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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

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

BIOLOGIST POSITIONS

In Federal Register Document 57-9696, filed November 21, 1957, the headline of § 24.71 should read "Wildlife Research Biologist, GS-486-5-15" rather than "Wildlife Research Biologist, GS-485-5-15".

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-413; Filed, Jan. 17, 1958; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.8]

PART 366—PAYMENT IN FULL

SUBPART B—SOIL AND WATER CONSERVATION ACCOUNTS

Subpart B of Part 366, Title 6, Code of Federal Regulations (20 F. R. 8139), is revised to read as follows:

- Sec.
366.21 General.
366.22 Payment in full of insured Soil and Water Conservation loan with borrower funds including refinancing and sale of farm.
366.23 Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a noninsured basis.
366.24 Payment in full of direct Soil and Water Conservation loan made pursuant to Public Law 597, 83d Congress.

AUTHORITY: § 366.21 to 366.24 issued under R. S. 161, sec. 6, 50 Stat. 870, sec. 10, 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w, 590x-3. Interpret or apply secs. 2, 5, 50 Stat. 869, as

amended, 870, secs. 9, 10, 68 Stat. 735; 16 U. S. C. 590s, 590v, 590x-2, 590x-3.

§ 366.21 *General.* This subpart prescribes the authorities, policies, and procedures for processing final payment on insured and direct Soil and Water Conservation loans made pursuant to the act of August 28, 1937, as amended by Public Law 597, 83d Congress. Final payments on direct Water Facilities loans coded J or 13 F will be handled in accordance with § 361.9 of this chapter.

(a) *Authority.* The County Supervisor is authorized to accept final payment on a Soil and Water Conservation loan and to execute the necessary satisfaction or release.

(1) The State Director, with the assistance of the Attorney in Charge, will issue a State Instruction regarding the satisfaction or release of Soil and Water Conservation mortgages. Form FHA-77, "Satisfaction," may be used when permitted by State statutes. If Form FHA-77 is not satisfactory, the State Director may develop a State form of satisfaction or release with the advice of the Attorney in Charge.

(2) If State law requires recording or filing of the satisfaction or release by the mortgagee, two copies of the satisfaction or release will be prepared and executed and the additional copy will be recorded or filed by the County Supervisor with the proper recording official.

(b) *Loan insurance charges when loan is repaid—(1) Repayment of the loan after borrower has used loan funds.* In all cases of final payment or refinancing of insured loan indebtedness when the borrower has had use of all or part of the loan funds, he will be required to pay the entire annual loan insurance charge computed for the year then current, if not already paid. This charge will be one percent of the unpaid principal amount due on the promissory note as of January 1 preceding the date final payment is made on the note account. For the purpose of computing this charge, the date final payment is made on the note account will be the date the funds for final payment or refinancing of the note account are received by the County Supervisor for transmittal to the Finance Office. In transactions where final payment or refinancing of the note

(Continued on next page)

CONTENTS

Agricultural Marketing Service	Page
Rules and regulations:	
Lemons grown in California and Arizona; limitation of handling.....	339
Oranges, grapefruit, tangerines and tangelos, grown in Florida; limitation of shipments (4 documents).....	336-338
Oranges, navel; grown in Arizona and designated part of California; limitation of handling (2 documents).....	335, 336
Agriculture Department	
See Agricultural Marketing Service; Commodity Stabilization Service; Farmers Home Administration.	
Alien Property Office	
Notices:	
Vested property; intention to return:	
Neffen, Traugott.....	353
Weigert, Helene, et al.....	354
Wiese, Franz Hubert Joseph, and Heinrich Carl Anton Joachim Wiese.....	354
Willers, Charles Raymond Paul, and Madame Lucienne Madeleine Paule Thurninger.....	354
Vesting order:	
Organization Bueroausruetungs G. M. B. H.....	353
Unknown national of Rumania.....	353
Atomic Energy Commission	
Notices:	
General Electric Co.; utilization facility license amended.....	349
Civil Aeronautics Board	
Notices:	
Currey Air Transport enforcement proceeding.....	350
Rules and regulations:	
Certificated air carriers; suspension of provisions regulating self-insurance accounting....	339
Civil Service Commission	
Rules and regulations:	
Biologist positions; formal education requirements.....	333
Commerce Department	
See Federal Maritime Board.	



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CONTENTS—Continued

	Page
Commodity Stabilization Service	
Rules and regulations:	
Cotton; upland, acreage allotments for 1958 crop; changes affecting Florida and North Carolina.....	335
Customs Bureau	
Notices:	
Standard Oil Co. of California; registration of house flag and funnel marks.....	348
Rules and regulations:	
Documentation of vessels; changes of masters and inspection of marine documents.....	339
Farmers Home Administration	
Rules and regulations:	
Soil and water conservation accounts; payment in full.....	333

CONTENTS—Continued

Federal Maritime Board	Page
Notices:	
Agreements filed for approval:	
Anchor Line, Ltd., et al.....	349
Jem Shipping Co., Inc., and Cia. Intercontinental de Navegacion de Cuba, S. A.....	349
Federal Power Commission	
Notices:	
Hearings, etc.:	
Gulf Oil Corp.....	350
Texas Gas Transmission Corp.....	350
Food and Drug Administration	
Proposed rule making:	
Pesticide chemicals in or on raw agricultural commodities; residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.....	348
Rules and regulations:	
Chlortetracycline (or tetracycline) and chlortetracycline (or tetracycline-) containing drugs; certification, tests, and methods of assay; miscellaneous amendments.....	340
Health, Education, and Welfare Department	
See Food and Drug Administration.	
Interior Department	
See Land Management Bureau.	
Internal Revenue Service	
Rules and regulations:	
Firearms and ammunition; interstate traffic.....	343
Interstate Commerce Commission	
Notices:	
Fourth section applications for relief.....	352
Justice Department	
See Alien Property Office.	
Land Management Bureau	
Notices:	
Louisiana; proposed withdrawal and reservation of certain lands.....	349
Rules and regulations:	
Arizona; public land order.....	347
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Indiana & Michigan Electric Co.....	351
Pennsylvania Electric Co.....	351
Southwestern Gas and Electric Co. and Central and South West Corp.....	352
Treasury Department	
See Customs Bureau; Internal Revenue Service.	
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.	
Title 5	Page
Chapter I:	
Part 24.....	333

CODIFICATION GUIDE—Con.

Title 6	Page
Chapter III:	
Part 366.....	333
Title 7	
Chapter VII:	
Part 722.....	335
Chapter IX:	
Part 914 (2 documents).....	335, 336
Part 933 (4 documents).....	336-338
Part 953.....	339
Title 14	
Chapter I:	
Part 241.....	339
Title 19	
Chapter I:	
Part 3.....	339
Title 21	
Chapter I:	
Part 120 (proposed).....	348
Part 141c.....	340
Part 146c.....	340
Title 26 (1954)	
Chapter I:	
Part 177.....	343
Title 43	
Chapter I:	
Appendix (Public land orders):	
317 (revoked in part by PLO 1575).....	347
922 (see PLO 1575).....	347
1575.....	347

account is accomplished by the exchange of promissory notes without funds being paid to the Farmers Home Administration, the date final payment is made on the note account will be considered to be the date the insured loan is refinanced. This will be the date entered in the space entitled "Date Final Payment Received" on Form FHA-993, "Notice of Receipt of Final Payment on Insured Loan."

(2) *Loan funds refunded in full after loan closing.* If an insured loan borrower decides to refund in full his Soil and Water Conservation loan, he will be required to pay a loan insurance charge from the date of loan closing to the date the U. S. Treasury check is remitted to the lender. In the event the borrower has prepaid his loan insurance charge, any overpayment will be refunded by the Finance Office unless the borrower has a delinquent loan account, in which case the overpayment will be applied to the delinquent loan account. (Interest will be charged on the note account from the date of loan closing to the date the U. S. Treasury check is remitted to the lender.)

§ 366.22 *Payment in full of insured Soil and Water Conservation loan with borrower funds including refinancing and sale of farm.* The funds for final payment in such cases will be processed through the Finance Office. When the borrower is ready to make his final payment, the County Supervisor will, upon receipt of Form FHA-835, from the Finance Office, compute the amount necessary to repay in full the note and loan insurance accounts.

(a) *Transmitting collections.* The County Supervisor will collect from the borrower the full amount, if any, owed

the loan insurance account and the balance of the principal and interest due on the note account. He will remit the collection to the Finance Office with Form FHA-37, "Receipt for Payments." Any overpayment will be refunded to the borrower by the Finance Office unless the borrower is delinquent on another loan account, in which case the overpayment will be applied to the delinquent loan account. On any advances made for the account of the borrower from the insurance fund, interest will be calculated to the date the final payment of the amount advanced is received by the County Supervisor.

(b) *Finance Office action*—(1) *Adjustment of records.* Upon receipt of the collection in the Finance Office, if the collection pays in full the outstanding balance of the loan insurance account to the date of the receipt issued to the borrower, and the outstanding balance of the note account to the date of the U. S. Treasury check to be issued to the holder, the Director, Finance Office, will satisfy the Finance Office records as a fully paid account.

(2) *Notice to holder.* The Finance Office will prepare and forward to the holder an original and one copy of Form FHA-993A, "Notice and Acknowledgment of Final Payment," for execution and return of the original to the appropriate County Supervisor.

(c) *County Office action.* Upon receipt from the holder of the canceled promissory note and the original of the completed form FHA-993A, an instrument of satisfaction or release, prepared by the County Supervisor, if needed, will be delivered to the borrower, mortgagee, purchaser, or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied mortgage will be delivered to the borrower. The County Supervisor will make proper distribution of any property insurance as prescribed in Part 306 of this chapter.

(d) *Escrow arrangements.* In any case in which the new lender or purchaser insist upon a satisfaction or release of the mortgage and cancellation of the note at the time of delivering the funds for payment of the Soil and Water Conservation loan in full, he will be advised that he may make his own escrow arrangements. All amounts owed by the borrower on the note and loan insurance accounts must be paid to the County Supervisor before or at the time the satisfaction or release is delivered to the escrow agent. The note held by the old lender may be delivered to the escrow agent at the time of delivery of the satisfaction or release to the escrow agent. The escrow agent may cancel the note after all funds owed on the note and loan insurance accounts are paid to the County Supervisor, and then forward the note to the borrower. No part of the expense for an escrow arrangement will be paid by the Government.

§ 366.23 *Payment in full of insured Soil and Water Conservation loan by refinancing with holder of insured note on a noninsured basis.* This section applies when final payment of an insured Soil and Water Conservation loan is to

be made by refinancing by the holder of the insured note on a noninsured basis. In such a case, final payment of the note account may be accomplished by exchanging a noninsured note for the insured promissory note. Since no funds are involved in final payment of the note account, only the amount, if any, owed the loan insurance account will be transmitted to the Finance Office.

(a) *Collection of loan insurance account.* When final payment of the note account of the insured borrower is to be accomplished by the above method, the County Supervisor, upon receipt of Form FHA-835 from the Finance Office, will collect from the borrower the full amount, if any, owed the loan insurance account. If Form FHA-835 shows an unpaid balance of any amount advanced from the insurance fund, the County Supervisor will compute the interest on such amount to the date he receives payment. He will remit the collection to the Finance Office.

(b) *Preparation of Form FHA-993.* The County Supervisor will complete the information in section I of Form FHA-993 with respect to the borrower, the amount of loan, and the date of note or bond. The original and two copies of the partially completed Form FHA-993 will be delivered to the holder. The County Supervisor will inform the holder of the outstanding balance of principal and interest on the insured note account as of the date of Form FHA-835 and the daily rate of accrual of interest. The County Supervisor will request that, if such amount is in agreement with the holder's records, the holder should insert the date the final payment is received (date insured loan is refinanced), execute the original and one copy of Form FHA-993, and return to the County Supervisor the executed original and copy of Form FHA-993, together with the canceled promissory note. The County Supervisor will send the executed original and copy of Form FHA-993 to the Finance Office.

