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TITLE 7—AGRICULTURE

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

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

FREE, RESTRICTED AND WITHHOLDING PERCENTAGES FOR DEGLET NOOR DATES FOR 1958–59 CROP YEAR

Pursuant to the applicable provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003; 23 F. R. 6904), regulating the handling of domestic dates produced or packed in a designated area of California, hereinafter referred to as the "order," effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," the Date Administrative Committee has unanimously recommended that, for marketable dates of the Deglet Noor variety, the present free percentage should be revised from 80 to 85 percent, the related restricted percentage from 20 to 15 percent, and the withholding percentage from 25 to 17.6 percent for the 1958–59 crop year.

Free, restricted, and withholding percentages of 74, 26, and 35.1, respectively, for the 1958–59 crop year were established for marketable dates of the Deglet Noor variety by an order published in the FEDERAL REGISTER on August 23, 1958 (23 F. R. 6547). Later, those percentages were revised to 80, 20, and 25, respectively, by an order published in the FEDERAL REGISTER on September 20, 1958 (23 F. R. 7345).

This September increase in the free percentage, with corresponding changes in the restricted and withholding percentages, was considered necessary on the basis, among other things, of the committee's estimate of the reduction in the total available supply of marketable Deglet Noor dates which would result from the additional grade regulation of September 20, 1958 (23 F. R. 7344) raising the then current minimum grade requirements for such dates. However, the committee now estimates that the reduction in the total available supply of marketable dates meeting the additional grade regulation will be more than its prior estimate. On the basis of the committee's latest estimates, the current free percentage for marketable dates of the Deglet Noor variety should be revised upward to 85 percent, and corresponding changes made in the restricted and withholding percentages, in order to permit the committee's original estimate of trade demand (24 million pounds) for the 1958–59 crop year to be met as nearly as possible.

After consideration of the committee's recommendation, the supporting data submitted by the committee, and other available information, it is hereby found that to increase, as hereinafter set forth, the current free percentage for marketable dates of the Deglet Noor variety to make it conform, insofar as practicable, with the new relation found to exist between trade demand for, and available supply of, marketable dates of such variety, and to adjust the applicable restricted and withholding percentages accordingly, will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That the provisions in paragraph (a) of § 1003.206 *Free, restricted and withholding percentages* (23 F. R. 6547) establishing the free, restricted, and withholding percentages for marketable dates of the Deglet Noor variety for the crop year beginning August 1, 1958 and ending July 31, 1959, as revised on September 20, 1958 (23 F. R. 7345), are hereby further revised to read as follows:

(a) Deglet Noor variety dates: Free percentage, 85 percent; restricted percentage, 15 percent; and withholding percentage, 17.6 percent.

It is hereby further found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making the provisions of this order effective upon publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that: (1) This action reduces volume restrictions with respect to the handling of Deglet Noor dates during the 1958–59 crop year; (2) the revised free percentage of 85 percent will increase the quantity of Deglet Noor dates available for shipment in normal trade channels, and handlers need the maximum period of time remaining in the 1958–59 crop year

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which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

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

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

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

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

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

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

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

B. Setting forth on labels attached to fur products:

(1) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is intermingled with non-required information;

(3) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

C. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section;

2. Falsely or deceptively invoicing fur products by:

A. Falsely or deceptively identifying any such products as to the name or names of the animal or animals that produced the fur from which such products were manufactured;

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

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

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

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

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

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

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

(7) The item number or mark assigned to the fur product;

C. Abbreviating on invoices information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder;

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

A. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the said rules and regulations;

B. Fails to disclose that the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

C. Fails to disclose the name of the country of origin of the imported furs contained in fur products;

D. Fails to set forth all parts of the information required under section 5 (a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other;

E. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

F. Represents, directly or by implication, that the customary or usual retail price charged by respondents for any fur product in the recent regular course of their business is reduced in direct proportion to the amount of savings stated in the percentage savings claims, when contrary to the fact;

G. Makes use of comparative prices unless such compared prices or claims are based upon a bona fide compared price at a designated time;

4. Making price claims and representations of the types referred to in subparagraphs E, F, and G of Paragraph 3 above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

It is further ordered, That the complaint be, and hereby is, dismissed as to Joseph Thal, Norman Thal, and Aaron Thal, individually, but not as officers of said corporate respondent.

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

It is ordered, That respondents H. P. Selman & Company, Inc., a corporation, and Gene Thal, individually and as an officer of said corporation, and Joseph Thal, Norman Thal, and Aaron Thal, as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 29, 1958.

By the Commission.

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

[F. R. Doc. 58-10009; Filed, Dec. 3, 1958; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter P—Mining

PART 171—LEASING OF TRIBAL LANDS FOR MINING

MINERALS OTHER THAN OIL AND GAS

On page 5260 of the FEDERAL REGISTER of July 10, 1958, there was published a notice of intention to amend § 171.2 of 25 CFR. The purpose of the amendment is to provide that leases for minerals other than oil and gas on Indian tribal lands shall be advertised for bids in the same manner as oil and gas leases unless the Commissioner grants permission to the tribal authorities to negotiate a lease. The amendment also outlines procedures for negotiation.

Interested persons were given an opportunity to submit their views, data, and arguments concerning the proposed amendment to the Commissioner of Indian Affairs within 30 days of the date of publication of the notice in the FEDERAL REGISTER.

The proposed amendment to 25 CFR 171.2 is hereby adopted as set forth below. This amendment is effective upon publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

NOVEMBER 28, 1958.

