

5. No selling is required by a customer on completion of respondent's course in screen-printing to secure screen-printing business or jobs.

6. Respondent's screen-printing kits contain such a complete inventory of equipment and materials that purchasers will be able to start their own screen-printing business, on other than a limited scale, upon completion of respondent's course without additional purchases.

7. That any savings accrue to purchasers of respondent's course and kit, unless based upon the price at which respondent sells such merchandise in the usual and regular course of business.

8. Prospective customers may examine respondent's course and kits at home without any cost to said prospective customers.

9. On the payment of a deposit or down payment the entire course and kit will be sent to the prospective customers.

10. Respondent's screen-printing course and "Trace Art" book have been approved unless they have been officially approved by some reputable independent person or business concern, and the name of such person or concern is so designated.

11. Charges made for respondent's screen-printing equipment and materials are wholesale prices unless such is the fact.

12. That the past or current annual membership charges or fees in the United Screen-Printers International amounted to or now amounts to any figure which is in excess of the actual cost of said past or current charges or fees.

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

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

Issued: March 21, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3466; Filed, May 7, 1958; 8:49 a. m.]

[Docket 6804]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FIDELITY STORM SASH CO. OF D. C., INC.,
ET AL.

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections; Producer status of dealer or seller; Manufacturer; § 13.155 Prices; Balt; terms and conditions; § 13.170 Qualities or properties of product or service.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order,

Fidelity Storm Sash Co., Inc., of D. C. (Baltimore, Md.) et al., Docket 6804, March 27, 1958]

In the Matter of Fidelity Storm Sash Co., of D. C., Inc., a Corporation, and Marty Burke and Bernard Weissman, Individually and as Officers of Said Corporation; Fidelity Storm Sash Co., Inc., of Maryland, a Corporation, and Marty Burke, Bernard Weissman, and Ruth Burke, Individually and as Officers of Said Corporation; Fidelity Storm Sash Co., Inc., a Corporation, Located in State of Pennsylvania, and Marty Burke and Ruth Burke, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two associated companies located in Baltimore and Philadelphia with using bait advertising to sell storm windows; and with representing falsely that they manufactured the storm windows, and that purchasers who allowed photographs of the windows installed by respondents to be taken and used for "model home" demonstration purposes would receive a price reduction; and that installation of the windows would result in savings of as much as 33 percent in fuel bills.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Fidelity Storm Sash Co. of D. C., Inc., a corporation and its officers, respondents Marty Burke and Bernard Weissman, individually and as officers of said corporation; respondent Fidelity Storm Sash Co., Inc., of Md., a corporation, and its officers, respondents Marty Burke, Bernard Weissman and Ruth Burke, individually and as officers of said corporation; respondent Fidelity Storm Sash Co., Inc., a corporation, and its officers, respondents Marty Burke and Ruth Burke, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of storm windows and doors, or any other related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That said products are offered for sale when such offer is not a bona fide offer to sell the products so offered.
2. That they manufacture said products sold by them.
3. That said products are sold at any special or reduced price, unless such is the fact.
4. That any specific percentage or any specific amount of savings in fuel bills will result from the installation of storm windows.

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

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

Issued: March 27, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3467; Filed, May 7, 1958; 8:49 a. m.]

[Docket 6917]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LURKIS FURS, INC. AND JACOB LURKIS

Subpart—Advertising falsely or misleadingly: § 13.235 Source or origin; Maker or seller, etc.; Fur Products Labeling Act. Subpart—Concealing, obliterating, or removing law-required and informative marking; § 13.516 Fur products tags or identification. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Lurkis Furs, Inc., et al., Newark, N. J., Docket 6917, April 1, 1958]

In the Matter of Lurkis Furs, Inc., a Corporation, and Jacob Lurkis, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Newark, N. J., with violating the Fur Products Labeling Act by removing the required labels from fur products prior to delivery to the ultimate consumer; failing to comply with the invoicing and labeling requirements; and advertising fur products falsely as being from the stock of a liquidating business.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 1 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Lurkis Furs, Inc., a corporation, and its officers and Jacob Lurkis, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of

fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Removing, or causing the removal, or participating in the removal of labels required to be affixed to fur products, prior to the time fur products are sold and delivered to the ultimate purchaser of such products;

2. 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 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, 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;

(b) Failing to show on labels attached to fur products the item numbers or marks assigned to fur products as required by Rule 40 (a) of the rules and regulations (§ 301.40 (a));

(c) Setting forth on labels affixed to fur products:

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

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

2. Falsely or deceptively invoicing fur products by:

(a) 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;

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wise 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 of the country of origin of any imported furs contained in a fur product;

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

4. 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) Represents that any of such fur products are from the stock of a business in the state of liquidation, when such is not the fact.

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

It is ordered, That respondents Lurkis Furs, Inc., a corporation, and Jacob Lurkis, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1958.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3468; Filed, May 7, 1958;
8:50 a. m.]

[Docket 6969]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

COYNER-EVANS CO., INC., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—* Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Coyner-Evans Co., Inc., et al., Miami, Fla., Docket 6969, March 26, 1958]

In the Matter of Coyner-Evans Company, Inc., a Corporation; Ed Coyner, Individually and as President-Treasurer of Coyner-Evans Company, Inc., and as a Partner Trading as Brice & Johnson; and Clyde B. Coyner, Individually and as Vice President and Assistant General Manager of Coyner-Evans Company, Inc., and as a Partner Trading as Brice & Johnson

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a produce jobber in Miami, Fla., with violating section 2 (c) of the Clayton Act by receiving illegal brokerage on purchases of celery and other fresh produce made for its

own account through its controlled intermediary which accepted fees as an independent broker although it was acting for said jobber.