(c) *Finance Office action.* Upon receipt of the executed original and copy of Form FHA-993, the Finance Office will determine if the full amount owed the insurance account has been paid, and, if paid, the Director, Finance Office, will sign section II of the original and copy of Form FHA-993. The executed copy of Form FHA-993 will be sent to the County Supervisor. The original of Form FHA-993 will be retained in the Finance Office. Finance Office records will be satisfied as a paid-in-full account.

(d) *County Office action.* After the Finance Office has determined that the full amount owed the insurance account has been paid and forwarded the completed copy of Form FHA-993 to the County Office, an instrument of satisfaction or release prepared by the County Supervisor, unless otherwise provided by State Instruction, will be delivered to the lender or the recorder of deeds and mortgages, as the case may require. The canceled promissory note and the satisfied real estate mortgage will be delivered to the borrower. Property insurance will be canceled in accordance with Part 306 of this chapter.

§ 366.24 *Payment in full of direct Soil and Water Conservation loan made pursuant to Public Law 597, 83d Congress.* Upon receipt of Form FHA-835 from the Finance Office, the County Supervisor will notify the borrower that he is prepared to accept final payment. After acceptance of payment in full, the County Supervisor will deliver the canceled note, any property insurance policies, and the original mortgage to the borrower. For all real estate loans, and when required for notes secured by chattel property, the original satisfaction or release will be executed and delivered for recording, if desired, in accordance with the State Instruction.

Dated: January 15, 1958.

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

[F. R. Doc. 58-416; Filed, Jan. 17, 1958;
8:51 a. m.]

TITLE 7—AGRICULTURE

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

[Amdt. 3]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1958 CROP OF UPLAND COTTON

MISCELLANEOUS AMENDMENTS

The above mentioned document, published January 8, 1958, should be changed as follows:

Under Florida, the State total should read 3,040.7 acres, instead of 3,041.3 acres.

Under North Carolina, the Catawba County acreage reserve should read 36.5 acres, instead of 35.5 acres.

[SEAL] E. D. BELL,
Acting Director,
Cotton Division,
Commodity Stabilization Service.

[F. R. Doc. 58-415; Filed, Jan. 17, 1958;
8:50 a. m.]

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

[Navel Orange Reg. 130, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information sub-

mitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) of § 914.430 (Navel Orange Regulation 130, 23 F. R. 210) are hereby amended to read as follows:

(i) District 1: 554,400 cartons.

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

Dated: January 14, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-395; Filed, Jan. 17, 1958; 8:46 a. m.]

[Navel Orange Reg. 131]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.431 *Navel Orange Regulation 131*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in

supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 16, 1958.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 19, 1958, and ending at 12:01 a. m., P. s. t., January 26, 1958, are hereby fixed as follows:

- (i) District 1: 508,200 cartons;
- (ii) District 2: 277,200 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 17, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-473; Filed, Jan. 17, 1958; 11:16 a. m.]

[Grapefruit Reg. 280]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGLOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.891 *Grapefruit Regulation 280*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tanglos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 15, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the

[Orange Reg. 333]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.892 *Orange Regulation 333—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 15, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., January 20, 1958, and ending at 12:01 a. m., e. s. t., February 3, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any pink seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 2;

(v) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Russet: *Provided*, That any grapefruit which grade U. S. No. 2 Russet, U. S. No. 2 or U. S. No. 2 Bright, may be shipped if such grapefruit meets the requirements as to form (shape) and color specified in the U. S. No. 1 grade;

(vi) Any white seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any pink seedless grapefruit, grown in the production area, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

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

Dated: January 16, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-448; Filed, Jan. 17, 1958; 9:24 a. m.]

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., January 20, 1958, and ending at 12:01 a. m., e. s. t., February 3, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U. S. No. 2;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2 $\frac{1}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 $\frac{1}{16}$ inches in diameter and smaller;

(iii) Any Temple oranges, grown in the production area, which do not grade at least U. S. No. 2 Russet; or

(iv) Any Temple oranges, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

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

Dated: January 16, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-447; Filed, Jan. 17, 1958; 9:24 a. m.]

[Tangelo Reg. 5]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.893 *Tangelo Regulation 5—* (a) *Findings.* (1) Pursuant to the market-

ing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 15, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges

and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., January 20, 1958, and ending at 12:01 a. m., e. s. t., February 3, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U. S. No. 2 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

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

Dated: January 16, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-446; Filed, Jan. 17, 1958; 9:24 a. m.]

[Tangerine Reg. 199]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.894 *Tangerine Regulation 199—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933; 22 F. R. 8511), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making

the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 15, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., January 20, 1958, and ending at 12:01 a. m., e. s. t., July 31, 1958, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that fail to meet the requirements of U. S. No. 2 Russet as to external defects;

(ii) Any tangerines, grown in the production area, that fail to meet the requirements of U. S. No. 3 as to internal defects; or

(iii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

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

Dated: January 16, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-445; Filed, Jan. 17, 1958; 9:24 a. m.]

[Lemon Reg. 722]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.829 *Lemon Regulation 722*—(a)

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 15, 1958.

(b) **Order.** (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., p. s. t., January 19, 1958, and ending at 12:01 a. m., p. s. t., January 26, 1958, are hereby fixed as follows:

- (i) District 1: 32,550 cartons;
- (ii) District 2: 181,350 cartons;

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

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

Dated: January 16, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-457; Filed, Jan. 17, 1958; 9:25 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-228]

PART 241—REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

SUSPENSION OF PROVISIONS REGULATING SELF-INSURANCE ACCOUNTING OF CERTIFICATED AIR CARRIERS; SPECIAL ECONOMIC REGULATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of January 1958.

The Uniform System of Accounts and Reports, effective January 1, 1957, in effect permits the annual accrual of self-insurance provisions through operating expense charges but requires that any difference between such accruals and actual uninsured losses in each annual period remaining in a special clearing account at the close of the year be credited or charged to income as a non-operating item. Under this prescribed practice reserves for self-insurance essentially represent, and are classified as, appropriations of retained earnings.

The prescribed practice rests upon the premise that self-insurance reserves as at any balance sheet date represent neither liabilities nor dissipation of assets and thus in conformance with the basic theory underlying all accounting, are properly classified as retained earnings and are not appropriately provided for through charges against income.

The suggestion has been made, however, that the self-insurance accounting practices prescribed in the Uniform System of Accounts and Reports are based upon a liquidating rather than a going concern concept regardless of the fact that general accounting practices are substantively cast primarily in the latter frame of reference. Moreover, it is not an uncommon practice in other regulated and unregulated industries to accrue, through income charges, reasonable provisions for uninsured losses.

One objective of the Uniform System of Accounts and Reports is to conform with the principle that all accounting transactions must fall within one of the only three basic asset, liability or net worth elements of the central accounting formula. At the same time, the Board does not intend to prohibit the accrual

of estimated liabilities of sufficiently recurrent measurable incidence as would justify recognition in the determination of current income.

In view of the foregoing it is found to be in the public interest to defer temporarily the self-insurance accounting provisions of Part 241 until further consideration can be given to a possible conflict between the broad accounting principles on which the regulations are based and the particular practices prescribed for self-insurance accounting in light of the characteristics of this industry.

Since this regulation will serve to liberalize the present provisions of Part 241 and will not subject any person to any burden, the Board finds that notice and public procedure thereon are unnecessary and not required by the public interest.

In consideration of the foregoing the Civil Aeronautics Board hereby suspends the effectiveness of Part 241 of the Economic Regulations (14 CFR Part 241), insofar, and only insofar, as it requires the transfer to profit and loss account 80 Over or Under Self-Insurance Accruals of any balance in account 2350 Self Insurance Accruals-Clearing, at the close of each year, until the further order of the Board. This suspension shall be effective retroactively to January 1, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply Sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 58-417; Filed, Jan. 17, 1958; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54517]

PART 3—DOCUMENTATION OF VESSELS

ENDORSEMENT OF NAMES OF MASTERS AND INSPECTION OF MARINE DOCUMENTS

Section 1 of the act of August 30, 1957 (Public Law 85-237, 85th Cong., 71 Stat. 517, 518; T. D. 54450) extends to certain vessels engaged in towing on inland waters of the United States privileges in endorsements of the names of persons as masters similar to those afforded to certain vessels navigating solely within a harbor and to some barges, scows, and other unrigged vessels not required by law to have certificates of inspection on board. Section 3.24 of the Customs Regulations is, therefore, amended by deleting the parenthetical matter at the end of paragraph (f) and by adding a new paragraph (g) to read as follows:

(g) The name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the license of any vessel engaged in towing from any port or place embraced within the coastwise laws of the United States to any other such port or place plying in whole or in part

on inland rivers, canals, waterways, sounds, gulfs, lakes, and harbors, not carrying passengers nor proceeding directly or indirectly to any foreign port or place or to any port or place in non-contiguous territory of the United States, although the person whose name is so endorsed may not be actually employed on that vessel. The same declaration shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against the masters of vessels. (Sec. 486, 46 Stat. 725, as amended, R. S. 4171, as amended, 4335, as amended; 19 U. S. C. 1486, 46 U. S. C. 40, 276.)

Section 2 of that act further amends section 4336 of the Revised Statutes of the United States (46 U. S. C. 277) to add, as an alternative to the present penalty against the master only, a penalty against the person in charge or command of the vessel for failure to exhibit the vessel document when required by an enforcement officer. In order to make it clear that a vessel master or other person in charge may not avoid this responsibility by leaving the document on deposit with a collector of customs, § 3.50 of the Customs Regulations is amended to read as follows:

§ 3.50 *Inspection of marine documents.* Whenever a vessel of the United States is in commission, its marine document shall be on board, shall be accessible to the master or other person in charge or command, and shall be produced to any customs officer upon demand, except when the document is in the custody of the collector for some required official purpose, or except in the case of a vessel within the purview of § 3.24 (e) and (f). (R. S. 4336, as amended; 46 U. S. C. 277.)

Footnote 37 is amended to read as follows:

"Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master or other person in charge or command of any such vessel shall not exhibit the same, when required by such officer, unless the vessel is one which by regulation of the Secretary of the Treasury is not required to have its register or enrollment or license or document in lieu thereof on board, such master or person in charge or command shall be liable to a penalty of \$100, unless the failure to do so is willful, in which case he shall be liable to a penalty of \$1,000 and to a fine of not more than \$1,000 or imprisonment for not more than one year, or both." (46 U. S. C. 277.)

(R. S. 161, sec. 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 46 U. S. C. 2. Interpret or apply R. S. 4335, as amended, 4336, as amended; 46 U. S. C. 276, 277)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: January 13, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-399; Filed, Jan. 17, 1958; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

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

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

TETRACYCLINE-TRIACETYLOLEANDOMYCIN; MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of chlortetracycline- and tetracycline- containing drugs (21 CFR Parts 141c, 146c; 21 CFR, 1956 Supp., 22 F. R. 759, 1037, 3111) are amended as indicated below:

1. Section 141c.231 is amended in the following respects:

a. The section headnote is changed to read: "§ 141c.231 *Capsules tetracycline and oleandomycin phosphate; capsules tetracycline and triacetyloleandomycin; capsules tetracycline hydrochloride and oleandomycin phosphate; capsules tetracycline hydrochloride and triacetyloleandomycin.*"

b. In paragraph (a) *Potency*, the headnote of subparagraph (1) is changed to read: "(1) *Tetracycline or tetracycline hydrochloride content by turbidimetric assay.*"

c. Paragraph (a) (1) (v) is changed to read as follows:

(v) *Estimation of potency.* Plot the average values for each concentration of the standard on arithmetic graph paper with absorbance values on the ordinate and tetracycline or tetracycline hydrochloride concentrations on the abscissa. Construct the best straightline through the points, either by inspection or by means of the following equations:

$$L = \frac{3a + 2b + c - e}{5}$$

$$H = \frac{3e + 2d + c - a}{5}$$

where

L = absorbance value for the lowest concentration of the standard curve.

