filed, June 19, 1957; 8:48 a. m.]

File No. 24D-1698

CARBON URANIUM CO.

ORDER TEMORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 13, 1957.

I. Carbon Uranium Company (Carbon), a Utah corporation, 230 West Seventh South, Salt Lake City, Utah, filed with the Commission on April 27, 1955, a notification on Form 1-A and an offering circular relating to an offering of 746,280 shares of its 1-cent par value common stock at 25 cents per share for an aggregate of $186,570 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that:

1. The notification failed to contain the information required by Item 3 with respect to unregistered securities of Carbon sold on its behalf within one year prior to the date of filing of the notification; and

2. The offering circular failed to contain an address for Carbon; and

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The stock sold and issued by Carbon prior to the filing of the notification and offering circular and the consideration received by Carbon for such stock;

2. The obligations of Carbon under the contract by which it agreed to purchase certain unpatented mining claims in the White Canyon Mining District in San Juan County, Utah and more particularly the failure to disclose, among other things, when the unpaid balance of the purchase price became due and payable and the interest, if any, payable on the said balance;

3. The financial condition of Carbon, and more particularly, the statement of financial condition included in the offering circular understates Carbon's liabilities, by approximately $40,000, representing the unpaid balance of the purchase price for certain claims, understates the number of shares of its stock issued and outstanding by approximately 400,000 shares, representing shares issued for services and overstates assets; and

4. The cash receipts of Carbon and more particularly the cash receipts from subscriptions to capital stock; and

C. The use of the offering circular; which fails to comply with the regulation and which contains false and misleading statements of material facts, as specified hereinabove and which fails to disclose whether necessary assessment work had been performed on the unpatented mining claims, described in the circular, and fails to disclose that the underwriter named therein has withdrawn its registration with the Commission as a broker-dealer in securities and ceased acting as underwriter, would operate as a fraud and deceit upon the purchasers.

III. *It is therefore ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-5026; Filed, June 19, 1957; 8:49 a. m.]

[File No. 70-3590]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

SUPPLEMENTAL ORDER WITH RESPECT TO APPLICATION REGARDING PROPOSAL BY SUBSIDIARY OF REGISTERED HOLDING COMPANY TO ISSUE AND SELL AT COMPETITIVE BIDDING ADDITIONAL FIRST MORTGAGE BONDS

JUNE 13, 1957.

Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non public-utility company, and its parent company, American Natural Gas Company ("American Natural"), a registered holding company, have filed with this Commission a joint application-declaration and amendments thereto pursuant

to sections 6 (b), 7, 9 and 10 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding, among other things, the following proposed transactions:

Pursuant to the competitive bidding requirements of Rule U-50, Michigan Wisconsin proposed to issue and sell $30,000,000 principal amount of its First Mortgage Pipe Line Bonds, __ percent Series, due 1977. The interest rate (which was required to be a multiple of ⅛ of 1 percent) and the price to be received by the company for the bonds (which, exclusive of accrued interest, was required to be not less than 100 percent nor more than 102¾ percent of the principal amount) were to be determined by competitive bidding.

Michigan Wisconsin has a credit agreement with several banks under which, with Commission approval (Holding Company Act Release No. 13209), it issued its outstanding $25,000,000 principal amount of short-term notes. By order dated December 19, 1956 (Holding Company Act Release No. 13341), the Commission authorized an extension of the maturity date of these notes to July 1, 1957. If the $30,000,000 of new bonds were not issued and sold prior to such maturity date, Michigan Wisconsin proposed to execute a new credit agreement with the same banks providing for $30,000,000 of borrowings on notes having an initial maturity date of January 1, 1958 which, at the company's option and subject to Commission approval, might be extended for six months. The new credit agreement was to be in the same form as the expiring credit agreement except that appropriate changes were to be made with respect to the aggregate amount of notes to be issued, the initial maturity date and the renewal date of notes issues thereunder, and the commitment of each bank. Michigan Wisconsin consented to a reservation of jurisdiction by the Commission over the issuance and sale of said notes until such time as the results of the bidding for the new bonds were known.