Following acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Coyner-Evans Company, Inc., a corporation, Ed Coyner, individually and as president-treasurer of Coyner-Evans Company, Inc., and as a partner trading as Brice & Johnson, and Clyde B. Coyner, individually and as vice president and assistant general manager of Coyner-Evans Company, Inc., and as a partner trading as Brice & Johnson, and each of them and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the purchase by respondents, or any of them, of celery, produce, seeds, farm supplies and equipment, or other products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(a) Receiving or accepting, directly or indirectly, from any sellers, anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof, upon the purchase of any of said products made by respondents for their own account.

(b) Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon the purchase of any of said products where said respondent is the agent, representative or intermediary acting for or in behalf of or is subject to the direct or indirect control of the buyer, or of any of the officers of said buyer.

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

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

Issued: March 26, 1958.

By the Commission.

[SEAL]

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3469; Filed, May 7, 1958;
8:50 a. m.]

[Docket 6960]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

H. LIEBES & CO. ET AL.

Subpart—*Advertising falsely or misleadingly: § 13.30 Composition of goods: Fur Products Labeling Act; § 13.155 Prices: Comparative; usual as reduced,*

special, etc. Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Fur Products Labeling Act. Subpart—*Misbranding or mislabeling*: § 13.1212 *Formal regulatory and statutory requirements*: Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 691) [Cease and desist order, H. Liebes & Co. et al., San Francisco, Calif., Docket 6960, April 2, 1958]

In the Matter of H. Liebes & Company, a Corporation, and Sidney Liebes and Lloyd Liebes, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in San Francisco with violating the Fur Products Labeling Act by failing to invoice and label fur products as required; and by advertising in newspapers which contained the names of animals other than those producing certain furs, set forth comparative prices without designating the time of the original prices, and represented selling prices as reduced from regular prices without maintaining adequate records disclosing the facts on which such pricing claims were based.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents H. Liebes & Company, a corporation, and its officers, and Sidney Liebes and Lloyd Liebes, as individuals and as officers of said corporation; and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

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

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

(c) That the fur product contains or is composed of bleached, dyed or other-

wise artificially colored fur, when such is the fact;

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

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

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

2. Setting forth on labels attached to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information;

B. Falsely or deceptively invoicing fur products by:

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

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

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

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

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

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

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

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

1. Sets forth the name of an animal other than the name of the animal or animals producing the fur or furs contained in the fur product;

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the prices at which such products, in the recent regular course of business, has been usually and customarily sold by the Respondents;

3. Makes use of comparative prices or savings claims unless such are based upon current market values or unless a bona fide price at a designated time is stated;

4. Makes pricing claims and representations of the type referred to in subparagraphs 2 and 3 above, unless there are maintained by Respondents full and adequate records disclosing the facts upon which such claims or representations are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

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

It is ordered, That respondents H. Liebes and Company a corporation, and Sidney Liebes and Lloyd Liebes, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3470; Filed, May 7, 1958; 8:50 a. m.]

[Docket 6918]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAURICE COHEN ET AL.

Subpart—*Advertising falsely or misleadingly*: § 13.155 *Prices*: Comparative; exaggerated as regular and customary. Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Fur Products Labeling Act. Subpart—*Misbranding or mislabeling*: § 13.1212 *Formal regulatory and statutory requirements*: Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1845 *Composition*: Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 691) [Cease and desist order, Maurice Cohen and Eugene Cohen trading as Master Furriers, Duluth, Minn., Docket 6918, April 2, 1958]

In the Matter of Maurice Cohen, and Eugene Cohen, Individuals and Co-Partners Trading as Master Furriers

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Duluth, Minn., with violating the Fur Products Labeling Act by failing to invoice and label fur products as required; by newspaper advertising which failed to name the animal producing certain furs, represented prices as reduced from regular prices which were in fact fictitious, and failed to give a designated time of comparative prices; and by failing to maintain adequate records disclosing the facts on which such pricing claims were based.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 2 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Maurice Cohen and Eugene Cohen, individually and as co-partners trading as

Master Furriers, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:
A. Falsely or deceptively labeling or otherwise identifying any such product as to the geographic origin of the animal that produced the fur from which such product was manufactured.

B. 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 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, 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.

2. Setting forth on labels affixed to fur products information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is mingled with non-required information.

3. Falsely or deceptively invoicing fur products by:

A. 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 the

paws, tails, bellies, or waste fur, when such is the fact;

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

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

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

4. Falsely or deceptively advertising fur products through the use of any advertisement, 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 rules and regulations.

B. 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.

C. Makes use of comparative prices unless such compared prices are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

D. Makes price claims and representations of the types referred to in paragraphs B and C above, unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

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

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

Issued: April 2, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3471; Filed, May 7, 1958;
8:50 a. m.]

[Docket 6851]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RANSOHOFF'S, INC.