H = absorbance value for the highest concentration of the standard curve.

a, b, c, d, e = average absorbance values for each concentration of the standard curve.

Plot the values obtained for L and H and connect the points with a straight line. Average the absorbance values for the sample and read the tetracycline or tetracycline hydrochloride concentration from the standard curve. Multiply the concentration by appropriate dilution

factors to obtain the tetracycline or tetracycline hydrochloride content of the sample. Its potency is satisfactory if it contains the equivalent of not less than 85 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

d. Paragraph (a) (2) is changed to read as follows:

(2) *Oleandomycin content.* (i) If oleandomycin phosphate is used, proceed as directed in paragraph (c) (1) of this section, except prepare the sample as follows: Dissolve the contents of a representative number of capsules in sufficient 0.1 M potassium phosphate buffer (pH 8.0) to give a stock solution of convenient concentration. Further dilute with 0.1 M potassium phosphate buffer (pH 8.0) to obtain a final concentration of 5.0 µg. of oleandomycin activity per milliliter (estimated).

(ii) If triacetyloleandomycin is used, proceed as follows: Dissolve the contents of a representative number of capsules in chloroform to give a stock solution of 1.0 milligram of oleandomycin activity per milliliter. Transfer 30 milliliters of the chloroform solution to a glass-stoppered test tube (200 millimeters x 22 millimeters) and add 20 milliliters of 1 N sodium hydroxide. Shake for 1 minute and centrifuge briefly to aid in the separation of the layers. With the aid of a syringe and needle, remove and discard the aqueous layer. Repeat the washing procedure with two more 20-milliliter portions of 1 N sodium hydroxide solution. Filter the chloroform layer through a pledget of cotton. Dilute an aliquot of this solution with chloroform to give a solution containing approximately 25 µg. of oleandomycin per milliliter. Transfer a 5.0 milliliter aliquot to a 40 milliliter glass-stoppered centrifuge tube, dilute to 20 milliliters with chloroform, and determine the oleandomycin content as directed in paragraph (d) (1) (i) of this section.

Its content of oleandomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

e. The headnote of paragraph (c) is amended to read as follows: "(c) *Oleandomycin phosphate used in making the capsules.*"

f. Section 141c.231 is further amended by adding a new paragraph (d) reading as follows:

(d) *Triacetyloleandomycin used in making the capsules—(1) Potency—(1) Chemical method—(a) Reagents and equipment. (1) Methyl orange reagent: Shake 0.5 M boric acid solution for about 12 hours (to insure saturation) with an excess of methyl orange indicator. An alternative method is to heat the mixture to about 50° C. and shake for about an hour. Then allow to cool. Filter the saturated dye solution and wash three times with chloroform. Store the dye solution over chloroform. (2) Acid-alcohol solution: Add 2 milliliters of concentrated sulfuric acid to 98 milliliters of absolute methyl alcohol.*

(3) Glycerin: Reagent grade.

(4) Centrifuge tubes: 40 milliliters, glass-stoppered.

(b) *Procedure.* Prepare a chloroform solution containing 50.0 milligrams activity of standard oleandomycin base in 200 milliliters of solution. Transfer 10.0 milliliters of the solution to a 100-milliliter volumetric flask and dilute to volume with chloroform. Transfer 2.0, 4.0, 6.0, and 8.0 milliliters of this solution to glass-stoppered centrifuge tubes (40-milliliter size) and dilute to a total volume of 20.0 milliliters each with chloroform. To the 20.0 milliliters of the solution present in each (40-milliliter size) centrifuge tube add 0.2 milliliter of glacial acetic acid, 0.20 milliliter of glycerin, and 0.40 milliliter of methyl orange reagent. Shake for 5 minutes and centrifuge for 3 minutes. Immediately transfer to another tube a 10.0-milliliter aliquot from the chloroform (lower) layer. Care must be exercised to see that no portion of the dye-glycerin-phase is included with the chloroform aliquot. Add 1.0 milliliter of acid-alcohol solution to this chloroform aliquot, mix well, and read the absorbance at 535 $m\mu$, using a 1-centimeter cell and a suitable photometer and using chloroform, similarly treated, as a blank. Prepare a standard curve, plotting the absorbance values of the standard solutions against the concentration expressed in micrograms per aliquot. Accurately weigh the sample to be tested to give 50 milligrams (estimated) of oleandomycin activity, dissolve in chloroform, and make to 200 milliliters with chloroform. Transfer 10.0 milliliters to a 100-milliliter volumetric flask and make to volume with chloroform. Transfer 5.0 milliliters to a glass-stoppered centrifuge tube and proceed as above. Determine the potency of the sample from the standard curve.

(i) *Microbiological assay.* Proceed as directed in paragraph (c) (1) of this section, except prepare the sample as follows: Estimate the potency at 250 μ g. per milligram. Dissolve sufficient sample in 80-percent isopropanol-water solution to give an estimated concentration of 1 milligram per milliliter. Further dilute in 0.1 M potassium phosphate buffer (pH 8.0) to give a final concentration of 5.0 μ g. per milliliter (estimated).

(2) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of five mice within the weight range of 18 grams to 25 grams, 0.5 milliliter of a suspension containing 200 milligrams per milliliter in normal saline solution. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with five unused mice weighing 20 grams (± 0.5 gram) each; if all animals survive the repeat test the sample is nontoxic.

(3) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a saturated aqueous-ethanol (1:1) solution prepared by adding 100 milligrams per milliliter.

(5) *Paper chromatograph method—*

(i) *Apparatus and reagents—*(a) Chromatographic chamber (cylinder glass-stoppered museum jar 11.5 inches x 3.5 inches).

(b) Chromatographic paper (8 inches x 8 inches Whatman No. 1).

(c) 0.1 N hydrochloric acid.

(d) Resolving solvent: Butyl acetate, benzene, nitromethane, pyridine (5:5:5:1 by volume).

(e) Spray reagent: 15 grams antimony trichloride per 100 milliliters of chloroform.

(ii) *Procedure.* Dissolve the sample in chloroform to give a solution containing 10 milligrams to 20 milligrams per milliliter. Prepare a sheet of chromatographic paper by drawing a line of origin parallel to and 1 inch from the edge of the paper. Wet the paper thoroughly with the 0.1 N hydrochloric acid and blot it firmly between sheets of absorbent paper. Starting 2 inches from the edge and at 1-inch intervals, apply 3 milliliters to 5 milliliters of the sample solutions to the starting line. Allow a few minutes for the paper to dry partially. While the paper is still damp, form a cylinder by bringing the outer edges together, allowing about 1-inch overlap, and secure with a paper clip. Stand the paper in the chromatographic chamber, which has been filled to a depth of $\frac{1}{2}$ -inch with the resolving solvent. After the solvent front rises to a height of 4 inches to 5 inches above the origin, remove the paper from the tank and hang it up to air dry. Spray the dried paper with the antimony trichloride reagent. Hang the paper in a 100° C. oven for 3 minutes. A purple spot becomes visible for triacetyloleandomycin at an R_f value of about 0.85. The approximate R_f values for diacetyloleandomycin, monoacetyloleandomycin, and oleandomycin are, respectively, 0.72, 0.27, and 0.13.

(6) *Acetyl determination—*(i) *Apparatus and reagents.* (a) One three-necked pyrex flask of approximately 45 milliliters capacity, pearshaped with T-joints, agar inlet tube, glass-stoppered funnel, glass condenser, and bubble counter.

(b) 50-milliliter Pyrex Erlenmeyer flask.

(c) 10-milliliter burette, calibrated in 0.02 milliliter.

(d) Anhydrous methanol, reagent grade.

(e) 2 N sodium hydroxide solution.

(f) Sulfuric acid solution prepared by adding 100 milliliters of concentrated H_2SO_4 to 200 milliliters of water.

(g) 1 N barium chloride solution.

(h) Phenolphthalein solution (1 percent in ethanol).

(i) Water-pumped nitrogen.

(j) NaOH solution, 0.015 N.

(ii) *Procedure.* Weigh accurately (to 0.01 milligram) approximately 30 milligrams of the sample into the three-necked acetyl flask. Add 2.0 milliliters of methanol to dissolve the sample, then add slowly with gentle swirling, 1.0 milliliter of NaOH solution. Connect the gas inlet tube with bubble counter attached, and adjust nitrogen flow to about two bubbles a second. Put glass-stoppered funnel in centerneck of acetyl flask and put about 5 milliliters of H_2O in the funnel. Add a boiling chip to the solution and attach condenser in the refluxing position with water cooling. Adjust burner flame under acetyl flask to reflux solution gently. Reflux for 30 minutes. Cool assembly slightly then rinse down condenser (still in reflux position) with a few milliliters of H_2O . Reassemble condenser to the distillation position and add water through the funnel to make a total of approximately 5 milliliters of H_2O added to acetyl flask. Adjust burner flame so that about 5 milliliters of H_2O and methanol is distilled over in approximately 10 minutes. Discard this distillate. Cool acetyl flask slightly. Acidify solution in flask by adding 1 milliliter of the sulfuric acid solution through the funnel. Adjust burner flame and distill over approximately 20 milliliters of distillate into an Erlenmeyer flask in about 20 minutes, adding water through the funnel as necessary. It is important to keep the liquid volume in the acetyl flask around 2 milliliters to 3 milliliters in order to obtain a quantitative recovery of the acetic acid. Collect a second fraction of distillate, about 10 milliliters in volume. As the second fraction is distilling, process the first fraction. Heat the first fraction and boil gently about 20 seconds. Add a few drops of $BaCl_2$ solution to check if any sulfate was distilled over. If the sulfate is present, discard and repeat the whole determination. If the sulfate is absent, immediately titrate the solution with the 0.015 N NaOH solution to a faint pink endpoint, using one drop of phenolphthalein solution as the indicator. Repeat the above procedure with the second fraction. If the second fraction requires less than 0.10 milliliter of the 0.015 N NaOH solution and all the acetic acid has been distilled over, the determination is completed. If greater than this, collect a third fraction of approximately 10 milliliters and titrate this as before. Total volumes of NaOH used and calculated results as follows:

$$\frac{\text{Milliliters of NaOH} \times N \text{ NaOH} \times 0.043 \times 100}{\text{Weight sample in grams}} = \text{Percent acetyl.}$$

2. Part 141c is amended by adding the following new section:

§ 141c.240 *Tetracycline - triacetyloleandomycin syrup (tetracycline-triacetyloleandomycin oral drops; tetracycline-triacetyloleandomycin homogenized mixture)—*(a) *Potency—*(1) *Tetracycline*

content. Proceed as directed in § 141c.231 (a) (1), except prepare the sample as follows: Transfer an appropriate sample (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and dilute to mark with 0.01 N HCl. Further dilute an aliquot of this solution with sufficient 0.1 M potas-

sium phosphate buffer (pH 4.5) to give a concentration of 0.24 μg . per milliliter (estimated). Its tetracycline content is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(2) *Triacetyloleandomycin content.* Proceed as directed in § 141c.231 (d) (1) (i), except prepare the sample as follows: Transfer an appropriate sample (usually from 1.0 milliliter to 5.0 milliliters) to a glass-stoppered test tube (200 millimeters x 22 millimeters). Add 30 milliliters of chloroform and 20 milliliters of 1.0 N sodium hydroxide. Shake for 1 minute and centrifuge briefly to aid in the separation of the layers. Using a syringe and needle, remove and discard the aqueous layer. Repeat the washing with two more 20-milliliter portions of the sodium hydroxide solution. Filter the chloroform layer through a cotton pledget. Dilute an aliquot of the chloroform solution with chloroform to give a concentration of 25 μg . of oleandomycin activity per milliliter (estimated). Transfer a 5.0-milliliter aliquot to a 40-milliliter glass-stoppered centrifuge tube. Dilute to 20 milliliters with chloroform. Its triacetyloleandomycin content is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of five mice, within the weight range of 18 grams to 25 grams, not less than 0.5 milliliter containing 12.5 milligrams of tetracycline. Dilute the preparation with sterile distilled water, if necessary, to contain the quantity of drug per 0.5 milliliter. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals dies within 48 hours, repeat the test with five unused mice weighing 20 grams (± 0.5 gram) each; if all animals survive the repeat test the sample is nontoxic.