The proposed issue and sale of the bonds were expressly authorized by the Michigan Public Service Commission, the State commission of the State in which Michigan Wisconsin operates its natural gas storage business, subject to the condition that the bonds were sold at a price net to Michigan Wisconsin, before expenses, which will result in an interest cost to it not in excess of 6 percent, plus accrued interest to the date of delivery.

On June 4, 1957 this Commission entered its order (Holding Company Act Release No. 13495) granting the application, as amended, and permitting the declaration, as amended, to become effective forthwith, subject to the terms and conditions contained in Rules U-24 and U-50 and subject to the reservation of jurisdiction with respect to the issue and sale of the proposed notes.

On June 12, 1957 Michigan Wisconsin filed an amendment to its application in which it stated that it had received the following bids for the bonds:

Bidder	Price to the company	Interest rate	Annual cost to the company
		Percent	*Percent*
Halsey, Stuart & Co.,Inc.	100.709	6¼	6.187
Blyth & Co., Inc.	100.529	6¼	6.203

The amendment further states that Michigan Wisconsin has accepted the bid of Halsey, Stuart & Co. and that the bonds will be offered for sale to the public at a price of 102.889 percent of principal amount thereof, resulting in an underwriters' spread of 2.18 percent.

The amendment further requests that the Commission enter a supplemental order approving the application, as amended, subject to the condition that the Michigan Public Service Commission enter a further order authorizing Michigan Wisconsin to sell the bonds upon the basis of the bid accepted, and further requesting that the jurisdiction heretofore reserved with respect to the issue and sale of the proposed notes be continued.

It appearing to the Commission that the request of Michigan Wisconsin is appropriate:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application of Michigan Wisconsin, as amended, be, and it hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the further condition that a further order be entered by the Michigan Public Service Commission authorizing Michigan Wisconsin to sell the bonds upon the basis of the bid accepted.

It is further ordered, That the jurisdiction heretofore reserved with respect to the issue and sale of the proposed notes be, and hereby is, continued.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-5027; Filed, June 19, 1957; 8:49 a. m.]

[File No. 811-748]

GIBRALTAR CORP.

NOTICE OF APPLICATION FOR ORDER DECLARING COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

JUNE 13, 1957.

Notice is hereby given that Gibraltar Corporation ("Gibraltar") (formerly Gibraltar Development Corporation) has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission declaring that Gibraltar has ceased to be an investment company because it is entitled to the exception contained in section 3 (c) (1) of the act.

The application makes the following representations:

Gibraltar, a closed-end, non-diversified investment company, was organized on August 14, 1956, under the laws of the State of Delaware, with its principal office in Kensington, Connecticut, and filed its Notification of Registration on Form N-8A under the act on October 31, 1956.

All of Gibraltar's investments are currently in the common stock of five closely held companies whose securities are not traded on any exchange, and a New York natural gas lease. Gibraltar has 19,521 shares of common stock outstanding, and these shares are beneficially owned by 27 individuals and no corporations. Gibraltar has no present intention of making and does not propose to make, a public offering of its securities.

Section 3 (c) (1) of the act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the act.

Section 8 (f) of the act provides that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 24, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-5028; Filed, June 19, 1957; 8:49 a. m.]

[File No. 812-1036]

BAKER INDUSTRIES, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

JUNE 13, 1957.

Notice is hereby given that Baker Industries, Inc. ("Applicant"), Newark, New Jersey, has filed an application, and amendments thereto, for an Order under section 3 (b) (2) of the Investment Company Act of 1940 ("act") declaring Baker not to be an investment company but to be primarily engaged, directly or indirectly, in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities.

The facts and representations contained in the amended application are summarized as follows:

1. Applicant was incorporated in 1909 under the laws of Delaware under the name of Pyrene Manufacturing Company and adopted its present name on May 31, 1956.

2. Applicant's authorized capital stock consists of 600,000 shares of common stock, $1 par value, of which 305,024 shares are issued and outstanding and held by approximately 330 stockholders. The common stock is traded, but not listed, on the American Stock Exchange.

3. From its inception to April 30, 1956, Applicant was primarily engaged in the fire protection equipment business including the manufacture and sale of fire extinguishing liquids, brackets and related appliances, fire control and extinguishing apparatus, fire detection and alarm equipment.