Subpart—Advertising falsely or misleadingly: § 13.155 Prices: Comparative; exaggerated as regular and customary. Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 Formal regulatory and statutory requirements: Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure:

§ 13.1852 Formal regulatory and statutory requirements: Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Ransohoff's, Inc., San Francisco, Calif., Docket 6851, April 3, 1958]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in San Francisco with violating the Fur Products Labeling Act by failing to comply with the invoicing and labeling requirements; by advertising in newspapers which failed to disclose the names of animals producing the fur in certain products, represented prices as reduced from regular prices which were in fact fictitious, and used comparative prices and percentage savings claims not based on current market values; and by failing to maintain adequate records as the basis for such purported pricing claims.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 3 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Ransohoff's, Inc., a corporation, and its officers, and its representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale, in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

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

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

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

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

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

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

2. Setting forth on labels attached to fur products:

(a) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder, in abbreviated form or in handwriting;

(b) Information required under section 4 (2) of the Fur Products Labeling Act and the rules and regulations thereunder mingled with nonrequired information;

B. Falsely or deceptively invoicing fur products by:

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

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

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

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

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

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

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

2. Setting forth information required under section 5 (b) (1) of the Fur Products Labeling Act and the rules and regulations thereunder in abbreviated form;

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

1. Fails to disclose 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. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the prices at which such products, in the recent regular course of business, have been usually and customarily sold by the respondent;

3. Makes use of comparative prices or percentage savings claims unless such comparative prices or percentage savings are based upon current market values or unless a bona fide price at a designated time is stated;

4. Makes pricing claims and representations of the type referred to in paragraphs 2 and 3 above, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations

are based, as required by Rule 44 (e) of the rules and regulations (§ 301.44 (e)).

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

It is ordered, That respondent Ranshoff's, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 3, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-3472; Filed, May 7, 1958;
8:50 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART G—GENERAL STATEMENTS OF INTERPRETATION OF THE CHILD LABOR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED

EXEMPTIONS; AGRICULTURE

In accordance with section 3 of the Administrative Procedure Act (5 U. S. C. 1002) and pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Title 29, Code of Federal Regulations, Part 4, Subpart G, § 4.123 (b), is amended by adding at the end thereof the following: "While it is the position of the Department that a minor who leaves one district where schools are closed and who moves into and lives in another district where schools are in session may not work during the hours that schools are in session in the new district, it will not be asserted that this position prevents the employment of a minor in a district where schools are in session, if the school last attended by the minor has closed for summer vacation. As a reasonable precaution, however, no employer should employ a child under such circumstances before May 15, and after that date he should do so only if he is shown by the minor satisfactory evidence in the form of a written statement signed by a school official stating that the school with which he is connected is the one last attended by the minor and that the school is closed for summer vacation. Such statement should contain the minor's name, the name and address of the school, the date the school closed for the current year, the date the statement was signed, and the title of the school official signing the statement."

(Secs. 3, 11, 52 Stat. 1060, as amended; 1066, as amended; 29 U. S. C. 203, 211)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 3d day of May 1958.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 58-3481; Filed, May 7, 1958;
8:53 a. m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 703—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

REVOCATION AND WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

Pursuant to Section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary by Administrative Order No. 503 (23 F. R. 1676), as amended by Administrative Order No. 504 (23 F. R. 1858), appointed, convened, and gave notice of the hearings of Industry Committee No. 38-B to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Men's and Boys' Clothing and Related Products Industry in Puerto Rico who are engaged in commerce or in the production of goods for commerce.

Subsequent to investigation and hearing conducted pursuant to the notice, the committee filed with the Acting Administrator a report containing its findings with respect to the matters referred to it. The present wage order for this industry is contained in 29 CFR Part 703. The recommendations of the committee provide for amending the definition of the industry by excluding therefrom belts made of leather, artificial leather, plastics, paper or paperboard, or similar materials. Minor editorial changes have been made. In addition, the recommendations provide for new rates for the classifications within the industry.

Accordingly, as authorized and required by section 8 of the act, Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165), and General Orders Nos. 45-A (15 F. R. 3290) and 85-A (22 F. R. 7614) of the Secretary of Labor, the recommendations of the committee are hereby published in this order amending Title 29, Code of Federal Regulations, effective, May 24, 1958, as follows:

1. Part 703 is hereby revoked.

2. Part 615 is hereby added to read as follows:

Sec.
615.1 Definitions.
615.2 Wage rates.
615.3 Notices.

AUTHORITY: §§ 615.1 to 615.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1060, as amended; 29 U. S. C. 205.

§ 615.1 Definitions. The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is defined as the manufacture from any material of men's and boys'

clothing, furnishings, accessories, and related products: *Provided, however*, That the industry shall not include the manufacture of hand-made straw hats, gloves, hosiery, footwear, belts, (except fabric), sweaters, handkerchiefs, scarves, mufflers, or any product or activity included in the children's dress and related products industry in Puerto Rico (Part 610 of this chapter) or in the women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (Part 609 of this chapter).

§ 615.2 *Wage rates.* (a) Wages at a rate of not less than 72½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the suits, coats, jackets, neckties, hats, and caps classification of the men's and boys' clothing and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of men's, youths', and boys' suits, coats, jackets (except denim work coats and jackets), overcoats, topcoats, fabric raincoats, and similar outerwear; neckties and bow ties; and hats and caps.

(b) Wages at a rate of not less than 72 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the general classification of the men's and boys' clothing and related products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and this classification shall be defined as the manufacture of all products in the said industry not included in paragraph (a) of this section.

§ 615.3 *Notices.* Every employer subject to the provisions of § 615.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 615.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 2d day of May 1958.

CLARENCE T. LUNDQUIST,
Acting Administrator.

[F. R. Doc. 58-9484; Filed, May 7, 1958;
8:54 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

Basis and purpose. Section 13 of the Whaling Convention Act of 1949 (64 Stat. 421, 425; 16 U. S. C., 1952 ed., 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other Govern-

ments, provides that regulations of the International Whaling Commission shall be submitted for publication in the *FEDERAL REGISTER* by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been made in October 1957. The whaling regulations, as last amended in October 1957, have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U. S. C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 22 F. R. 1721, March 16, 1957, are amended and republished to read as hereinafter set forth.