(c) *pH.* Using the undiluted sample, proceed as directed in § 141a.5 (b) of this chapter.

3. In § 146c.204, the section headnote and paragraph (a) are amended to read as follows:

§ 146c.204 *Chlortetracycline hydrochloride capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules—(a) Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride capsules, tetracycline hydrochloride capsules, tetracycline capsules and tetracycline phosphate complex capsules are capsules composed of crystalline chlortetracycline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, with or without one or more suitable sulfonamides, analgesic substances, antihistaminics, and with or without one or more suitable and harmless vitamin substances, buffer substances, vegetable oils, preservatives, diluents, binders, lubricants, colorings, and flavorings and glucosamine hydrochloride, enclosed in a gelatin capsule. Each capsule shall contain not less than 50 milligrams of chlortetracycline hydro-

chloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, unless it is intended solely for veterinary use and is conspicuously so labeled. Its moisture content is not more than 2 percent if it contains chlortetracycline hydrochloride, not more than 3 percent if it contains tetracycline (not more than 9 percent if it contains sodium metaphosphate as a buffer substance), not more than 4 percent if it contains tetracycline hydrochloride, and not more than 9 percent if it contains tetracycline phosphate complex, except that in no case shall it be more than 3 percent if it contains vitamins. The chlortetracycline hydrochloride used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (2), (4), and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). The tetracycline used conforms to the requirements of § 146c.220 (a). The tetracycline phosphate complex used conforms to the requirements of § 146c.232. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

4. Section 146c.231 is amended to read as follows:

§ 146c.231 *Capsules tetracycline and oleandomycin phosphate; capsules tetracycline and triacetyloleandomycin; capsules tetracycline hydrochloride and oleandomycin phosphate; capsules tetracycline hydrochloride and triacetyloleandomycin—(a) Standards of identity, strength, quality, and purity.* Capsules tetracycline and oleandomycin phosphate, capsules tetracycline and triacetyloleandomycin, capsules tetracycline hydrochloride and oleandomycin phosphate, and capsules tetracycline hydrochloride and triacetyloleandomycin are capsules that conform to all requirements and procedures prescribed by § 146c.204 for tetracycline capsules and tetracycline hydrochloride capsules, except that:

(1) Each capsule contains not less than 30 milligrams of oleandomycin activity either as the phosphate salt or as triacetyloleandomycin. The oleandomycin phosphate or the triacetyloleandomycin used is the crystalline phosphate salt or the triacetyl ester of a kind of oleandomycin, produced by the growth of *Streptomyces antibioticus*. If oleandomycin phosphate is used, its potency is not less than 750 μg . per milligram; it is nontoxic; its moisture content is not more than 5.0 percent; its pH in a solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 6.0. If triacetyloleandomycin is used, its potency by chemical assay is not less than 760 μg . per milligram; by microbiological assay not less than 220 μg . per milligram and not more than 300 μg . per milligram. It is nontoxic; its moisture content is not more than 1.0 percent; its R_f value by paper chromatography is approximately 0.85. If more than one spot appears on the paper chromatogram, determine its acetyl value, which is not less than 15.3 percent

and not more than 16.0 percent; its pH in a saturated aqueous alcohol solution containing 100 milligrams per milliliter is not less than 7.0 and not more than 8.5.

(2) The moisture content of the capsule is not more than 5 percent.

(3) In addition to the labeling prescribed for tetracycline capsules, or tetracycline hydrochloride capsules, each package shall bear on its label and labeling the number of milligrams of oleandomycin activity in each capsule of the batch. The expiration date of the drug shall be 24 months.

(4) In addition to complying with the requirements of § 146c.204 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless previously submitted) the results and the date of the latest tests and assays of the oleandomycin phosphate or triacetyloleandomycin used in making the batch for potency, toxicity, moisture, pH, crystallinity, and R_f value and acetyl value if triacetyloleandomycin is used. He shall also submit in connection with his request (unless previously submitted) a sample consisting of 10 packages, each containing approximately equal portions or not less than 300 milligrams of the oleandomycin used in making the batch.

(b) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (a) (4) of this section shall be:

(1) \$4.00 for each immediate container of oleandomycin.

(2) \$5.00 for each immediate container of triacetyloleandomycin.

(3) \$1.00 for each capsule.

5. Part 146c is amended by adding the following new section thereto:

§ 146c.240 *Tetracycline-triacetyloleandomycin syrup (tetracycline-triacetyloleandomycin oral drops; tetracycline-triacetyloleandomycin homogenized mixture).* (a) Tetracycline-triacetyloleandomycin syrup conforms to all requirements and procedures prescribed by § 146c.217 for tetracycline syrup, except that:

(1) Each milliliter contains a quantity of triacetyloleandomycin equivalent to not less than 8.0 milligrams of oleandomycin activity, and a quantity of tetracycline equivalent to not less than 16.0 milligrams of tetracycline hydrochloride. The triacetyloleandomycin used conforms to the requirements of § 146c.231 (a) (1).

(2) It may contain glucosamine hydrochloride.

(3) Its pH is not less than 4.0 and not more than 7.0.

(4) In addition to the labeling prescribed for tetracycline syrup, each package shall bear on its label and labeling the number of milligrams of oleandomycin activity in each milliliter of the batch, and if it contains glucosamine hydrochloride, the name of that ingredient.

(5) In addition to complying with § 146c.217 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were pre-

viously submitted) the results and the date of the latest tests and assays of the triacetyloleandomycin used in making the batch for potency, toxicity, moisture, pH, crystallinity, *R_f* value, and acetyl value. He shall also submit in connection with his request a sample consisting of not less than 6 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the triacetyloleandomycin used in making the batch.

(b) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of paragraph (a) (5) of this section shall be:

(1) \$5.00 for each immediate container in the sample of the batch.

(2) \$5.00 for each immediate container in the sample of triacetyloleandomycin used in making the batch.

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: January 13, 1958.

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

[F. R. Doc. 58-393; Filed, Jan. 17, 1958; 8:45 a. m.]

**TITLE 26—INTERNAL REVENUE
1954**

**Chapter I—Internal Revenue Service,
Department of the Treasury**

**Subchapter E—Alcohol, Tobacco, and Other
Excise Taxes**

**PART 177—INTERSTATE TRAFFIC IN
FIREARMS AND AMMUNITION**

On May 3, 1957, notice of proposed rule making regarding the regulations under the Federal Firearms Act (U. S. C., Title 18, Chapter 18) was published in the FEDERAL REGISTER (22 F. R. 3153). On July 10, 1957, notice of hearing regarding the proposal to amend and reissue regulations relating to interstate traffic in firearms and ammunition (26 CFR Part 177) was published in the FEDERAL REGISTER (22 F. R. 4851). A public hearing regarding the proposals was held on August 27 and 28, 1957, for the purpose of receiving oral testimony. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

Sec. **Subpart A—Introductory**
177.1 Scope of regulations.
177.2 Effective date.

	Subpart B—Definitions
Sec. 177.10	Meaning of terms.
	Subpart C—Licenses
	PERSONS REQUIRED TO PROCURE LICENSES
177.20	General.
177.21	Manufacturer's license.
177.22	Dealer's license.
177.23	Importer.
177.24	Gunsmith.
	PERSONS NOT ENTITLED TO A LICENSE
177.25	Statutory restrictions.
	ISSUANCE OF A LICENSE
177.26	Application for an original license.
177.27	Application for renewal of license.
177.28	License fee.
177.29	Procedure by District Director.
177.30	Cancellation of license.
	SCOPE AND DURATION OF LICENSE
177.31	General.
177.32	License cannot be assigned or transferred.
177.33	Locations covered by license.
177.34	Removal of licensee.
177.35	Discontinuance of business.
177.36	State or other law.
177.37	License fee not refundable.
	SUSPENSION AND REVOCATION OF LICENSE
177.38	General.
177.39	Notice of suspension.
177.40	Continuing business during appeal period and during pendency of appeal taken from conviction.
177.41	Duration of suspension.
177.42	Renewal of license during pendency of appeal.
177.43	Revocation of license.
177.44	New license after revocation.
	Subpart D—Conduct of Business
177.50	Identification of firearms.
177.51	Firearms records.
177.52	Transactions between licensees.
177.53	Over-the-counter transactions.
177.54	Authority to examine records, etc.
177.55	Prohibited transactions.
177.56	Variations from requirements.
	Subpart E—Exemptions
177.70	General.
177.71	Bank, public carrier, express, or armored-truck company.
177.72	Research laboratory.
	Subpart F—Unlawful Acts
177.80	License to operate.
177.81	Transactions involving unlicensed operators.
177.82	Transactions in violation of State law.
177.83	Interstate deliveries to felons, etc.
177.84	Interstate transportation by felons, etc.
177.85	Receipt by felons, etc.
177.86	Interstate transportation of stolen firearms or ammunition.
177.87	Receipt, etc., of stolen firearms or ammunition.
177.88	Removal, etc., of manufacturer's serial number.
	Subpart G—Penalties, Seizures and Forfeitures
177.100	Penalties.
177.101	Seizure and forfeiture.
177.102	Disposition after forfeiture.

AUTHORITY: §§ 177.1 to 177.102 issued under sec. 7, 52 Stat. 1252; 15 U. S. C. 907. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—INTRODUCTORY
§ 177.1 *Scope of regulations—(a) In general.* The regulations contained in this part relate to the traffic in firearms

and ammunition under the Federal Firearms Act, as amended, and supersede Regulations 131 (26 CFR (1939) Part 315).

(b) *Procedural and substantive requirements covered.* This part contains the procedural and substantive requirements relative to:

(1) The licensing of manufacturers (including importers) of, and dealers in, firearms or ammunition;

(2) The conduct of business by licensees;

(3) The records required to be maintained by licensees;

(4) Interstate traffic in firearms and/or ammunition by persons specifically exempted from the provisions of the Federal Firearms Act; and to

(5) Prohibited acts generally.

(c) *Relation to other provisions of law.* The provisions of this part are in addition to, and not in lieu of, any other provision of law, or regulations, respecting traffic in firearms or ammunition. For regulations applicable to traffic in machineguns and certain other firearms, see Part 179 of this subchapter. For regulations applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war under section 414 of the Mutual Security Act of 1954, see 22 CFR Part 75.

§ 177.2 *Effective date.* The regulations contained in this part shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER. This part shall not affect any act done or any liability incurred, or right accruing or accrued, or any suit or proceeding had or commenced, before such effective date.

SUBPART B—DEFINITIONS

§ 177.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart as follows:

Act. Means the Federal Firearms Act. (U. S. C., Title 18, Chapter 18).

Ammunition. Means only pistol or revolver ammunition; however, no distinction is recognized between "new" and "reloaded" ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

Assistant Regional Commissioner. Means the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the Regional Commissioner of Internal Revenue.

Commissioner. Means the Commissioner of Internal Revenue.