4. On April 30, 1956 Applicant sold its domestic fire extinguishing equipment business but retained and is still engaged in the fire detection and fire alarm phases of the fire control business. The sale of its fire equipment business was effected because Applicant's management concluded that there was a limited profit potential in the fire equipment and systems business.

5. Applicant also continues the active exploration of its patents in certain foreign countries as heretofore and also the active management and operation of its five wholly-owned subsidiaries.

6. The three principal wholly-owned subsidiaries are C–O–Two Fire Equipment of Canada, Limited, which assembles and sells fire protection equipment in that country; Chemical Concentrates Corporation, which produces fire extinguishing compounds and metal finishing chemicals, and Pyro Metal Finishers, Inc., which handles a complete line of metal finishing processes.

7. Its other two wholly-owned subsidiaries, Burr Oak Realty Corporation and Longworth Warehouse Corp., hold title to real estate used by Applicant in its business operations.

8. As consideration for the sale on April 30, 1956, of its domestic fire extinguishing equipment business, including the trade names "Pyrene" and "C–O–Two" to the Fyr-Fyter Company, Applicant received the following:

Cash	$2,788,950
6% subordinated debentures due 1–1–60	1,000,000
Note due 4–30–57	904,552
Total	4,693,502

9. The cash proceeds of the foregoing sale were invested in marketable securities to the extent of $2,774,617 as of December 3, 1956.

10. In the early part of 1957, Applicant acquired approximately 78 percent of the outstanding common stock and 54 percent of the outstanding 77 percent preferred stock of U. S. Bobbin & Shuttle Co. at a cost of $397,344.

11. On March 1, 1957, Applicant purchased privately 143,505 common shares of L. A. Young Spring & Wire Corporation ("Young"), a Michigan corporation with its principal administrative offices in Detroit, Michigan. As a result of said purchase and the purchase of additional shares in the open market (the common stock of Young is listed on the New York Stock Exchange and the Detroit Stock Exchange) Applicant now owns 161,505 shares or 40 percent of the outstanding common stock of Young.

12. As of April 30, 1957, marketable securities owned by Applicant, other than the investment in Young, amounted to approximately $102,000 and the amount of 6 percent subordinated debentures of Fyr-Fyter Co., noted above, has been reduced to $294,000.

Section 3 (a) (3) of the act defines an investment company as one which is engaged or proposed to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For the purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies and securities issued by majority-owned subsidiaries which are not investment companies.

Section 3 (b) (2) of the act provides, that notwithstanding section 3 (a) (3), the term "investment company" does not include a person whom the Commission upon application finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Applicant clearly comes within the statistical definition of an investment company contained in section 3 (a) (3) of the act. As of April 30, 1957, the total assets of the Applicant (exclusive of Government securities and cash items) aggregated approximately $8,200,000, including investment securities at cost in the amount of approximately $6,400,000 equivalent to approximately 78 percent of such total assets.

Applicant's investment in the common stock of Young constitutes its major asset and represents approximately 70 percent of its total assets and approximately 94 percent of its investment securities. Young has been in the manufacturing business since 1906 and is now engaged in various phases of heavy industry, operating 16 plants throughout the United States and Canada.

Applicant represents that its acquisition of the Young stock was made for the purpose and as a means of entering into the industrial business conducted by Young and not as a market transaction. Such purchase, it is stated, was not made with any intention of reselling the Young stock upon or because of any rise in its market price. Applicant further represents that it has no intention of selling said shares and has no reason to anticipate the disposition of the Young stock.

Applicant declares that it is active in the control, policymaking and direction of the affairs of Young. In support of this declaration, it is pointed out that subsequent to the acquisition of the Young stock, three of its directors were elected to the eight-man board of directors of Young and that S. R. Baker, chairman of the Board and president of applicant, was elected Chairman of the board of directors of Young. It is further stated that the chief policymaking and directing body of Young is its executive committee composed of four directors, three of whom are the same director-designees of Applicant. Baker, it is also represented, participates in all major corporate policies, questions of business and financial policy, as well as in respect of general business policies; and to facilitate Baker's close and active participation in the business and affairs of Young, the latter has opened an executive office in Beverly Hills, California, where Baker resides.