ROSS LEFFLER,

Assistant Secretary of the Interior.

MAY 2, 1958.

- | | |
|--------|--|
| Sec. | |
| 351.1 | Inspection. |
| 351.2 | Killing of gray or right whales prohibited. |
| 351.3 | Killing of calves or suckling whales prohibited. |
| 351.4 | Operation of factory ships limited. |
| 351.5 | Closed area for factory ships in Antarctic. |
| 351.6 | Limitations on the taking of humpback whales. |
| 351.7 | Closed seasons for pelagic whaling for baleen and sperm whales. |
| 351.8 | Catch quota for baleen whales. |
| 351.9 | Minimum size limits. |
| 351.10 | Closed seasons for land stations. |
| 351.11 | Use of factory ships in waters other than south of 40° South Latitude. |
| 351.12 | Limitations on processing of whales. |
| 351.13 | Prompt processing required. |
| 351.14 | Remuneration of employees. |
| 351.15 | Submission of laws and regulations. |
| 351.16 | Submission of statistical data. |
| 351.17 | Factory ship operations within territorial waters. |
| 351.18 | Definitions. |

AUTHORITY: §§ 351.1 to 351.18 issued under Art. V, 62 Stat. 1718. Interpret or apply secs. 2-14, 64 Stat. 421-425; 16 U. S. C. 916-916k.

§ 351.1 *Inspection.* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Govern-

ment having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 *Killing of gray or right whales prohibited.* It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operation of factory ships limited.* (a) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years.¹

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 *Closed area for factory ships in Antarctic.* It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from November 8, 1955, and as a result of the ninth meeting in London was rendered inoperative for a further period from November 8, 1958, after which it will automatically become operative again on November 8, 1959.)

§ 351.6 *Limitations on the taking of humpback whales.* (a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of five years. (This five-year

¹This paragraph was objected to within the prescribed period ending November 7, 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on February 24, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from February 24, 1960.

period comes to an end on November 8, 1959.)

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of five years. (This five-year period comes to an end on November 8, 1959.)

(c) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2d, 3d, and 4th of February in any year.

§ 351.7 *Closed seasons for pelagic whaling for baleen and sperm whales.* (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from January 7 to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before February 1 in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d) and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided*, That a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted: *Provided*, That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto;

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

§ 351.8 *Catch quota for baleen whales.* (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to

factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in any one season: *Provided*, That in the season 1957-58 the number shall not exceed fourteen thousand five hundred blue-whale units.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

- (1) Two fin whales or
- (2) Two and a half humpback whales or
- (3) Six sei whales.

(c) Notification shall be given in accordance with the provision of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided*, That when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 (but 13,000 in the season 1957-58) notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

- Blue whales 70 feet (21.3 metres),
- Sei whales 40 feet (12.2 metres),
- Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations: *Provided*, That the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery

to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g. 76 feet 6 inches precisely shall be logged as 77 feet.

§ 351.10 *Closed seasons for land stations.* (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this

section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.²

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 *Use of factory ships in waters other than south of 40° South Latitude.* It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season: *Provided*, That this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

§ 351.12 *Limitations of processing of whales.* (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or

not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of §§ 351.2, 351.4, 351.5, 351.6, 351.7, 351.8 or 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcasses of "Dauhal" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 *Prompt processing required.*

(a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 *Remuneration of employees.* Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration

shall be paid to the gunners or crews of whale catchers in respect to the taking of milk-filled or lactating whales.

§ 351.15 *Submission of laws and regulations.* Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 *Submission of statistical data.* Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (1) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (2) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (3) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (1) and (3) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information there shall be specified:

(a) The name and gross tonnage of each factory ship;

(b) The number and aggregate gross tonnage of the whale catchers;

(c) A list of the land stations which were in operation during the period concerned.

§ 351.17 *Factory ship operations within territorial waters.* (a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

* This section was inserted by the Commission at its first meeting in 1949, and came into force on January 11, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original § 351.17, which reads as follows:

§ 351.17 Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) On the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

² This paragraph came into force as from February 21, 1952, in respect to all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not therefore binding on the Commonwealth of Australia.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* (a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i. e., any whale other than a toothed whale.

"Blue whale" (*Balaenoptera or Sibbaldus musculus*) means any whale known by the name of blue whale, *Sibbald's* rorqual, or sulphur bottom.

"Dauhvall" means any unclaimed dead whale found floating.

"Fin whale" (*Balaenoptera physalus*) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (*Rhachianectes glaucus*) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"Humpback whale" (*Megaptera nodosa or novaeangliae*) means any whale known by the name of bunch, humpback, humpback whale, hump-backed whale, hump whale or hunch-backed whale.

"Minke whale" (*Balaenoptera acutorostrata*, *B. Davidsoni*, *B. huttoni*) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp-headed finner.

"Right whale" (*Balaena mysticetus*; *Eubalaena glacialis*, *E. australis*, etc.; *Neobalaena marginata*) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (*Balaenoptera borealis*) means any whale known by the name of sei whale, Ruldophi's rorqual, pollack whale or coalfish whale and shall be taken to include Bryde's whale (*B. brydei*).

"Sperm whale" (*Physeter catodon*) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

[P. R. Doc. 58-3416; Filed, May 7, 1958; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter C—Aids to Navigation

[CGFR 58-2]

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

PART 74—COSTS AND CHARGES

REVISION OF STANDARD CHARGES

The purpose of the amendments to the regulation in this document is to increase charges for the preparation of replacement aids to navigation, charges for vessel time involved in the placement of replacement aids to navigation on station, and incidental service charges to coincide with actual operating costs for such service rendered during fiscal year 1957.