Crime of violence. Means murder, manslaughter, rape, mayhem, kidnaping, robbery, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(Sec. 1, 52 Stat. 1250, as amended; 15 U. S. C. 901)

Dealer. Means any person engaged in the business of selling firearms or am-

munition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms. (15 U. S. C. 901 (5))

Director. Means the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

District. Means the internal revenue district under the jurisdiction of a District Director of Internal Revenue.

District Director. Means the District Director of Internal Revenue.

Firearm. Means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

Fugitive from justice. Means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(Sec. 1, 52 Stat. 1250, as amended; 15 U. S. C. 901)

Importation. Means the bringing of firearms, or ammunition or cartridge cases, primers, bullets, or propellant powder, within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), for purposes of sale or distribution.

Importer. Means any person who engages in the importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellant powder for purposes of sale or distribution.

Includes and including. When used in a definition or statement in this part shall not be deemed to exclude other things otherwise within the scope thereof.

Interstate or foreign commerce. Means (a) commerce between any State, Territory, or possession (not including the Canal Zone), or the District of Columbia, and any place outside thereof; (b) commerce between points within the same State, Territory, or possession (not including the Canal Zone), or the District of Columbia, but through any place outside thereof; or (c) commerce within any Territory or possession or the District of Columbia.

License. Means a license issued under authority of section 3 (b) of the act. (Sec. 3, 52 Stat. 1251; 15 U. S. C. 903)

License fee. Means the annual fee payable by a manufacturer of, or dealer in, firearms or ammunition.

Licensed dealer. Means a dealer licensed under section 3 of the act (15 U. S. C. 903).

Licensed manufacturer. Means a manufacturer or importer licensed under section 3 of the act (15 U. S. C. 903).

Manufacturer. Means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellant

powder, for purposes of sale or distribution.

Person. Includes an individual, partnership, association, or corporation.

Regional Commissioner. Means the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

Secretary. Means the Secretary of the Treasury.

United States. Means the States, Territories or possessions (except the Canal Zone) and the District of Columbia. For the purpose of the regulations in this part, a foreign trade zone established pursuant to the act of June 18, 1934 (48 Stat. 998) will have no special status but will be considered as an integral part of the United States.

SUBPART C—LICENSES

PERSONS REQUIRED TO PROCURE LICENSES

§ 177.20 **General.** Licensing requirements under the act are applicable to manufacturers, importers and dealers within the United States, or any Territory or possession (except the Canal Zone) under its control or jurisdiction, whose commercial operations include the transportation, shipment or receipt of firearms or ammunition in interstate or foreign commerce.

§ 177.21 **Manufacturer's license.** Any person engaged in the manufacture or importation of firearms (including any component part or appurtenance thereof) or ammunition or cartridge cases, primers, bullets, or propellant powder, for distribution at wholesale or retail, must obtain a Federal Firearms Act license as a manufacturer in order to lawfully transport, ship, or receive firearms or ammunition in interstate or foreign commerce. It is not necessary for a licensed manufacturer or importer to procure also a dealer's license. However, a person required to be licensed as a manufacturer does not comply with the provisions of the act respecting manufacturers merely by procuring a dealer's license.

§ 177.22 **Dealer's license.** Any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail; or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms, to firearms; or any person other than a licensed manufacturer engaged in the business of exporting firearms or ammunition, must obtain a Federal Firearms Act license as a dealer in order to lawfully transport, ship, or receive firearms or ammunition in interstate or foreign commerce.

§ 177.23 **Importer.** A person engaged in the importation of firearms or ammunition for sale or distribution is required to be licensed as a manufacturer even though he may not perform any manufacturing operations.

§ 177.24 **Gunsmith.** A person engaged in the business of repairing firearms, or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or

breech mechanisms to firearms, on an individual order basis, if not otherwise required to be licensed as a manufacturer, must be licensed as a dealer before he may lawfully transport, ship, or receive any firearm, including any part of such weapon, or ammunition in interstate or foreign commerce.

PERSONS NOT ENTITLED TO A LICENSE

§ 177.25 **Statutory restrictions.** A license shall not be issued to any person who is under indictment for, or has been convicted of a "crime of violence", or who is a "fugitive from justice", as defined in § 177.10. A license shall not be issued to any applicant within two years after the revocation of a previous license.

ISSUANCE OF A LICENSE

§ 177.26 **Application for an original license.** The application for an original license shall be made on Form 7 (Firearms), copies of which may be procured from any District Director of Internal Revenue. The application shall be filed with the District Director for the internal revenue district within which each place of business operated by the applicant is located. The application must contain all the information required by the form and must be accompanied by the appropriate license fee.

§ 177.27 **Application for renewal of license.** Prior to the expiration of a license, each licensee will receive a Form 8-A (Firearms) which should be executed and immediately returned with proper remittance to the District Director.

§ 177.28 **License fee.** In the case of a manufacturer (including importer) the license fee is \$25 per annum, and in the case of a dealer, the license fee is \$1 per annum.

§ 177.29 **Procedure by District Director.** Upon receipt of (a) a properly executed application for an original license on Form 7 (Firearms), or (b) a properly executed application for renewal of a license on Form 8-A (Firearms), accompanied by the required license fee, the District Director may make such inquiry as deemed necessary to determine the bona fides of the applicant. Upon determination that the applicant is lawfully entitled to a license, the District Director will issue such applicant a license on Form 8 (Firearms). Each license will bear an individual serial number and such number will be permanently assigned to the licensee to whom issued for so long as he maintains continuity of annual renewal.

§ 177.30 **Cancellation of license.** The District Director may cancel as null and void ab initio the license of any person shown by investigation and competent evidence to be or to have been in any one of the prohibited classes referred to in § 177.25, provided (a) the licensee is notified by registered mail, directed to his last known address, of the intention of the District Director to cancel the license, (b) such notification is accompanied by a statement of the reason or reasons for the proposed cancellation, and (c) the licensee is given an opportunity to show cause within 20 days after

such notification is mailed why the license should not be canceled. If the licensee fails so to show cause the license will be canceled and the licensee will be so notified by registered mail.

SCOPE AND DURATION OF LICENSE

§ 177.31 *General.* A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the act, for a period of one year from the date of issuance, subject, however, to suspension or revocation of the license at any time if the licensee is convicted of violation of any of the provisions of the act (see §§ 177.33 to 177.44), and to administrative cancellation of the license (see § 177.30). A license shall not be issued in any case for a period of less than one year.

§ 177.32 *License cannot be assigned or transferred.* A Federal Firearms Act license is not assignable or transferable under any circumstances and is valid only with respect to the operations of the person to whom issued.

§ 177.33 *Locations covered by license.* The license applies to the operations of the licensee at a specific location. Accordingly, a separate license must be obtained for each place at which the business of importing, manufacturing, selling, or distributing firearms or ammunition is conducted. However, no license is required to cover a separate warehouse used by a licensee solely for temporary storage of firearms or ammunition, provided appropriate records are maintained at the licensed premises served by such warehouse to show the receipt and disposition of such articles.

§ 177.34 *Removal of licensee.* A licensee may remove his business to a new location without procuring a new license. However, in every case, whether or not the removal is from one internal revenue district to another, prompt notification of the new location of the business must be given to:

- The District Director for the internal revenue district wherein the current license was originally issued;
- The District Director for the internal revenue district from which or within which the removal is made; and
- The District Director for the internal revenue district to which the removal is made.

In each instance the license must be submitted for endorsement to the District Director having jurisdiction over the internal revenue district to which removal is made. After endorsement of the license to show the new address, and the new license number, if any, the District Director will return the license to the licensee.

§ 177.35 *Discontinuance of business.* If a licensee permanently discontinues business, at any place of business, prompt notification thereof must be given to the District Director for the internal revenue district in which such business is discontinued. (See also § 177.51.)

§ 177.36 *State or other law.* The license confers no right or privilege to

conduct business contrary to State law or other law. The holder of a license is not, by reason of such license, immune from punishment for dealing in firearms or ammunition in violation of the provisions of any State law or other law. Similarly, compliance with the provisions of any other law affords no immunity under the act.

§ 177.37 *License fee not refundable.* No refund of any part of the amount paid as a license fee shall be made where, for any reason, a licensee discontinues operations prior to the expiration of the period covered by the license. No refund shall be made if the license is suspended or revoked because of violation by the licensee of any provision of the act.

SUSPENSION AND REVOCATION OF LICENSE

§ 177.38 *General.* Section 3 (c) of the act (15 U. S. C. 903 (c)) provides that whenever any licensee is convicted of a violation of any of the provisions of the act, it shall be the duty of the clerk of the court to notify the Secretary of the Treasury within forty-eight hours after such conviction, and that the Secretary shall suspend the license during the period of appeal, if an appeal is noted, unless the required \$1,000.00 bond is furnished by the licensee and he otherwise qualifies for continuance in business during the pendency of the appeal, and shall revoke the license if no appeal is noted or the conviction is not reversed on appeal. Accordingly, the Director, pursuant to the authority delegated to him to administer and enforce the act will proceed as provided in §§ 177.39 through 177.44, when notification of conviction of a licensee is received by him from the Secretary or otherwise.

§ 177.39 *Notice of suspension.* Upon receipt by the Director of notice of the conviction of a licensee of violation of any provision of the act, the Director shall immediately notify the licensee, by registered letter addressed to his last known address, that pursuant to requirements of the law his license stands suspended during the period in which an appeal from the conviction can be taken, and that if an appeal is taken within the required time the license will stand suspended until final action on the appeal. The licensee will also be notified by the Director that if no appeal from the conviction is taken within the required appeal time, or if upon timely appeal the conviction is not reversed, the license will be revoked. The licensee will also be notified by the Director that if he desires to continue in business during any period of suspension of the license he may do so only upon compliance with § 177.40.

§ 177.40 *Continuing business during appeal period and during pendency of appeal taken from conviction—(a) Application.* A licensee whose license is suspended on account of a conviction of violation of any provision of the act and who desires permission to continue in business during the appeal period and during the pendency of an appeal from such conviction shall file an application with the Director for such permission. The application shall be submitted under

oath or be verified by a written declaration that it is made under penalties of perjury and fully set forth the grounds on which the application is based. The application shall be accompanied by a bond, running to the United States, in the penal sum of \$1,000. The condition of the bond shall be that, until final disposition of the appeal, the licensee will comply in every respect with all the provisions of the act. As soon as possible after the receipt of the application and bond, the Director shall notify the applicant that, by direction of the Secretary, his application has been granted or denied, as the case may be.

(b) *Denial of application.* An application for permission to continue in business during the appeal period and during the pendency of an appeal from a conviction of violation of any provision of the act shall not be granted if on the facts of the case the applicant would not then be entitled to a license were he applying for a license (see § 177.25).

§ 177.41 *Duration of suspension.* In every case, the suspension of a license shall remain in effect until final action is taken upon the application, if made, for permission to continue in business during the appeal period and during the pendency of an appeal from the conviction. If such application is granted, the suspension is set aside until expiration of the appeal period without appeal being taken, thus necessitating revocation of the license; or, if an appeal is taken, until final action upon the appeal, at which time the case will be disposed of according to the outcome of the appeal.

§ 177.42 *Renewal of license during pendency of appeal.* The granting of an application to continue in business, as provided in § 177.40, does not extend the term of the license. If a license expires in the meantime, the licensee must procure a new license if he desires to continue to transport, ship, or receive firearms or ammunition in interstate or foreign commerce. The new license shall stand in place of, and be subject to the same conditions as, the old license, and the new license shall be subject to revocation if the conviction is not set aside.

§ 177.43 *Revocation of license.* If upon appeal the conviction of a licensee of violation of any provisions of the act is not set aside, or if no appeal is filed, his license shall be immediately revoked pursuant to the provisions of section 3 (c) of the act and the Director shall immediately notify such person thereof by registered letter addressed to his last known address.