With respect to the U. S. Bobbin & Shuttle Co. acquisition noted above, it is stated that the representatives of Applicant constitute a majority of the board of directors of that company and two other officers of the applicant have also been elected officers of said company. Applicant declares it is in control of the business and affairs of U. S. Bobbin & Shuttle Company and actively participates in its management.

Applicant avers that it has never held itself out as an investment company and since its organization in 1909 has been an industrial company, and that no officer, director or principal shareholder of Applicant is engaged in the securities or investment business.

Notice is further given that any interested person may, not later than July 2, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

It is ordered, That the period of exemption from the provisions of the Investment Company Act of 1940 prescribed by the provisions of section 3 (b) (2) thereof and extended to May 28, 1957, by order of this Commission on November 27, 1956 (Investment Company Act Release No. 2447) be and the same hereby is further extended until the Commission shall have entered an order on the amended application herein.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 57-5029; Filed, June 19, 1957; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ASSISTANT COMMISSIONER FOR TECHNICAL STANDARDS AND SERVICES

REDELEGATION OF AUTHORITY WITH RESPECT TO DEMONSTRATION GRANT PROGRAM

The Assistant Commissioner for Technical Standards and Services in the Urban Renewal Administration is hereby authorized to take the following actions under the provisions of section 314 of the Housing Act of 1954 (42 U. S. C. 1452a) with respect to grants for developing, testing, and reporting methods and techniques, and carrving out demonstrations and other activities for the prevention and elimination of slums and urban blight, subject to Allocation Orders executed by the Urban Renewal Commissioner:

(1) Approve demonstration project budgets;

(2) Approve demonstration grant contracts for financial assistance, including waivers, changes, amendments, and revisions thereof;

(3) Approve requisitions for demonstration grant payments.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective December 23, 1954 (20 F. R. 428–429, Jan. 19, 1955), as amended)

Effective as of the 20th day of June 1957.

SID JAGGER,
Acting Urban Renewal Commissioner.

[F. R. Doc. 57-5036; Filed, June 19, 1957; 8:51 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.), Part 522 of the regulations issued thereunder (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods 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.

Angelica Uniform Co., Marquand, Mo.; effective 6–18–57 to 6–17–58 (men's washable pants).

Angelica Uniform Co., Winfield, Mo.; effective 6–5–57 to 6–4–58 (cotton service uniforms).

Burlington Manufacturing Co., Inc., 15 North Main Street, Carbondale, Pa.; effective 6–21–57 to 6–20–58 (children's cotton knit polo shirts).

Carl Knit Sportswear Co., 2202 Superior Avenue, Cleveland, Ohio; effective 6–3–57 to 6–2–58. Learners may not be employed at special minimum wage rates in the production of separate skirts (dresses and sportswear garments).

Dart-Win Trousers, Inc., Gonzales, La.; effective 6–10–57 to 6–9–58 (men's dress trousers).

Elder Manufacturing Co., Dexter, Mo.; effective 6–16–57 to 6–15–58 (sports shirts and longies).

Elder Manufacturing Co., Ste. Genevieve, Mo.; effective 6–15–57 to 6–14–58 (boys' shirts, pajamas).

Fox Knapp Manufacturing Co., Maple Avenue, Milton, Pa.; effective 6–7–57 to 6–6–58 (men's and boys' outerwear and sportswear).

Humberland Dress Co., 31 North Spruce Street, Mt. Carmel, Pa.; effective 6–10–57 to 6–9–58 (children's dresses).

Edward Hyman Co., Hazelhurst, Miss.; effective 6–6–57 to 6–5–58 (men's coveralls, pants).

Lampl Sportswear Manufacturing Co., 2570 Superior Avenue, Cleveland, Ohio; effective 6–3–57 to 6–2–58. Learners may not be employed at special minimum wage rates in the production of ladies' suits and separate skirts (ladies' dresses and sportswear).

Lewis Sportswear, Inc., 2570 Superior Avenue, Cleveland, Ohio; effective 6–3–57 to 6–2–58. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' dresses and sportswear).

Mode O'Day Corp., Plant No. 2, 146 S. W. Temple, Salt Lake City, Utah; effective 6–3–57 to 6–2–58 (women's dresses).

Orangeburg Manufacturing Co., Inc., 345 Pine Street, Orangeburg, S. C.; effective 6–10–57 to 6–9–58 (children's cotton dresses).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa.; effective 6–12–57 to 6–11–58 (ladies' underwear).