By virtue of the Authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order Nos. 167-3 (18 F. R. 2962) and 167-23 (21 F. R. 5852) to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

SUBPART 70.05—COLLISION WITH OR DAMAGE TO AIDS TO NAVIGATION

Section 70.05-50 is amended to read as follows:

§ 70.05-50 *Table of charges.* Charges for preparation of a replacement aid, and charges for vessel time as indicated in § 70.05-45 shall be in accordance with the following table:

TABLE A—STANDARD CHARGES

Type of aid	Preparation of replacement aid	Vessel time per hour
1. Lighted buoy for exposed station, with or without sound.	\$120	\$101
2. Bell, gong or whistle buoys, unlighted.	51	101
3. Lighted buoy (8' or 9') for sheltered station, with or without sound.	100	101
4. Lighted buoy (7' or less) for sheltered station, with or without sound.	76	46
5. Can or nun buoys (1st and 2d class), except river type.	16	46
6. Can or nun buoys (3d class), except river type.	12	30
7. Wooden spar buoy, any class.	14	46
8. River type buoy.	7	30
9. Lighting apparatus (only).	49	30
10. Minor structures on submarine sites such as piling, pile clusters, etc.		27

(Sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies sec. 1, 63 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642)

SUBPART 74.01—CHARGES FOR COAST GUARD AIDS TO NAVIGATION

Section 74.01-1 is amended to read as follows:

§ 74.01-1 *Table of charges.* Charges for authorized work performed under the provisions of §§ 62.01-10 (b), 62.10-5 (c), 64.15-1, and 64.15-5 of this subchapter shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the cost incurred by the Coast Guard when having such work performed on contract:

TABLE B—STANDARD CHARGES

Type of aid	Preparation of temporary aid	Service charge per month or major fraction thereof
1. Lighted buoy for exposed station, with or without sound.	\$134	\$60
2. Bell, gong or whistle buoys, unlighted.	53	18
3. Lighted buoy (8' or 9') for sheltered station, with or without sound.	114	22
4. Lighted buoy (7' or less) for sheltered station, with or without sound.	90	23
5. Can or nun buoy (1st and 2d class), except river type.	18	7
6. Can or nun buoy (3d class), except river type.	14	
7. Wooden spar buoy, any class.	16	
8. River type buoy.	8	4
9. Lighting apparatus (only).	60	34

(Sec. 1, 63 Stat. 503, as amended; 14 U. S. C. 92. Interprets or applies sec. 1, 63 Stat. 501, 545, 547; 14 U. S. C. 86, 633, 642)

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

APRIL 30, 1958.

[P. R. Doc. 58-3438; Filed, May 7, 1958; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 4]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

This revision of General Services Administration Regulation 7, which established an open market purchase program for domestic mica, eliminates the time limitation for making application for participation in the program, reflects changes in GSA regional office jurisdiction over the Government depots, combines the previously published Revision 3 of said regulation and amendments thereto, and makes other miscellaneous changes.

Sec.

- 1 Basis and purpose.
- 2 Definitions.
- 3 Duration of Programs A and B.
- 4 Program A.
- 5 Program B.
- 6 Access to books and records.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C.

App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093. E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

Section 1. Basis and purpose. This regulation interprets and implements the authority of the Administrator of General Services to purchase, pursuant to Executive Order 10480 dated August 14, 1953 (18 F. R. 4939, 3 CFR, 1953 Supp.), hand-cobbed muscovite ruby and nonruby crude mica and processed muscovite ruby and nonruby block and film mica, all of domestic origin. In accordance with Programs A and B set forth herein, the Administrator will buy domestically produced mica conforming to the requirements, at the prices, and under the other terms and conditions of this regulation.

Sec. 2. Definitions. As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Government depot" means the purchase depots of the Government at Franklin, New Hampshire, Spruce Pine, North Carolina, Custer, South Dakota, or any other such depots established hereafter.

(c) "Domestic origin" means mined within the United States (the forty-eight States and the District of Columbia).

(d) "Block mica" means processed muscovite ruby and nonruby block mica which conforms with the requirements of section 4 (b) of this regulation.

(e) "Film mica" means processed muscovite ruby and nonruby film mica which conforms with the requirements of section 4 (b) of this regulation.

(f) "Hand-cobbed mica" means run-of-the-mine muscovite ruby and nonruby mica crystal which is free from dirt, rock and mine run scrap and which conforms with the requirements of section 5 (b) of this regulation.

(g) "Program A" means the Program for purchase by the Government of processed block and film mica of domestic origin.

(h) "Program B" means the Program for purchase by the Government of hand-cobbed mica of domestic origin.

(i) "Regional Commissioner" means the Commissioner of any one of the following General Services Administration regional offices having jurisdiction as indicated below:

Region No.	Address	Government depot over which jurisdiction is exercised
1	Regional Commissioner, General Services Administration, 820 Post Office and Courthouse, Boston 9, Mass.	Franklin, N. H.
2	Regional Commissioner, General Services Administration, Regional Office Building, 7th and D Streets, S.W., Washington 25, D. C.	Spruce Pine, N. C.
3	Regional Commissioner, General Services Administration, 41 Denver Federal Center, Denver 2, Colo.	Custer, S. D.

SEC. 3. Duration of Programs A and B. Programs A and B shall terminate and be of no further force or effect and deliveries thereunder will not be accepted after the close of business June 30, 1962, or when the total block, film and hand-cobbed mica delivered to and accepted by the Government under said Programs reaches the equivalent of 25,000 short tons of hand-cobbed mica, whichever first occurs. For the purpose of computing said 25,000 short tons of hand-cobbed mica, 90 pounds of block or film mica shall be deemed to be the equivalent of one (1) short ton of hand-cobbed mica.