§ 177.44 *New license after revocation.* A person whose license has been revoked for violation of any provision of the act may, if otherwise entitled to a license (see § 177.25), again be licensed to transport, ship, or receive firearms or ammunition in interstate or foreign commerce, but not until the expiration of two years from the date of the revocation of the previous license. In such case, the application for the new license shall be filed with the District Director in

accordance with the provisions of § 177.26.

SUBPART D—CONDUCT OF BUSINESS

§ 177.50 *Identification of firearms.* Each licensed manufacturer and importer of a firearm produced on and after July 1, 1958, shall identify it by stamping (impressing), or otherwise conspicuously placing or causing to be stamped (impressed) or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name of the manufacturer or importer, and the serial number, caliber, and model of the firearm. However, where imported firearms are identified by the foreign manufacturer in a manner prescribed in the foregoing sentence, additional stamping will not be required if the information prescribed by this section appears. However, individual serial numbers and model designation will not be required on any shotgun or .22 caliber rifle unless such shotgun or rifle also is subject to the provisions of the National Firearms Act.

§ 177.51 *Firearms records.* Each licensed manufacturer or dealer shall maintain complete and adequate records reflecting the production or receipt (whether by importation, acquisition from other licensees, or otherwise), and the disposition, at wholesale or retail, of all firearms (including firearms in an un-assembled condition, but not including miscellaneous parts thereof) physically or constructively received or disposed of in the course of his business. Entries in

such records shall be posted at the time of each transaction, or in each instance not later than the close of business on the day next succeeding the day on which the transaction occurs. The records prescribed by this section shall be in permanent form, and shall be retained on the business premises for a period of not less than 10 years from the date the transaction occurs or until discontinuance of business by the licensee. Where the business is discontinued and succeeded by a new licensee, the records will appropriately reflect such facts and will be delivered to the successor. Where discontinuance of the business is absolute, the records will appropriately reflect that fact and should be delivered to the Director for disposition. The records will show and include:

(a) A full and adequate description of each firearm, including (1) the manufacturer thereof; (2) the manufacturer's serial number stamped thereon; (3) the caliber or gauge of the firearm; (4) the model and type of firearm; and

(b) The name and address of each person from whom each firearm (if not the manufacturer's own product) was received together with the date of acquisition; and

(c) The disposition made of each firearm including the name and address of the person to whom sold and the date of disposition.

Except as hereinafter provided, the prescribed format for the firearms record is as follows:

A B C FIREARMS COMPANY, 123 FOURTH STREET, BALTIMORE, MD.

Manufacturer of Firearms—Federal Firearms Act License No. 88-1

Description of firearm					Receipt		Disposition	
Manufacturer	Serial No.	Caliber or gauge	Model	Type	Date	From whom (name and address or FFA license No.)	Date	To whom (name and address or FFA license No.)

Nothing contained in this section shall be construed to preclude the utilization of complete and adequate commercial invoices, or comparable business machine methods of recording transactions, in lieu of records in the format prescribed, or to prevent the microfilming of records for retention purposes; provided, all the information required by this section is included in said invoices, etc., and is readily available upon appropriate request.

§ 177.52 *Transactions between licensees.* Where firearms are transferred between licensees, the Federal Firearms Act license number of the transferor or the transferee, as the case may be, may be entered in the records in lieu of the exact name and address of such transferor or transferee.

§ 177.53 *Over-the-counter transactions.* The purchase or sale of any firearm by a licensee under the Federal Firearms Act is subject to all applicable Federal requirements. Accordingly, complete and accurate information re-

garding the purchase or sale of any firearm in an over-the-counter transaction by a Federal Firearms Act licensee shall be duly recorded in the records prescribed by this subpart. (See also § 177.36.)

§ 177.54 *Authority to examine records, etc.* All records required to be kept under the provisions of this part, and all firearms required to be shown in such records, shall be subject to inspection by internal revenue officers during regular business hours or, if regular business hours are not maintained, upon demand during the daytime.

§ 177.55 *Prohibited transactions.* To avoid transactions in violation of the Federal Firearms Act, licensees should be guided by the provisions of Subpart F of this part.

§ 177.56 *Variations from requirements.* Upon application by a licensed manufacturer or dealer the Director may approve methods and procedures other than those provided for by this part where it is shown that variations from

the requirements are necessary, will not hinder the effective administration of this part, and is not contrary to any provision of law.

SUBPART E—EXEMPTIONS

§ 177.70 *General.* The provisions of the act do not apply:

(a) With respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of—

(1) The United States or any department, independent establishment, or agency thereof;

(2) Any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof;

(3) Any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof;

(4) Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, provided exemption is granted as prescribed in § 177.71; and

(5) Any research laboratory designated under § 177.72 and granted exemption thereunder; or

(b) With respect to:

(1) The transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces; and

(2) Shipment of firearms and ammunition to institutions, organizations, or persons to whom such firearms and ammunition may be lawfully delivered by the Secretary of the Army, or the Secretary of the Air Force, and the transportation of such firearms and ammunition by their lawful possessors while they are engaged in military training or in competitions.

§ 177.71 *Bank, public carrier, express, or armored-truck company.* Any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables, may procure an exemption upon application to the District Director for each district within which a place of business is located. Such application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and show the character of the business of the applicant and the purposes for which the exemption is requested. If the application and the purposes stated are bona fide, the exemption shall be granted. In all cases, as soon as possible after the receipt of the application, the District Director shall notify the applicant by letter that, by direction of the Secretary, the exemption is granted or denied, as the case may be.

§ 177.72 *Research laboratory.* A research laboratory desiring to procure an exemption under this subpart shall file an application with the Director. The application shall be submitted under oath or be verified by a written declaration that it is made under penalties of perjury and shall show (a) by whom

and the purpose for which the laboratory was organized, (b) the source of the funds expended for the maintenance and operations of the laboratory, (c) the services performed by, and the operations of, the laboratory, and (d) the purposes for which the exemption is requested. The Director shall notify the applicant that, by direction of the Secretary, the application is granted, or denied, as the case may be.

SUBPART F—UNLAWFUL ACTS

§ 177.80 *License to operate.* It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.81 *Transactions involving unlicensed operators.* It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of section 2 (a) of the act (15 U. S. C. 902 (a)), knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of said section.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.82 *Transactions in violation of State law.* It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a (State) license be obtained for the purchase of such firearm, unless such (State) license is exhibited to such manufacturer or dealer by the prospective purchaser.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.83 *Interstate deliveries to felons, etc.* It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions, or the District of Columbia of a crime of violence or is a fugitive from justice.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.84 *Interstate transportation by felons, etc.* It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.85 *Receipt by felons, etc.* It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive from justice to receive any firearm or ammunition

which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of the act.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.86 *Interstate transportation of stolen firearms or ammunition.* It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.87 *Receipt, etc., of stolen firearms or ammunition.* It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

§ 177.88 *Removal, etc., of manufacturer's serial number.* It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of the act.

(Sec. 2, 52 Stat. 1250, as amended; 15 U. S. C. 902)

SUBPART G—PENALTIES, SEIZURES AND FORFEITURES

§ 177.100 *Penalties.* Section 5 (a) of the act (15 U. S. C. 905 (a)), provides certain penalties for violation of the provisions of the act or the regulations in this part, and for knowingly making any false statement in applying for a license or exemption. With respect to transactions and dealings declared unlawful and in violation of the act, see section 2 of the act (15 U. S. C. 902).

§ 177.101 *Seizure and forfeiture.* Pursuant to section 5 (b) of the act (15 U. S. C. 905 (b)), any firearm or ammunition involved in any violation of the act or of the regulations in this part is subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms as defined in section 5848 of such Code, so far as applicable, extend to seizures and forfeitures incurred under the provisions of the act.

§ 177.102 *Disposition after forfeiture.* Any firearm or ammunition forfeited by reason of a violation of the act or any

rules or regulations promulgated thereunder, the forfeiture of which firearm or ammunition has not been remitted or mitigated, shall be delivered to the Administrator of General Services, General Services Administration, for use or disposition as provided by law (63 Stat. 377).

[SEAL]

O. GORDON DELK,
Acting Commissioner of
Internal Revenue.

Approved: January 14, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[P. R. Doc. 58-400; Filed, Jan. 17, 1958;
8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1575]

[2056920]

ARIZONA

PARTIALLY REVOKING PUBLIC LAND ORDER NO.
317 OF APRIL 15, 1946, AS AMENDED

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 317 of April 15, 1946, as amended, by Public Land Order No. 922 of October 20, 1953, which withdrew public lands in Arizona for development under the small tract law, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 26, S $\frac{1}{2}$;
Sec. 28, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$.
T. 15 S., R. 12 E.,
Sec. 4, Lots, 3, 4 and S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 5, Lots, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 7, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$.

The areas described aggregate 1802.43 acres.

2. The lands are located near Tucson, Arizona. The soil is of a gravelly loam character with many rocky outcroppings. The vegetation is typical of the southwestern desert region.

3. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights, the provisions of Paragraph 7, *infra*, and the requirements of applicable law, the lands are hereby opened to filing of ap-

plications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on February 19, 1958, will be considered as simultaneously filed at that hour. Rights under such preference right ap-

plications filed after that hour and before 10:00 a. m. on May 21, 1958, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on May 21, 1958, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on May 21, 1958.

6. Persons claiming veterans preference rights must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. This revocation is in part made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g), by which certain offered lands will benefit a Federal land program. This restoration, therefore, is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others, so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 26, S $\frac{1}{2}$.

T. 15 S., R. 12 E.,
Sec. 4, Lots 3, 4 and S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 7, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 8, SW $\frac{1}{4}$.

The areas described aggregate 721.66 acres.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ROGER C. ERNST,
Assistant Secretary
of the Interior.

JANUARY 14, 1958.

[F. R. Doc. 58-401; Filed, Jan. 17, 1958;
8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

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

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF O,O-DIETHYL O-(2-ISOPROPYL-4-METHYL-6-PYRIMIDINYL) PHOSPHOROTHIOATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, Saw Mill River Road, Ardsley, N. Y., proposing the establishment of a tolerance of 0.75 part per million for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on each of the following raw agricultural commodities: Apricots, beet tops, celery, citrus fruits, grapes, lettuce, nectarines, peaches, peppers, plums (fresh prunes), spinach, strawberries.

The analytical methods proposed in the petition for determining residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-

pyrimidinyl) phosphorothioate are those cited in the notice of filing of petition published in the FEDERAL REGISTER of March 21, 1957 (22 F. R. 1889) and for citrus fruits a method in which the pesticide chemical is hydrolyzed to 2-isopropyl-6-methyl-4-pyrimidinol, extraneous material extractively removed, and the pyrimidinol isolated and determined by its absorption at 272 m μ .

Dated: January 14, 1958.

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

[F. R. Doc. 58-394; Filed, Jan. 17, 1958;
8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54516]

STANDARD OIL CO. OF CALIFORNIA

REGISTRATION OF HOUSE FLAG AND FUNNEL MARKS

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81 (a), Customs Regulations (19 CFR 3.81 (a)), has registered the house flag and funnel marks

of the Standard Oil Company of California as described below:

(a) *House flag.* The house flag is rectangular in shape; the hoist is 4 feet in height; the fly is 6 feet. The flag is blue in color with a white edge or canton next to the hoist. Superimposed on the flag is a white circle in which is centered a three-striped red, white and blue (from bottom to top) Chevron pointing to the bottom of the flag. The proportionate dimensions (the height of the hoist, 4 feet, being equal in proportion to the

figure 1.0) are: Hoist, 1.0; fly, 1.47; canton, 0.03; diameter of circle, 0.75; width of each stripe in Chevron, 0.145; distance between top of circle and top of flag, 0.145; distance between bottom of circle and bottom of flag, 0.145. The distance from the midpoint of the "V" in the Chevron to the end of each stripe is twice the width of a stripe.