1. Section 171.2 is amended to read as follows:

§ 171.2 *Leases to be made by tribes.* Indian tribes, bands or groups may, with the approval of the Secretary of the Interior or his authorized representative, lease their land for mining purposes. No oil and gas lease shall be approved unless it has first been offered at an advertised sale in accordance with § 171.3. Leases for minerals other than oil and gas shall be advertised for bids as prescribed in § 171.3 unless the Commissioner grants to the Indian owners written permission

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to negotiate for a lease. Negotiated leases, accompanied by proper bond and other supporting papers, shall be filed with the Superintendent of the appropriate Indian Agency within 30 days after such permission shall have been granted by the Commissioner to negotiate the lease. The appropriate Area Director is authorized in proper cases to grant a reasonable extension of this period prior to its expiration. The right is reserved to the Secretary of the Interior to direct that negotiated leases be rejected and that they be advertised for bids. All leases shall be approved by the Secretary of the Interior or his duly authorized representative.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

[F. R. Doc. 58-10006; Filed, Dec. 3, 1958; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—POSTAL UNION MAIL

PART 112—PARCEL POST

FRENCH GUINEA; NAME CHANGE

In paragraph (a) of § 111.1 *All categories* make the following changes:

1. In the "Rate chart" under the column "Country" strike out "French Guinea" and insert in lieu thereof "Guinea" and reposition the country and data relating thereto to follow "Guatemala".

2. In the list of countries make the following changes:

a. Insert "(See Guinea)" between "French Guinea" and the period; and

b. Strike out "(French)" following the word "Guinea".

(R. S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

In § 112.1 *Chart of rates and mailing conditions* strike out "French Guinea" in the column "Country" and insert in lieu thereof "Guinea", and reposition the country and data relating thereto to follow "Guatemala".

(R. S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 58-10049; Filed, Dec. 3, 1958; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-31]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO

The Commission having under consideration the desirability of making certain editorial changes in § 2.601 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 26th day of November 1958, that, effective December 1, 1958, § 2.601 is amended as set forth below.

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

Released: December 1, 1958.

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

1. Amend text of § 2.601 preceding table in paragraph (a) to read as follows:

§ 2.601 *Laws, treaties, agreements and arrangements relating to radio.* (a) The applicable Federal laws, international treaties, agreements, and arrangements in force relating to radio and to which the United States of America is a party, corrected to December 1, 1958, are listed below. Copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C., unless otherwise indicated.

2. Amend § 2.601 (a) by adding "(Not available at the Government Printing Office)" following the subject matter of the entries for TIAS 2495 and TIAS 2705.

3. Section 2.601 (a) is amended further by adding in chronological order the following entries:

1948	TIAS 4044	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva, March 6, 1948. Entered into force March 17, 1958.
1958	TIAS 4089	Agreement between the United States and Mexico regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes signed at Mexico, July 16, 1958. Entered into force July 16, 1958.

4. Section 2.601 (d) is amended by adding at the end of the table, the following entry:

1958	----------	ICAO Communication Division, Special Session, Montreal.[2]

[F. R. Doc. 58-10031; Filed, Dec. 3, 1958; 8:49 a. m.]

[Docket Nos. 6584, 6585]

PART 3—RADIO BROADCAST SERVICES

STANDARD BROADCAST STATIONS

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico; Docket No. 6584, File No. BMP-1738; for modification of construction permit. Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico; Docket No. 6585, File No. BL-1799, BZ-1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement.

On September 5, 1958, the Commission released a document entitled "Order Amending Part 3, Subpart A, of the Commission's Rules Governing Standard Broadcast Stations" (FCC 58-815), 23 F. R. 7042. In this document a number of words were omitted from the first sentence of the first paragraph. Accordingly, this sentence should be corrected to read as follows: "The amendment of § 3.25 of Part 3, the subject matter of which is reflected also in § 3.182 of the Commission's rules was placed in issue (issue No. 7) in the hearing herein by Commission Order (No. 75279), released May 9, 1944, and published in the FEDERAL REGISTER May 16, 1944 (9 F. R. 5178)."

Released: December 1, 1958.

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

[F. R. Doc. 58-10032; Filed, Dec. 3, 1958; 8:49 a. m.]

[Docket No. 12088; FCC 58-1138]

[Rules Amdt. 11-21]

PART 11—INDUSTRIAL RADIO SERVICES

USE OF RADIO BY GAS UTILITY COMPANIES

1. By notice of proposed rule making of July 3, 1957 (FCC 57-736, released July 5, 1957) in the above-entitled matter, the Commission offered for comment a proposal for the amendment of § 11.251 (a) (2) of its rules governing the Power Radio Service to permit gas utility companies licensed under that section to utilize their radio facilities in connection with the supplying of liquefied petroleum gas to customers situated beyond existing gas distribution lines. Under the rules as presently constituted, a gas utility company may accomplish the foregoing activity only by means of radio facilities licensed in the Special Industrial, Business or Citizens Radio Service, even though it already has a radio system in the Power Radio Service.

2. Comments favoring the above proposal have been received from Lone Star Gas Company and from National Committee for Utilities Radio. In supporting the proposal, these parties stress the economic and frequency-utilization advantages inherent therein and point out that no substantial increase in the loading of Power frequencies would be occasioned thereby.[1] Union Gas System, Inc.

[1] In addition to supporting the proposal, L. P. Gas Communications Association and "other persons similarly situated" also urge that it be revised so as to permit all distributors of liquefied petroleum gas or fuel to use radio without restrictions as to area. By first report and order in Docket No. 11991 (FCC 58-602, released June 23, 1958) the Commission, among other things, removed the Standard Metropolitan Area restrictions in question, thereby rendering moot this counterproposal.

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