Sec. 4. Program A—(a) Participation in program. Any person or firm wishing to participate in Program A shall give notice to the Regional Commissioner, General Services Administration, having jurisdiction over the Government depot nearest to the location of his mica processing plant. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program A is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver block or film mica which conforms with the requirements set forth in paragraph (b) of this section.

(b) **Requirements.** (1) All block and film mica purchased under Program A shall in every respect conform to the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of block or film mica by the Government. All good stained and better nonruby block and film mica purchased under Program A shall in addition conform in every respect to the requirements for Class C-1-BB of American Society for Testing Materials Specification D-748 latest revision as of the date of acceptance of each lot of nonruby block or film mica by the Government. The qualities for all block and film mica which will be accepted are good stained and better, stained and heavy stained.

(2) The following grades will be accepted:

Grades	Area of minimum rectangle	Minimum dimension of 1 side
No. 6.....	Square inches 1	Inches 3/4
No. 5 1/2.....	2 1/4	1 1/4
No. 5.....	3	1
No. 4.....	6	1 1/2
No. 3 and larger.....	10	2

(3) All good stained and better block and film mica must be full-trimmed; stained and heavy stained will be accepted in half-trimmed or full-trimmed form.

(c) **Deliveries.** Block and film mica offered to the Government under Program A shall be delivered f. o. b. the Government depot nearest to the participant's processing plant. Each individual lot must contain exclusively either ruby or nonruby mica; mixed lots will be rejected. Prior to delivery a participant must give the Superintendent of the Government depot to which he is shipping, reasonable advance notice with respect to the quantity to be delivered and the proposed delivery date. The Superintendent of the Government depot will then establish a delivery schedule with each participant. The Government reserves the right to reject any deliveries that have not been so scheduled.

(d) **Inspection and acceptance.** Each delivery will be inspected by the Government at the Government depot. Deliveries not conforming to the minimum requirements set forth in paragraph (b) of this section will be rejected and all costs to the Government except inspection costs in connection therewith will be borne by the owner of the mica. The decision of the Government with regard to acceptance (including quality, grade and other requirements) or rejection will be final.

(e) **Price and payment.** (1) Payment for each lot of processed ruby and nonruby block and film mica, containing at least eighteen percent (18%) good stained and better quality, delivered f. o. b. Government depot, and accepted by the Government, shall be made on the basis of the following Price Schedule:

[Per pound]

Grades	Ruby				
	Qualities (full-trimmed)			Qualities (half-trimmed)	
	Good stained and better	Stained	Heavy stained	Stained	Heavy stained
No. 3 and larger.....	\$70.00	\$31.90	\$14.80	\$12.00	\$8.00
No. 4 and No. 5.....	40.00	18.25	6.85	5.00	4.00
No. 5 1/2 and No. 6.....	17.70	7.55	4.00	3.00	2.00
	Nonruby				
	Good stained and better	Stained	Heavy stained	Stained	Heavy stained
No. 3 and larger.....	\$70.00	\$25.55	\$11.85	\$9.60	\$6.40
No. 4 and No. 5.....	40.00	14.60	5.45	4.00	3.20
No. 5 1/2 and No. 6.....	17.70	6.55	4.00	2.40	1.60

(2) Payment for each lot of processed ruby and nonruby block and film mica containing less than eighteen percent (18%) good stained or better quality,

delivered f. o. b. Government depot, and accepted by the Government, shall be made on the basis of the Price Schedule appearing in subparagraph (1) of this

paragraph, adjusted to reflect the proportionately lower quantity of good stained or better quality mica contained in each such lot. The price adjustment provided for herein shall be effected in the following manner: The dollar and cents value of each lot shall be determined in accordance with the aforesaid Price Schedule. Such value shall be multiplied by a fraction, the denominator of which shall be eighteen percent (18%), and the numerator of which shall be the percentage expression of the quantity of good stained or better quality mica contained in such lot. The result shall be the final basis for payment.

(3) At the time of the Government's acceptance provided for in paragraph (d) of this section, the Government will make a preliminary payment. When the actual value of such mica has been determined, the amount of such actual value less the preliminary payment shall be paid to the participant. If the actual value is less than the preliminary payment, the excess of the preliminary payment over the actual value shall be repaid by the participant to the Government.

SEC. 5. Program B—(a) Participation in program. Any person or firm wishing to participate in Program B shall give notice to the Regional Commissioner, General Services Administration, having jurisdiction over the Government depot nearest to the location of his mine or deposit. Such notice shall be in the form of a letter, postcard or telegram stating that participation in Program B is desired. The notice must be signed and a return address given. Upon receipt of such notice a certificate of participation will be issued to the applicant authorizing him to deliver hand-cobbed mica which conforms with the requirements set forth in paragraph (b) of this section.

(b) **Requirements.** (1) All hand-cobbed mica under Program B must yield at least forty and five-tenths (40.5) pounds of stained or better quality block or film mica per short ton.

(2) All block and film mica to be processed from this hand-cobbed mica shall conform in all other respects with the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of hand-cobbed mica by the Government.

(3) The good stained and better non-ruby block and film to be processed from this hand-cobbed mica shall, in addition, conform in every respect with the requirements for Class C-1-BB of American Society for Testing Materials Specification D-748, latest revision as of the date of acceptance of each lot of nonruby hand-cobbed mica by the Government.