(b) *Funnel marks.* The dimensions stated below are for a T-2 type tanker funnel. This type of funnel is 24 feet high. On funnels of a larger size, the Chevron and circle would be in the same

proportion to the funnel. The funnel mark consists of a white circle on a black funnel in which is centered a three-striped red, white, and blue (from bottom to top) Chevron pointing to the base of the stack. The proportionate dimensions (24 feet being equal in proportion to the figure 1.0 are: Height of funnel, 1.0; diameter of funnel, 0.74; diameter of circle, 0.42; outer edge of each side of circle is 0.16 from each edge of funnel; top of circle to collar of funnel, 0.15; bottom of circle to bottom of funnel, 0.43.

Colored drawings of the house flag and funnel marks described above are on file with the Federal Register Division.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 58-398; Filed, Jan. 17, 1958;
8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ANCHOR LINE LTD. ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

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

Agreement No. 8400 between Anchor Line Limited, The Bristol City Line of Steamships Ltd., Canadian Pacific Railway Company, et al., provides for the creation of a conference to be known as the United Kingdom-United States Great Lakes Westbound Freight Conference, for the establishment and maintenance of agreed rates, charges and practices in connection with the transportation of cargo in the trade from Great Britain, Northern Ireland and Eire to Great Lakes ports of the United States.

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

Dated: January 15, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-406; Filed, Jan. 17, 1958;
8:49 a. m.]

JEM SHIPPING CO., INC., AND CIA. INTERCONTINENTAL DE NAVEGACION DE CUBA, S. A.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to

No. 13—3

section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8269, between Jem Shipping Company, Inc., and Cia. Intercontinental de Navegacion de Cuba, S. A., covers the establishment and maintenance of a joint cargo service, under the trade name "Inco Lines", in the trade between ports of the United States and ports in South America, Central America, West Indies, and the islands of the Caribbean, and the Atlantic islands adjacent thereto.

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

Dated: January 15, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-405; Filed, Jan. 17, 1958;
8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

LOUISIANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF CERTAIN LANDS

JANUARY 14, 1958.

The Office of the Corps of Engineers, Department of the Army, Washington 25, D. C., has filed an application, BLM 045426 (601.1 Louisiana Ordnance Plant, La., ENGLP), for the withdrawal of the acquired lands hereafter described, from the mineral leasing laws, insofar as it relates to the oil and gas therein, subject to valid existing rights. These minerals are reserved under the Act of July 17, 1914 (38 Stat. 509).

The lands are an integral part of the Louisiana Ordnance Plant presently used for the manufacturing and storing of explosives.

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 Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a 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 land involved in the application is:

LOUISIANA MERIDIAN, LOUISIANA
(WEBSTER PARISH)

T. 18 N., R. 10 W.,
Sec. 8, W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 119.16 acres.

H. K. SCHOLL,
Manager.

[F. R. Doc. 58-390; Filed, Jan. 17, 1958;
8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

AMENDMENT OF UTILIZATION FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the following amendment (No. 2) to License DPR-1 authorizing General Electric Company to operate its developmental boiling water reactor located at the Company's Vallecitos Atomic Laboratory near Pleasanton, California, at thermal power levels up to and including 30,000 kilowatts. The Commission has found that prior public notice of proposed issuance of this amendment is not required in the public interest since the modified operating limitations authorized in the amendment do not present substantial questions affecting health and safety which were not resolved in connection with the licensee's application for the original license. In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervenor within 30 days after the issuance of the license amendment. Further details, including a hazards analysis by the AEC Staff in this matter, may be obtained by examination of Docket No. 50-18 on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 9th day of January 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director.

Division of Licensing and Regulation.

[License No. DPR-1; Amdt. 2]

On November 12, 1957, General Electric Company filed Amendment No. 12 to its application for license to operate its developmental boiling water reactor located at the Company's Vallecitos Atomic Laboratory near Pleasanton, California. The amendment requested that License DPR-1 be amended to authorize operation of the reactor at a maximum thermal power level of 30,000 kilowatts and an average operating power during any twenty-four hour period of not to exceed 20,000 thermal kilowatts.

Paragraph 4a (3) of License No. DPR-1 issued to General Electric Company on August 31, 1957, as amended on October 4, 1957, reading as follows: "GE shall not operate the facility at thermal power levels in excess of 20,000 kilowatts."

is hereby amended to read as follows:

GE shall not operate the facility at thermal power levels in excess of 30,000 kilowatts nor at an average operating power during any twenty-four hour period in excess of 20,000 thermal kilowatts. The procedure for the initial increase from 20,000-kilowatt opera-

tion to 30,000-kilowatt operation shall be accomplished by a gradual increase in both the steam flow and reactor power, i. e., an increase which proceeds slowly from one power level to another not far removed, with sufficient time between the step-wise increases to observe and interpret information from the instruments concerning reactor behavior. If any instability occurs, no further increases in power are to be made.

The Atomic Energy Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not be inimical to the common defense and security or to the health and safety of the public.

Date of Issuance:

For the Atomic Energy Commission.

H. L. PRICE,
Director,

Division of Licensing and Regulation.

[F. R. Doc. 58-414; Filed, Jan. 17, 1958;
8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8130]

CURREY AIR TRANSPORT ENFORCEMENT PROCEEDING

NOTICE OF FURTHER HEARING

Notice is hereby given that the record in the above-indicated proceeding is reopened and that further hearing will be held February 3, 1958, at 10 a. m., in Room 5835, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., January 14, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-418; Filed, Jan. 17, 1958;
8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13229]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 14, 1958.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation, with its principal place of business at Owensboro, Kentucky, filed on September 6, 1957, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing (1) redelivery of 539,968 Mcf of gas (at 14.73 psia) to Arkansas Louisiana Gas Company, and (2) operation and maintenance of an existing interconnection between Texas Gas and Arkansas Louisiana located at Arkansas Louisiana's Sligo Gasoline Plant, Bossier Parish, Louisiana, as a permanent emergency exchange facility, all as more fully described in its application which is on file with the Commission and open to public inspection.

The application states that the two 16-inch lines of Applicant's Red River crossing near Lucas, Louisiana, failed in mid-June 1957, preventing Texas Gas

from receiving substantial quantities of gas which it customarily buys from two Carthage Field, Panola County, Texas, gasoline plants, the Carthage Corporation and the Chicago Corporation, now the Champlin Oil & Refining Company.

Through emergency exchange agreements, Texas Gas was able to make exchanges of gas with Arkansas Louisiana Gas Company, Texas Eastern Transmission Corporation, Tennessee Gas Transmission Company and United Gas Pipe Line Company, thereby enabling Texas Gas to take minimum contract quantities of gas from the above named plants. All exchanges of natural gas were completed prior to August 6, 1957, with the exception of 539,968 Mcf (at 14.73 psia) to be returned to Arkansas Louisiana at the tailgate of the Carthage Corporation Plant, beginning January 1958.

The temporary exchange agreement between Applicant and Arkansas Louisiana, dated June 21, 1957 (filed by Applicant as its Rate Schedule X-9 on July 11, 1957); *Provided*, That (1) Arkansas Louisiana would deliver to Applicant up to 35,000 Mcf per day at its Sligo Gasoline Plant, located east of the Red River, during the period of the emergency; (2) simultaneously with such delivery, Applicant would deliver 20,000 Mcf per day to Arkansas Louisiana at the tailgate of the Carthage Corporation Plant; and (3), upon notice from Arkansas Louisiana, Applicant would deliver 15,000 Mcf per day to Arkansas Louisiana at the Carthage Corporation Plant on consecutive days beginning in January 1958, until the accounts have been finally balanced.

During the term of the emergency, Arkansas Louisiana delivered to Applicant a total of 1,320,062 Mcf (at 14.73 psia), and Applicant delivered to Arkansas Louisiana a total of 780,094 Mcf (at 14.73 psia). Deliveries ceased at the termination of the emergency on August 5, 1957.

Applicant now seeks authority to redeliver the remaining 539,968 Mcf of gas to Arkansas Louisiana beginning on a date to be designated by Arkansas Louisiana in January 1958, and continuing for approximately 36 days, all in accordance with Applicant's Rate Schedule X-9.¹

It further appears that in order to receive up to 35,000 Mcf per day from Arkansas Louisiana, as provided in the temporary exchange agreement filed as Applicant's Rate Schedule X-9, Applicant installed a 6-inch side valve on its 20-inch line near its Houghton Compressor Station, Bossier Parish, Louisiana, and 660 feet of 8 $\frac{1}{2}$ inch O. D. pipeline from such side valve to a point in the yard of Arkansas Louisiana's Sligo Gasoline Plant, also located in Bossier Parish, Louisiana. The facilities installed cost approximately \$7,200. Applicant requests authority to operate and maintain these facilities as a permanent

¹The Commission's emergency rule (§ 157.22) was invoked for these exchanges, but that rule may be used for only a single 60-day period. Since the proposed redelivery is beyond the 60-day period, Applicant filed the instant application.

interconnection for emergency deliveries in the future. The application indicates that retention of such exchange facilities will give both companies greater flexibility and reliability of operation and permit ready exchanges of natural gas in emergency periods.

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 February 18, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a 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 February 7, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-391; Filed, Jan. 17, 1958;
8:45 a. m.]

[Docket No. G-13445]

GULF OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 14, 1958.

Take notice that on October 14, 1957, Gulf Oil Corporation (Gulf), an independent producer of natural gas, filed in Docket No. G-13445 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of an additional 40,000 Mcf of residue natural gas per day to El Paso Natural Gas Company from Gulf's Waddell Gasoline Plant in Crane County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that additional capacity at Waddell Plant will become operative in January 1958, making this additional supply available.

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 February 13, 1958, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a 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 January 31, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-392; Filed, Jan. 17, 1958; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3658]

INDIANA & MICHIGAN ELECTRIC CO.

NOTICE OF FILING OF APPLICATION REGARDING THE ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF BONDS

JANUARY 13, 1958.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"), a public-utility subsidiary of American Gas and Electric Company ("American"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b) and 12 (c) of the act and Rules U-50 and U-42 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application on file in the offices of the Commission for a statement of the proposed transactions which are summarized as follows:

Indiana proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$25,000,000 principal amount of First Mortgage Bonds ("New Bonds"), -- percent Series, to be dated February 1, 1958, and to mature February 1, 1988. The interest rate on the New Bonds (which shall be a multiple of 1/8 of 1 percent) and the price, exclusive of accrued interest, to be paid to Indiana

(which shall not be less than 100 percent nor more than 102 3/4 percent of the principal amount thereof) will be determined by the competitive bidding.

The New Bonds are proposed to be issued under Indiana's Mortgage and Deed of Trust dated as of June 1, 1939, to the Irving Trust Company, corporate trustee, and to an individual trustee, as heretofore supplemented and amended and as proposed to be supplemented and amended by an indenture dated as of February 1, 1958.

The net proceeds from the sale of the New Bonds will be used to prepay, without premium, outstanding Notes Payable to Banks issued for construction purposes, and the balance will be applied to Indiana's construction program. The Notes Payable to Banks totalled \$15,600,000 on December 16, 1957, and are not expected to exceed \$18,500,000 at the time of the sale of the New Bonds.

Pursuant to a declaration which has become effective (Holding Company Act Release No. 13616), American, prior to or concurrently with the issuance and sale of the New Bonds, will make a cash capital contribution or contributions to Indiana aggregating \$9,000,000, which will be applied to Indiana's construction program.

The fees and expenses incident to the proposed transactions are to be supplied by amendment.