Terry-Ann Sportswear Co., Cherry Street, Slatington, Pa.; effective 6–7–57 to 6–6–58. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies', children's sportswear).

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

Badger Outerwear Manufacturing Co., 209–211 Franklin Street, Port Washington, Wis.; effective 6–6–57 to 6–5–58; five learners (men's jackets, mackinaws).

Blue Bell, Inc., Homer, Ga.; effective 5–31–57 to 5–30–58; 10 learners (men's and boys' windbreaker jackets).

Chester Needlecraft, Inc, 620 State Street, Chester, Ill.; effective 6–5–57 to 6–4–58; 10 learners (infants' and children's outerwear).

Dee Ville Blouse Co., Danielsville, Pa.; effective 6–7–57 to 6–6–58; 10 learners (ladies and children's blouses).

Don Juan Manufacturing Co., 113 Grubb Street, Hertford, N. C.; effective 6–6–57 to 6–5–58; 10 learners (boys' shirts).

Green Bay Specialty Co., 129 South Washington Street, Green Bay, Wis.; effective 5–31–57 to 5–30–58; five learners (jeans, overall, jackets and sport clothes).

Gross Galesburg Co., 154 North Main Street, Canton, Ill.; effective 6–16–57 to 6–15–58; 10 learners (one-piece ward suits, work jackets).

Gross Galesburg Co., North Main Street, Chariton, Iowa; effective 6–22–57 to 6–21–58; 10 learners (work pants, shirts).

H & W Manufacturing Co., Inc., 875 Hickory Street, Peckville, Pa.; effective 6–4–57 to 6–3–58; 10 learners (women's blouses).

Hartwell Manufacturing Co., Inc., Depot Street, Hartwell, Ga.; effective 6–17–57 to 6–16–58; 10 learners (men's and boys' cotton work trousers).

Lemont Pants Co., Inc., 310 Illinois Street, Lemont, Ill.; effective 6–7–57 to 6–6–58; two learners (boys' and men's trousers).

Melody Blouse Co., Roseto, Pa.; effective 6–6–57 to 6–7–58; five learners (ladies' blouses).

Mitchell Garment Co., Inc., 119 West Third Street, Farmville, Va.; effective 6–10–57 to 6–9–58; five learners (children's cotton wash dresses).

Rexmont Mills, Inc., Rexmont, Pa.; effective 6–10–57 to 6–9–58; five learners (children's lingerie).

Sand Ridge Blouse Co., Inc., Kunkletown, Pa.; effective 6–7–57 to 6–6–58; five learners (ladies' and children's blouses).

Wolens Trouser Co., 6 West Fifth Street, Sterling, Ill., effective 6–8–57 to 10–31–57; five learners (replacement) (men's slacks).

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

Lamar Manufacturing Co., Millport, Ala.; effective 6–7–57 to 9–6–57; 25 learners (men's and boys' dress trousers).

Mahaffey Garment Manufacturing Co., Mahaffey, Pa.; effective 6–3–57 to 12–2–57; 20 learners (ladies' dresses).

True Loom Manufacturing Co., Inc., Lafayette, Tenn.; effective 6–7–57 to 12–6–57; 50 learners (sport shirts).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 6–5–57 to 12–4–57; 100 learners (replacement certificate) (dungarees, jackets, pants).

Yunker Manufacturing Co., Inc., 315 Ann Street, Parkersburg, W. Va.; effective 6–7–57 to 11–7–57; 20 additional learners (supplemental certificate) (infants' cotton apparel).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Brookville Glove Co., Inc., Foundry Avenue, Indiana, Pa.; effective 6–11–57 to 6–10–58; eight learners for normal labor turnover purposes (cotton work gloves).

Burnham-Edina Manufacturing Co., Edina, Mo.; effective 6–10–57 to 6–9–58; five learners for normal labor turnover purposes (leather palm work gloves).

Proper Maid Silk Manufacturing Co., Inc., 6 Washington Street, Amsterdam, N. Y.; effective 6–10–57 to 6–9–58; 10 learners for normal labor turnover purposes (women's dress knit fabric gloves).