(c) **Inspection and acceptance.** The participant shall give reasonable advance notice to the Superintendent of the Government depot to which he will ship the hand-cobbed mica, stating the quantity he proposes to offer for sale to the Government under Program B. Upon such notification, the Government shall arrange for inspection of the hand-cobbed mica offered at the point of production or at such other points as are

mutually agreed upon between the participant and the Government: *Provided, however,* That such inspection shall not be made beyond a three hundred (300) mile radius of the Government depot to which the participant will ship. After inspection by a Government inspector the hand-cobbed mica will be accepted by the Government if in the judgment of the Government inspector the offered hand-cobbed mica will conform to the requirements of paragraph (b) of this section, and will be rejected by the Government if in his judgment it will not conform to such requirements. Such acceptance or rejection shall be final. If, after processing, the Government determines that any such accepted lot or lots of hand-cobbed mica delivered from a specific mine or deposit fail to yield block or film mica in accordance with the requirements of paragraph (b) of this section, the Government reserves the right to refuse to consider or accept further offerings of hand-cobbed mica from the particular mine or deposit from which such lot or lots were produced.

(d) **Deliveries.** Hand-cobbed mica accepted by the Government under Program B is to be delivered as follows: (1) If shipped by rail, f. o. b. common carrier's conveyance at a railroad delivery point designated by the Government which will be as close as possible to the Government depot; or (2) if shipped by motor truck, f. o. b. Government depot. Each individual lot must contain exclusively either ruby or non-ruby mica; mixed lots will be rejected. Hand-cobbed mica accepted by the Government under paragraph (c) of this section shall not be delivered in shipments of less than one thousand (1,000) pounds. Prior to shipment the shipper must give the Superintendent of the Government depot to which he is shipping reasonable advance notice with respect to the quantity to be shipped and the proposed shipping date. The Superintendent of the Government depot will then establish a shipping schedule with each shipper and will instruct the shipper how to prepare the hand-cobbed mica for shipment. The Government reserves the right to reject any hand-cobbed mica which has not been so scheduled and prepared.

(e) **Price and payment.** (1) The prices to be paid for each short ton of ruby and nonruby hand-cobbed mica, delivered to and accepted by the Government in accordance with the provisions of this section, shall be at the rate of Six Hundred Dollars (\$600) for ruby hand-cobbed mica, and at the rate of Five Hundred and Forty Dollars (\$540) for nonruby hand-cobbed mica, containing exactly 16.2 pounds of good stained or better quality and exactly 24.3 pounds of stained quality block or film mica. Payment shall be made on the basis of these prices, increased or decreased proportionately to reflect the actual yield of good stained or better and stained quality block or film mica, as provided in subparagraph (2) of this paragraph.

(2) Payment for each short ton of ruby and nonruby hand-cobbed mica delivered to and accepted by the Govern-

ment in accordance with the provisions of this section shall be effected in the following manner:

(i) At the time of the Government acceptance provided for in paragraph (c) of this section, the Government shall estimate the yield in pounds of good stained or better quality in each lot of hand-cobbed mica delivered hereunder. Such estimated yield shall be divided by 16.2 pounds to determine the estimated number of short tons of hand-cobbed mica that may be paid for at the rate of \$600 per short ton in the case of ruby hand-cobbed mica, and at the rate of \$540 per short ton in the case of nonruby hand-cobbed mica. Promptly after the Government acceptance referred to hereinabove, the Government will make a preliminary payment based upon the above estimate.

(ii) Each lot of ruby and nonruby hand-cobbed mica shall be processed by the Government and the actual yield of good stained or better quality, and of stained quality shall be determined by the Government.

(iii) The actual yield of good stained or better quality, as determined in step (ii) above, shall be divided by 16.2 pounds to determine, on the basis of actual yield, the number of short tons of hand-cobbed mica for which payment is allowed at the rate of \$600 per short ton, in the case of ruby hand-cobbed mica, and at the rate of \$540 per short ton, in the case of nonruby hand-cobbed mica. Multiply such number of short tons of hand-cobbed mica by \$600 or \$540, whichever is applicable.

(iv) Multiply the number of short tons of hand-cobbed mica, as determined in step (iii) above, by 2,000 pounds and by 4½ percent.

(v) Multiply the number of pounds, as determined in step (iv) above, by 27 percent.

(vi) Deduct the number of pounds, as determined in step (v) above, from the actual number of pounds of stained quality mica, as determined in step (ii) above, to determine the number of pounds of stained quality mica for which payment shall be made.

(vii) Calculate the dollar and cents value of the actual number of pounds of stained quality mica, as determined in step (ii) above, by means of the Price Schedule appearing in section 4 of this regulation.

(viii) Calculate the net dollar and cents value of the stained quality mica for which payment shall be made by multiplying the dollar and cents value of the actual number of pounds of stained quality mica, as calculated in step (vii) above, by a fraction, the numerator of which is represented by the number of pounds of stained quality mica, as determined in step (vi) above, and the denominator of which is represented by the actual yield of stained quality mica, as determined in step (ii) above, and by deducting from the product the actual cost of rifting and trimming of the number of pounds of stained quality mica, as determined in step (vi) above, for which payment is made.

(ix) Add the dollar and cents figures, as calculated in step (iii) and step (viii)

above, to determine the actual value of deliveries under this subparagraph. The Government shall pay not to exceed such actual value for such deliveries. Hence, if the actual value exceeds the preliminary payment, as determined in step (i) above, the amount of the excess shall be paid to the participant; and if the actual value is less than said preliminary payment, the amount of the overpayment shall be paid by the participant to the Government.