The application states that the Public Service Commission of Indiana, in which State Indiana is organized and doing business, and the Michigan Public Service Commission, in which State Indiana is also doing business, have jurisdiction over the proposed sale of bonds and that applications for approval have been made to said commissions. The application further states that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 30, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-402; Filed, Jan. 17, 1958; 8:48 a. m.]

[File No. 70-3660]

PENNSYLVANIA ELECTRIC CO.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

JANUARY 13, 1958.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), a subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating the third sentence of section 6 (b) thereof as applicable to the proposed transaction, which is summarized as follows:

Penelec proposes to issue and sell at competitive bidding, pursuant to the provisions of Rule U-50, \$29,000,000 additional principal amount of its First Mortgage Bonds, to be dated March 1, 1958 and to mature March 1, 1988. The interest rate (a multiple of 1/8 of 1 percent) and the price to be paid for the Bonds (not less than 100 percent nor more than 102.75 percent of the principal amount, plus accrued interest) will be determined by the bidding. The Bonds will be issued under the Mortgage and Deed of Trust dated January 1, 1942, from Penelec to Bankers Trust Company, Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Supplemental Indenture to be dated as of March 1, 1958.

The proceeds from said Bonds, estimated at \$29,000,000, together with \$10,000,000 to be received by Penelec from the issue and sale of 500,000 shares of its common stock to its parent GPU heretofore authorized (Holding Company Act Release No. 13619) will be applied, in part, to pay unsecured short-term notes aggregating \$11,000,000 issued by Penelec in financing its 1957 construction program and to reimburse its treasury for a part of such prior construction expenses, and, in part, to finance its 1958 construction program, estimated at \$41,500,000. It is stated that the additional funds required to defray the 1958 construction expenditures and to pay a bond of \$946,000 maturing January 1, 1959, will be obtained from operations and from the proceeds of short-term bank loans to be effected in the latter part of 1958.

Penelec estimates its expenses in connection with the proposed transaction as follows:

Filing fee, this Commission.....	\$2,987
Federal issue tax.....	31,900
Printing and engraving.....	38,300
Legal fees and expenses:	
Ballard, Spahr, Andrews & Ingersoll.....	16,600
Berlack, Israels & Liberman.....	7,500
Accounting fee, Lybrand, Ross Bros. & Montgomery.....	5,000
Indenture Trustee fees and expenses.....	11,700
Recording fees.....	1,200
Miscellaneous.....	4,813
Total	120,000

The fees and expenses of independent counsel to the underwriters, to be paid by the successful bidder, will be supplied by amendment.

Penelec anticipates that the issue and sale of said Bonds as proposed will have been expressly authorized by the Pennsylvania Public Utility Commission, the regulatory commission of the State in which it is organized and doing business. The filing states that no other State commission and no Federal Commission other than this Commission has jurisdiction in the matter.

Notice is further given that any interested person may, not later than February 5, 1958 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-403; Filed, Jan. 17, 1958;
8:48 a. m.]

[File No. 70-3659]

**SOUTHWESTERN GAS AND ELECTRIC CO. AND
CENTRAL AND SOUTH WEST CORP.**

**NOTICE OF PROPOSAL OF ISSUE AND SALE BY
SUBSIDIARY OF SHORT-TERM NOTES TO
BANKS AND COMMON STOCK TO PARENT
COMPANY, AND INCREASE IN NUMBER OF
AUTHORIZED SHARES OF COMMON STOCK**
JANUARY 13, 1958.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and its public utility subsidiary Southwestern Gas and Electric Company ("Southwestern") have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating (inter alia) sections 7 and 10 of the act as applicable to the proposed transactions, which are summarized as follows:

Southwestern proposes to issue and sell not to exceed \$12,000,000 of promissory notes from time to time beginning not later than March 15, 1958, to the following banks:

The First National Bank of Chicago, Chicago, Ill.....	\$3,975,000
Bankers Trust Company, New York, N. Y.....	2,000,000
City National Bank and Trust Company of Chicago, Chicago, Ill.....	1,500,000

The Chase Manhattan Bank, New York, N. Y.....	\$1,500,000
The First National Bank of Shreveport, Shreveport, La.....	1,000,000
Commercial National Bank in Shreveport, Shreveport, La.....	1,000,000
The State National Bank, Texarkana, Ark.....	200,000
Longview National Bank, Longview, Tex.....	200,000
The First National Bank of Longview, Longview, Tex.....	175,000
The Texarkana National Bank, Texarkana, Tex.....	150,000
Louisiana Bank & Trust Company, Shreveport, La.....	100,000
First National Bank, Fayetteville, Ark.....	75,000
Kilgore National Bank, Kilgore, Tex.....	75,000
The First National Bank, Marshall, Tex.....	50,000
Total.....	12,000,000

The promissory notes are to be dated as of the date the borrowings are made, will mature one year from the date of the first borrowing, and will bear interest prior to maturity at the prime rate in effect in the City of Chicago, Illinois, at the date each such borrowing is made, and after maturity at the rate of 6 percent per annum, subject to prepayment at any time without premium or penalty.

The total authorized common stock of Southwestern is 3,000,000 shares, of which 2,966,800 are outstanding, all owned by Central. Southwestern proposes to amend its Certificate of Incorporation to increase the number of authorized common shares to 3,500,000.

Southwestern also proposes to issue and sell, and Central proposes to acquire in February 1958, 200,000 additional shares of Southwestern's common stock (par value \$10 per share) for \$2,000,000 in cash.

Southwestern will use the proceeds of the sale of its promissory notes and common stock to finance temporarily a portion of its 1958 construction expenditures, estimated at approximately \$19,700,000. It is contemplated that the promissory notes will be paid at or before maturity through the issuance and sale by Southwestern of such securities as may be considered most appropriate in the light of market conditions and the requirements of the act.

Southwestern estimates that its expenses in connection with the proposed transactions will not exceed \$2,700, including Federal stamp tax \$2,200, State of Delaware tax on additional authorized shares \$100, and miscellaneous expenses \$200. Central estimates that its expenses will not exceed \$200.

It is stated that no other regulatory commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 28, 1958, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Ex-

change Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 58-404; Filed, Jan. 17, 1958;
8:48 a. m.]

**INTERSTATE COMMERCE
COMMISSION**

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 15, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40), and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34412: *Anhydrous ammonia—Houston, Tex., to Mobile, Ala.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7191), for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Houston, Tex., to Mobile, Ala.

Grounds for relief: Barge competition. Tariff: Supplement 257 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 34413: *Iron and steel articles—Wisconsin points to points in the southwest.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7175), for interested rail carriers. Rates on iron and steel articles, carloads from Itasca and Superior, Wis., to destinations in Arkansas, Louisiana (west of the Mississippi River), Missouri (southern region), eastern New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula and market competition. Tariff: Supplement 166 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 34414: *Steel or wrought iron pipe from official, southern and western territories to southwestern territory.* Filed by F. C. Kratzmeir, Agent (SWFB No. B-7195), for interested rail carriers. Rates on steel or wrought iron pipe and related articles, carloads, as described in the application from points in official (including Illinois), southern, and western trunk-line territories to points in southwestern territory, also points in Kansas and Missouri, as described in the application.

Grounds for relief: Barge and truck competition.

FSA No. 34416: *Packing house products—Points in Illinois territory to southern points.* Filed by R. G. Raasch, Agent (No. 640), for interested rail carriers. Rates on packing house products, carloads from Chicago and Peoria, Ill., Davenport and Dubuque, Iowa, Madison, North Madison and Milwaukee, Wis., to

Helena, Ark., Baton Rouge and New Orleans, La., Natchez and Vicksburg, Miss.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 29 to Agent Raasch's tariff I. C. C. 806.

AGGREGATE OF INTERMEDIATES

PSA No. 34415: *Methanol—Military, Kans., to Chicago, Ill., outer zone points.* Filed by W. J. Prueter, Agent (WTL No. A-1957), for interested rail carriers. Rates on methanol, tank-car loads from Military, Kans., on traffic from beyond to points in Chicago, Ill., outer zone district, on traffic to points beyond.

Grounds for relief: Maintenance of depressed through one-factor rates from or to points beyond the above named or described points.

Tariff: Supplement 158 to Agent Prueter's tariff I. C. C. A-3991.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-396; Filed, Jan. 17, 1958;
8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-218; F-63-2748
(Lausanne), F-57-1257]

UNKNOWN NATIONAL OF RUMANIA

In re: Debt owing to unknown national of Rumania.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, arising out of an account entitled, "Swiss Bank Corporation, Lausanne, Switzerland, Ordinary Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same, is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned indirectly by a national of Rumania, name unknown, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, trans-

ferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on January 14, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-407; Filed, Jan. 17, 1958;
8:49 a. m.]

[Vesting Order SA-219; F-34-356]

ORGANIZATION BUEROAUSRUESTUNGS G. M. B. H.

In re: Debt owing to Organization Bueroauruestungs G. M. B. H., also known as Organizatio Office Equipment Ltd.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Underwood Corporation, One Park Avenue, New York 16, New York, arising out of an account entitled "Organization Bueroauruestungs G. M. B. H., Gesloszy UTCA 11, Budapest IV, Hungary", maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Organization Bueroauruestungs G. M. B. H., also known as Organizatio Office Equip-

ment Ltd., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on January 14, 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 58-408; Filed, Jan. 17, 1958;
8:49 a. m.]

TRAUGOTT NEFFLEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Traugott Nefflen Ennetbaden, Aargau, Switzerland; Claim No. 61986; \$440.50 in the Treasury of the United States and 10 shares of Baltimore and Ohio Railroad Company \$100.00 par value common capital stock, evidenced by Certificate No. D-429104, presently

in the custody of the Federal Reserve Bank, New York.

Vesting Orders Nos. 17829 and 17903.

Executed at Washington, D. C., on January 13, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-409; Filed, Jan. 17, 1958; 8:49 a. m.]

FRANZ HUBERT JOSEPH WIESE AND HEINRICH CARL ANTON JOACHIM WIESE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Franz Hubert Joseph Wiese, a/k/a Franz Wiese, a/k/a Francisco Wiese, Ayacucho 63, Buenos Aires, Argentina; Claim No. 62693; \$7,349.94 in the Treasury of the United States.

Heinrich Carl Anton Joachim Wiese, a/k/a Heinrich Wiese, a/k/a Enrique Wiese, Copernico 60, Barcelona, Spain; Claim No. 62694; \$7,349.94 in the Treasury of the United States. Vesting Order No. 19160.

Executed at Washington, D. C., on January 13, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-411; Filed, Jan. 17, 1958; 8:50 a. m.]

HELENE WEIGERT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Helene Weigert, 5131 S. Blackstone Avenue, Chicago, Illinois; Claim No. 66349; Dr. Karl M. Weigert, 301 Mortimer Court, Philippsburg, Pennsylvania; Claim No. 66350; Dr. Marianne Hedwig Witt, 260 West Park Drive (West), Roundhay, Leeds 8, England; Claim No. 66351; to Helene Weigert \$12.64, to Karl M. Weigert \$18.97 and to Dr. Marianne Hedwig Witt \$18.97 in the Treasury of the United States.

Vesting Order No. 13189.

Executed at Washington, D. C., on January 13, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-410; Filed, Jan. 17, 1958; 8:49 a. m.]

CHARLES RAYMOND PAUL WILLERS AND LUCIENNE MADELEINE PAULE THURNINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Charles Raymond Paul Willers, 10 Square Delambre, Paris 14e, France; Claim No. 62772; \$739.13 in the Treasury of the United States.

Madame Lucienne Madeleine Paule Thurninger, 6 Rue Chapu, Paris 16e, France; Claim No. 62773; \$739.13 in the Treasury of the United States.

Executed at Washington, D. C., on January 13, 1958.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 58-412; Filed, Jan. 17, 1958; 8:50 a. m.]