Leon F. Swears, Inc., 111–113 North Perry Street, 108 North Market Street, 115 North Perry Street, Johnstown, N. Y.; effective 6–5–57 to 6–4–58; 10 percent of the total number of factory production workers engaged in the authorized learner occupations (dress knit gloves).

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

Brooks County Hosiery Mill, South Washington Street, Quitman, Ga.; effective 6–6–57 to 6–5–58; five learners for normal labor turnover purposes (full-fashioned).

Dovedown Hosiery Mills, Griffin Hosiery Mills, Griffin, Ga.; effective 6–20–57 to 6–19–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned, seamless).

Huffman Finishing Co., Granite Falls, N. C.; effective 6–10–57 to 6–9–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Maiden Hosiery Mills, Inc., Maiden, N. C.; effective 6–10–57 to 1–29–58; five learners for normal labor turnover purposes (replacement certificate) (seamless).

Maiden Hosiery Mills, Inc., Maiden, N. C.; effective 6–10–57 to 12–9–57; 15 learners for plant expansion 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).

Clarke Mills, Jackson, Ala.; effective 6–10–57 to 12–9–57; 20 learners for plant expansion purposes (women's knitted underwear and lingerie).

Gallin Knitting Mills, Co., 2101 Superior Avenue, Cleveland, Ohio; effective 6–3–57 to 6–2–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's sweaters and knitted outerwear).

Lampl Fashions, Inc., Kingsley Division, 2810 Superior Avenue, Cleveland, Ohio; effective 6–3–57 to 6–2–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' sweaters and knitted outerwear).

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

Vincent Horwitz Co., Inc., 2121 Beale Avenue, Altoona, Pa.; effective 6–6–57 to 6–5–58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

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

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Addison Packing Co., Southwest Harbor, Maine; effective 6–10–57 to 12–9–57; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sardine packer for a learning period of 160 hours at the rates of 80¢ an hour for the first 80 hours and 85¢ an hour for the remaining 80 hours (sardines).

Muscatine Pearl Works, 227 West Second Street, Muscatine, Iowa; effective 6–3–57 to 12–2–57; authorizing the employment of three learners for normal labor turnover purposes, in the occupation of finished button sorter for a learning period of 480 hours at the rates of 85¢ an hour for the first 320 hours and 90¢ an hour for the remaining 160 hours (pearl buttons).

Oxford-Hopkins Co., Inc., 210 Broad Street, Lynn, Mass.; effective 6–1–57 to 11–30–57; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of scarfing, sticking, studding, stapling, measuring and spooling, and stitching, each for a learning period of 480 hours at the rates of 87¢ an hour for the first 240 hours and 93¢ an hour for the remaining 240 hours (manufacturing from leather, imitation leather, vinyls and cloth stays and stripping for footwear.)

Pioneer Coat Front Corp., 1027 Callowhill Street, Philadelphia, Pa.; effective 6–3–57 to 12–2–57; authorizing the employment of five learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 85¢ an hour for the first 280 hours and 90¢ an hour for the remaining 200 hours (men's and boys' coat fronts).

The following special 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:

The Carborundum Co. of P. R., Mayaguez, P. R.; effective 5–27–57 to 11–26–57; authorizing the employment of 33 learners for plant expansion purposes, in the occupation of finishing operator for a learning period of 320 hours at the rates of 70¢ an hour for the first 160 hours and 80¢ an hour for the remaining 160 hours (abrasive mounted points).

El Dorado Import and Export Co., Caguas, P. R.; effective 5–15–57 to 11–14–57; authorizing the employment of 55 learners for plant expansion purposes, in the occupations of: (1) millinery sewing and millinery assembling, each for a learning period of 480 hours at the rates of 45¢ an hour for the first 240 hours and 53¢ an hour for the remaining 240 hours; and (2) artificial flower manufacturing for a learning period of 240 hours at the rate of 45¢ an hour (women's millinery and artificial flower manufacturing).

Millers Dress Factory of P. R., Inc., Barceloneta, P. R.; effective 5–23–57 to 11–22–57; authorizing the employment of 60 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 45¢ an hour for the first 240 hours and 53¢ an hour for the remaining 240 hours (ladies' dresses).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9

Signed at Washington, D. C., this 11th day of June 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

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