Notwithstanding any other provision of this subparagraph, neither the preliminary payment, as determined in step (i) above, nor the aggregate of the payments by the Government under this subparagraph shall exceed the product of \$600 times the actual number of short tons of ruby hand-cobbed mica delivered to and accepted by the Government hereunder on and after August 16, 1955, nor more than the product of \$540 times the actual number of short tons of nonruby hand-cobbed mica delivered to and accepted by the Government hereunder on and after August 16, 1955, whichever is applicable: *Provided, however*, That the provisions of this sentence shall not be applicable with respect to hand-cobbed mica delivered prior to September 16, 1955, by any participant pursuant to supplemental arrangements made between such participant and the Government.

(3) In lieu of the methods of payment provided for under subparagraphs (1) and (2) of this paragraph, payment for each lot of hand-cobbed mica delivered to and accepted by the Government hereunder may be effected, if the participant so elects at the time of such acceptance, in accordance with the method of payment and the prices provided for in section 4 (e) of this regulation for the actual yield of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality derived from

such lot, less a deduction of \$4.00 per pound of such actual yield to apply against the cost of rifling and trimming. The payments provided for herein shall be effected in the following manner:

(i) At the time of the Government acceptance provided for in paragraph (c) of this section, the Government shall estimate (a) the yield in pounds each of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality in each such lot, and the grades thereof, and (b) whether or not such estimated yield contains at least eighteen percent (18%) good stained or better quality mica, and shall compute the dollar and cents value of such estimated yield by means of the Price Schedule appearing in section 4 of this regulation, adjusted downward as provided in paragraph (e) (2) of said section 4 if the lot is estimated to produce a yield of less than eighteen percent (18%) of good stained or better quality mica. Promptly after such Government acceptance, the Government will make a preliminary payment based on the above estimated dollar and cents value, less a deduction to apply against the cost of rifling and trimming calculated by multiplying the total number of pounds of estimated yield by \$4.00.

(ii) Each lot of ruby and nonruby hand-cobbed mica shall be processed by the Government and the actual yield of block and film mica of good stained or better, stained, and heavy stained quality shall be determined by the Government.

(iii) Calculate the dollar and cents value of the total actual yield in pounds of block and film mica of good stained or better, stained, and heavy stained quality, as determined in step (ii) above, by means of the Price Schedule appearing in section 4 of this regulation, adjusted downward as provided in paragraph (e)

(2) of said section 4 if the lot has produced a yield of less than eighteen percent (18%) of good stained or better quality mica.

(iv) Deduct from the dollar and cents value, as calculated in step (iii) above, to apply against the cost of rifling and trimming, an amount calculated by multiplying the total actual yield in pounds, as determined in step (ii) above, by \$4.00 to determine the actual net value of deliveries under this subparagraph. The Government shall pay not to exceed such actual net value for such deliveries. Hence, if the actual net value exceeds the preliminary payment, as determined in step (i) above, the amount of the excess shall be paid to the participant; and if the actual net value is less than said preliminary payment, the amount of the overpayment shall be paid by the participant to the Government.

(4) Regardless of which particular method provided herein is used in computing the amount to be paid for any lot of hand-cobbed mica delivered to or accepted by the Government hereunder, such payment is for the entire lot and such entire lot shall become the property of the Government.

Sec. 6. Access to books and records. During the duration of the Programs, and for a period of three (3) years thereafter, authorized representatives of the United States Government shall have access to and the right to examine any pertinent books, documents, papers and records of any seller involving transactions related to either Program.

Dated: May 2, 1958.

FRANKLIN FLOETE,
Administrator of General Services.

[F. R. Doc. 58-3430; Filed, May 7, 1958; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING; EXEMPTIONS

A request has been received from the National Association of State Supervisors of Trade and Industrial Education urging a broadening of the exemptions for student-learners enrolled in cooperative vocational training programs for employment in the occupations declared hazardous under Hazardous Occupations Orders Nos. 5, 8, and 12 (29 CFR Part 4, Subpart E, §§ 4.55, 4.59, and 4.63 respectively), and the Bureau of Labor Standards has conducted an investigation concerning the advisability of such ac-

tion. The report of investigation, which has been submitted, recommends revision of the above-cited orders to provide uniform exemptions for student-learners similar to the exemption now included in Order No. 12. The report recommends the amending of Order No. 5 so as to provide uniform exemptions for apprentices under these three orders as well. Further, it recommends the elimination of reference to specific trades or crafts now in the student-learner exemption in Order No. 12 and in the apprenticeship exemption in Order No. 5. It is the purpose of the proposed amendment to adopt these recommendations.

The recommendations regarding the student-learner exemptions are based upon such considerations as the Bureau's very satisfactory experience with the student-learner exemption now provided under Order No. 12, the decided increase in safety activities in the vocational-education field since Orders Nos. 5 and 8 were originally issued, and the fact that few student-learners fall within the 4,000-hour minimum training period

exemptions now contained in Orders Nos. 5 and 8. If the uniform student-learner exemptions are adopted, the 4,000-hour minimum training period exemptions will be deleted. The recommendation that reference to specific trades or crafts in the student-learner exemption in Order No. 12 be eliminated is made since experience with this exemption has shown that such a restriction is impracticable. The similar elimination in the apprenticeship exemption of Order No. 5 is made since it appears desirable to have the language of that exemption uniform with that contained in the apprenticeship exemptions of Orders Nos. 8 and 12.

Accordingly, pursuant to authority contained in section 3 (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 2 (3 CFR, 1943-1948 Comp. p. 1064), and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D), I propose to amend Hazardous Occupations